



State of Ohio Environmental Protection Agency

Northeast District Office

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**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

September 5, 2008

Mr. Randy Parker, Director EHS  
Shiloh Industries, Inc.  
880 Steel Drive  
Valley City, OH 44280

and

Mr. Ed Waddles  
Modern Tool & Die  
5965 Grafton Road  
Valley City, OH 44280

Dear Mr. Parker and Mr. Waddles:

**RE: *SHILOH INDUSTRIES, OHD 059 052<sup>§</sup> 263, CUYAHOGA COUNTY, CRO AND HAZARDOUS WASTE, SECOND NOTICE OF VIOLATION***

You were sent a Notice of Violation letter dated June 3, 2008 that was based on several site inspections conducted at the Shiloh Industries facility located at 5389 W. 130th Street in Parma. The inspections were conducted to determine the facility's compliance with Ohio's Cessation of Regulated Operations (CRO) rules and Ohio's hazardous waste laws and regulations as found in the Ohio Revised Code and the Ohio Administrative Code ("ORC" and "OAC" respectively).

A letter was sent to Mr. Tony Passalacqua of Shiloh Industries, dated April 25, 2008, stating that the above facility is also subject to the Closure Requirements of OAC 3745-52-34(A)(1). A copy of this document is attached which identifies additional areas and details of closure performance needed beyond that provided by Mr. Passalacqua on March 3, 2008. A response to this Notice of Violation and request for additional information to document compliance has not been received. Mr. Waddles was provided these Notices. Recent phone conversations with Mr. Waddles and Mr. Parker indicated that some level of effort has been conducted. Mr. Wazny, of Hull & Associates, has requested a list of items to be completed. Provided herein, with the attached previously provided information, are the violations and concerns of which the Ohio EPA is currently aware.

The June 3, 2008 Notice of Violation letter information and requirements are provided below. The checklists, fact sheets and guidance/site information previously provided as identified below have not been included with this Second Notice of Violation. Much of this information may be found on the DHWM's website at: <http://www.epa.state.oh.us/dhwm/>.

According to Ohio's Cessation of Regulated Operations (CRO) laws and rules, as found under Chapter 3752 of the Ohio Revised Code (ORC) and Chapter 3745-352 of the OAC, you are required to drain and remove all regulated substances.

The OAC defines "regulated substances" to include:

- (1) "Extremely hazardous substances", which is defined as substances identified or listed in rules adopted under division (B)(1)(a) of section 3750.02 of the Revised Code;

- (2) "Hazardous substances", which is defined as substances identified or listed in rules adopted under division (B)(1)(c) of section 3750.02 of the Revised Code regardless of whether the substance is an unused product or a waste. "Hazardous substance" does not include any asbestos-containing material applied to or incorporated into a building or structure; any component or structural member of a building or structure; or any equipment, piping, or vessel located at a facility;
- (3) "Flammable substances", which is defined as any material or substance defined as "flammable" or as a "combustible fiber", "combustible liquid", "flammable liquid", or "flammable solid" by the fire code adopted under section 3737.82 of the Revised Code; and
- (4) "Petroleum", which is defined in section 3737.87 of the Revised Code.

During inspections at your facility, Ohio EPA noted that additional efforts to complete CRO remain. Ongoing decommissioning efforts, removal and accumulation of petroleum, flammable substances and potentially small amounts of hazardous substances were still occurring.

1. At the outside oil storage shed area there are: two five gallon buckets of viscous petroleum and oily water, a 55-gallon drum containing an unknown waste residue and tyvek material, a waste water treatment system unit with filter, and sand and oil skimmer contents.
2. At a trash compactor in the northeast outside facility area are two significant oil stained areas that were causing a potential release to a storm water drain.
3. Empty offices and operation areas had accumulated toner cartridges, lamps and office electronic and computer equipment, and cardboard and paper.
4. The compressor pit remained with a significant amount of oil and residue.
5. The large press pits at the south end are generating a wastewater and used oil.
6. There remains significant combustible fiber material.

This Notice of Violation presents the status of Ohio EPA's understanding of conditions based on inspection observations and email and verbal communications regarding the Shiloh facility located at 5389 W. 130th Street in Parma.

#### **NOTICE OF VIOLATIONS**

1. Designation of a contact person, ORC § 3752.05(C) and OAC 3745-352-35(D): A contact person was identified on the EPA Form 0327. That contact person is Tony Passalacqua. This appears to no longer be correct.

Shiloh Industries must update Ohio EPA with the name and telephone number of the contact person using Form 0327.

2. Did the owner/operator make a written certification to Ohio EPA's Director concerning the completion of the removal action within 90 days after CRO? [ORC §3752.06(A)(6) and OAC rule 3745-352-20(A)(2)(h)]. The owner/operator reported ceasing operations on November 2, 2007 and failed to certify CRO on February 2, 2008, as required, or request an extension. Various options regarding an extension were provided verbally and by email with no response received.

Shiloh Industries must immediately be able to provide the certification or provide the response needed to be authorized under an extension.

What if I need more time to comply? OAC 3745-352-20 (3): Upon receipt of a written request, the director or division chief, at his discretion, may grant you more time to comply with paragraph (A) of this rule if he finds from the request that either of the following applies:

- (a) You cannot complete the actions required by paragraph (A) of this rule within the time prescribed due to circumstances that are temporary and beyond your control; or
- (b) You, exercising reasonable diligence, cannot complete the actions required by paragraph (A) of this rule within the time prescribed due to facility size, operational complexity, or other such relevant factors.

Shiloh Industries failed to comply with removal of all hazardous and regulated substances and materials and failed to file for an extension. Shiloh Industries needs to immediately complete removal per the rules within thirty (30) days or request and extension. Please submit the information needed to address this violation.

3. Did the owner/operator submit to the Director a copy of the most recent emergency and hazardous chemical inventory form that was submitted to the State Emergency Response Commission (SERC), including a statement indicating whether any asbestos-containing materials are present at the facility? [ORC §3752.06(A)(1) and OAC rule 3745-352-20(A)(2)(a)]. Shiloh Industries failed to provide this information.

Shiloh Industries must immediately provide the hazardous chemical inventory form that was submitted to SERC and include a statement as to whether there are any asbestos-containing materials present at the facility.

4. Did the owner/operator submit to the Director a copy of the current hazardous chemical list or each material safety data sheet that the owner/operator is required to have on file with the SERC? [ORC §3752.06(A)(2) and OAC rule 3745-352-20(A)(2)(b)]. Shiloh Industries failed to provide this information.

Shiloh Industries must immediately provide a copy of the current hazardous chemical list or material safety data sheet required to be on file with the SERC.

5. Did the owner/operator drain or remove all regulated substances from each stationary tank, vat, electrical transformer, and vessel and from all piping that is to remain at the facility? [ORC §3752.06(A)(4) and OAC rule 3745-352-20(A)(2)(c)]. Shiloh Industries failed to document whether this action has been completed.

Shiloh Industries must provide in writing that all regulated substances have been drained or removed and demonstrate, by manifest, bill of lading, shipping ticket or receipt, that all materials have been properly disposed, transferred, recycled or as follows, identify per the rule that the contamination or regulated substance may remain.

6. Did the owner/operator submit a list of every stationary tank, vat, electrical transformer, and vessel of any type that contains or is contaminated with regulated substances and that is to remain at the facility? [ORC §3752.06(A)(3) and OAC rule 3745-352-20(A)(2)(d)]. Shiloh Industries failed to document whether any contamination or regulated substance will remain onsite.

Shiloh Industries must provide, in writing, where contamination or regulated substances remain onsite. This includes the items that are a concern for solid and hazardous waste units, underground storage areas and areas of known or suspected releases.

7. Did the owner/operator remove from the facility all debris, non-stationary equipment and furnishings, non-stationary containers, and motor vehicles and rolling stock that contain or are contaminated with a regulated substance? [ORC §3752.06(A)(5) and OAC rule 3745-352-20(A)(2)(c)]. Shiloh Industries failed to document removal of all debris and regulated substances and whether any of the regulated substances will remain onsite.

Shiloh Industries must provide in writing that all debris and regulated substances have been removed and demonstrate, by manifest, bill of lading, shipping ticket or receipt, that the materials have been properly disposed, transferred or recycled.

8. Are entry barrier and warning signs maintained to secure against unauthorized entry by the following measures listed below: [OAC rule 3745-352-30(C)]. The Shiloh Industries facility must be inspected weekly with the condition recorded in an inspection log with prompt repair or replacement after discovery.

Shiloh Industries must provide a copy of the weekly inspection logs, per the rule, that demonstrate gates, fences, and entrance-ways are secured to prevent unauthorized entry. This log must be maintained weekly until CRO obligations are complete.

9. Waste Evaluation OAC 3745-52-11 “Any person who generates a waste in the state of Ohio...shall determine if the waste is a listed hazardous waste...”

Materials and fluids accumulated in the “oil storage shed” were unknowns to Mr. Passalacqua. He reported moving them to an indoor storage area but the characterization and disposition of these wastes are unknown. The waste water treatment system (filter and sand filter and oil skimmer wastes) is understood to have been from the die wash area. Reportedly, this process generated nonhazardous waste. However, all waste must be presumed hazardous waste until characterized as otherwise:

1. A 55- gallon open top drum with tyvek and underlying sludge debris - Needs **characterized and properly disposed.**
2. Waste water treatment system wastes - Needs **characterized and properly disposed.**
3. A full 5-gallon bucket of thick oil material - **Needs characterized and properly disposed.**
4. A full 5-gallon bucket of oily water - **Needs characterized and properly disposed.**

**Shiloh Industries must ensure that all materials or wastes that are disposed are properly characterized.** This includes all lamps, electronics, aerosol cans, fluids, petroleum, paints and solvent. In addition, regulated substances include the flammable substances such as flammable and combustible fibers and solids.

Shiloh Industries must provide documentation of the waste evaluation and disposal documentation for the above and include recycling, transfer and disposal documentation for all generated universal wastes, solid wastes, recycled materials, used oils, wastewater, etc.

**10. Used Oil Storage Requirements for Generators (Labels), OAC 3745-279-22(C):** Shiloh Industries failed to properly label containers of oil at the oil storage shed and the press pit areas.

To return to compliance you must provide photographs that demonstrate these containers are now labeled as "used oil" per the rule. Please ensure that all containers are labeled and remain properly labeled. Provide a shipping ticket to demonstrate the receiving entity of this material.

**11. OAC 3745-279-22(D) Response to Releases of Used Oil:** "Upon the detection of a release of used oil to the environment, a generator shall...clean up and manage properly the released used oil..."

There are two locations with oily residue on the ground outside at a storm drain in the northeast east corner of the facility. One is at a trash compactor and the other at a nearby storage rack. You failed to prevent and cleanup, when needed, releases of used oil at this storm drain location.

You must clean up the releases and modify management or operation practices to eliminate the cause of the releases. Soils contaminated with used oil can typically be disposed to a municipal solid waste facility. You must take management steps to ensure collection of all fluids with recognition and cleanup of releases, when they occur. You must inform employees of these procedures including the labeling requirement and provide to me in writing that: 1) employees and contract employees have been so trained, 2) fluid management procedures have been implemented, and 3) stained, oily areas have been cleaned up. 4) provide sign-in sheets for the training of all employees including contract employees.

Generalized regulations for understanding management of used oil are presented in the enclosed *Fact Sheet* on "The Regulation of Used Oil" and a "Compliance Screening Checklist".

**GENERATOR CLOSURE  
Additional Hazardous Waste Generator Unit Concern**

Did the owner/operator close his facility in a manner that: [OAC 3745-66-11]  
Complies with the closure requirements of OAC rules 3745-66-10 to 3745-66-20, 3745-66-97, 3745-67-28, 3745-67-58, 3745-67-80, 3745-68-10, 3745-68-51, 3745-68-81 and 3745-69-04?

This facility was at one time a large quantity generator of hazardous waste during operations by Shiloh Industries and Modern Tool & Die and is therefore subject to closure/cleanup requirements for all areas where hazardous waste was accumulated or potentially released.

Shiloh identified that during their operations hazardous waste was accumulated at the site in at least two areas. These areas are:

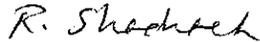
1. An indoor area identified in a March 2004 site map as, Location I "Shipping and Receiving" and identified by Mr. Passalacqua;
2. An indoor location in the eastern central "Warehouse" as identified on a March 2004 site map. This location was identified by Mr. Passalacqua as used to store a D001 waste sodium and nitrate salts; and also could include:
3. An outdoor hazardous waste storage area identified in the March 2004 site map as "B – Hazardous Wastes";

4. Other hazardous waste accumulation or potential release areas indicated in Ohio EPA's letter dated April 25, 2008, regarding identification of closure areas and requirements.

Failure to list specific deficiencies in this communication does not relieve Shiloh Industries from the responsibility of complying with all applicable laws and regulations. Please be advised that present or past instances of non-compliance can continue as subjects of pending or future enforcement actions.

Please **submit the requested documentation to my attention within 30 days** of receipt of this letter. Should you have any questions, please feel free to contact me at (330) 963-1146 or at [ron.shadrach@epa.state.oh.us](mailto:ron.shadrach@epa.state.oh.us).

Sincerely,



Ronald J. Shadrach  
Division of Hazardous Waste Management

RJS:ddw

Enclosure

ec: Frank Popotnik, DHWM, NEDO  
cc: Ralph McGinnis, DHWM, CO  
Dave Wazny, Hull & Associates