



State of Ohio Environmental Protection Agency

Northeast District Office

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CERTIFIED MAIL
RETURN RECEIPT REQUESTED

July 6, 2009

Terry Lewis
Area Manager
Sifco Industries
970 East 64th Street
Cleveland, Ohio 44103

**RE: SIFCO INDUSTRIES, OHD 097 627 384, CUYAHOGA COUNTY, RCRA/LQG
COMPLIANCE EVALUATION INSPECTION, NOTICE OF VIOLATION**

Dear Mr. Lewis:

On June 1 and 2, 2009 Ohio EPA's Division of Hazardous Waste Management (DHWM) conducted a compliance evaluation inspection of Sifco Industries (Sifco) located at 970 East 64th Street in Cleveland, Ohio. Sifco manufactures forgings for the aircraft industry and qualifies as a Large Quantity Generator (LQG) of hazardous waste. Hazardous waste generated at the facility includes spent acid (D002, D006, D007, and D008) generated from the pickling process.

The purpose of this inspection was to determine Sifco's compliance with Ohio's hazardous waste laws and regulations as found under the Ohio Revised Code and Ohio Administrative Code ("ORC" and "OAC" respectively). Ohio EPA Division of Hazardous Waste Management (DHWM) was represented by me while the facility was represented by Roger Lewis, and you. Ohio EPA's inspection included an inspection of the Sifco facility and a review of written documentation. Ohio EPA also documented portions of the inspection using digital photography.

Based on this inspection, Ohio EPA has determined that Sifco has violated at least the following state hazardous waste regulations:

1. **OAC 3745-66-92 Design and installation of new tank systems and components:**
(A) Owners or operators of new tank systems or components must ensure that the foundation, structural support, seams, connections, and pressure controls (if applicable) are adequately designed and that the tank system has sufficient structural strength, compatibility with the waste(s) to be stored or treated, and corrosion protection so that it will not collapse, rupture, or fail. The owner or operator must obtain a written assessment reviewed and certified by an independent, qualified, registered professional engineer in accordance with paragraph (D) of rule 3745-50-42 of the Administrative Code attesting that the system has sufficient structural integrity and is acceptable for the storing and treating of hazardous waste. This assessment must include, at a minimum, the following information...

At the time of this inspection, Ohio EPA observed Sifco has been using the in-ground product material emergency containment system located in the pickling department (and referenced in Order 1 of Ohio EPA's Directors Final Findings and Orders (Orders) journalized on March 7, 2005), to accumulated waste waters which are shipped off-site as a characteristically hazardous waste.

In 2005, Sifco signed Orders agreeing to no longer use the in-ground tank system as a hazardous waste accumulation tank. Sifco submitted a signed protocol stating the tank is only to be used as an emergency product holding tank, where the contents would be returned to the pickling line after repairs were completed and **not** shipped off-site as a hazardous waste. Ohio EPA discussed this issue with you and provided the current facility representatives a copy of the Orders at the time of the June 1, 2009 inspection.

To demonstrate abatement hazardous waste tank violations #1, #2, #3, and #4A listed below, Sifco has been instructed to submit to this office a protocol for the accumulation and management of the wastewaters generated by the pickling line which would not involve using the in-ground tank system as a hazardous waste tank system. Ohio EPA also advised the facility to sample and analyze the wastewater to determine if it is characteristically hazardous:

- A **representative** sample of the waste must be collected and tested using the Toxicity Characteristic Leaching Procedure (TCLP), test Method 1311 in "Test Methods for Evaluating Solid Waste; Physical/Chemical Methods," U.S. EPA Publication SW-846. Please note, the waste need only be tested for pH and the eight RCRA metals (arsenic, barium, cadmium, chromium, lead, mercury, selenium and silver).
- All analytical data submitted to this office must include, but is not limited to:
 - A brief narrative regarding how the waste was generated.
 - A brief narrative on how the sampling was performed and by whom.
 - A copy of the analytical data report from the lab performing the analysis.
 - A copy of the TCLP bench sheets for the waste samples from the contract laboratory.
 - A copy of the Chain of Custody (COC).

By e-mail received at this office on June 19, 2009, Ohio EPA received a protocol for the management of the wastewater (titled *Emergency Overflow Pit*) in addition to a statement from Sifco indicating that the facility is in the process of collecting a tote of the wastewater for analytical testing. Ohio EPA has submitted Sifco's *Emergency Overflow Pit* protocol to the DHWM's Compliance Assurance Section for review, and will be addressed under separate cover.

Ohio EPA reminds Sifco, until such time the facility can demonstrate the wastewater to be non-hazardous, the facility must continue to manage it as a hazardous waste. Please find attached a copy of Ohio EPA's LQG hazardous waste tank guidance.

2. **OAC Rule 3745-66-93 Containment and detection of releases:**

(A) In order to prevent the release of hazardous wastes or hazardous constituents to the environment, secondary containment that meets the requirements of this rule must be provided...

To demonstrate abatement of this violation, please see Violation #1.

3. **OAC 3745-66-95 Tank Inspections:** *(A) The owner or operator must inspect, where present, at least once each operating day...*

Sifco utilizes an underground hazardous waste tank to accumulate spent acid from the pickling line. At the time of this inspection Sifco was not performing the required daily inspections of the hazardous waste tank system.

To demonstrate abatement of this violation, please see Violation #1.

4. **OAC 3745-52-34(A)(3) Labeling:** *A generator may, for ninety days or less, accumulate and/or conduct treatment of hazardous waste that is generated on-site without an Ohio hazardous waste permit, provided that while being accumulated and/or treated on-site, each container and tank is labeled or marked clearly with the words "Hazardous Waste".*

A. At the time of the June 1, 2009 inspection, Sifco did not have the hazardous waste tank system labeled with the words "Hazardous Waste".

To demonstrate abatement of this violation, please see Violation #1.

B. At the time of the June 1, 2009 inspection, Ohio EPA observed two (2) totes of hazardous waste being accumulated in Building 21, which had not been labeled with the words "Hazardous Waste".

Upon being informed of this violation, Sifco immediately labeled the totes of hazardous waste with the words "Hazardous Waste". Ohio EPA therefore considers this violation abated.

5. **OAC 3745-52-34(A)(2) Accumulation date:** *A generator may, for ninety days or less, accumulate and/or conduct treatment of hazardous waste that is generated on-site without an Ohio hazardous waste permit, provided that the date upon which each period of accumulation and/or treatment begins is clearly marked and visible for inspection on each container.*

Upon being informed of this violation, Sifco immediately labeled the totes of hazardous waste with the accumulation date. Ohio EPA therefore considers this violation abated.

6. **OAC 3745-279-22(C)(1) Used oil storage requirements for generators:** *Containers and aboveground tanks used to store used oil at generator facilities shall be labeled or marked clearly with the words "Used Oil."*

Sifco generates used oil which is accumulated in metal totes and drums to be shipped off site for recycling. At the time of this inspection, Ohio EPA observed one fifty-five gallon of used oil labeled with the words "Waste Oil".

Upon being informed of this violation, Sifco immediately labeled the container of used oil with the words "Used Oil". Ohio EPA therefore considers this violation abated.

7. **OAC 3745-65-71(A)(2)(e) Use of manifest system:** *If a facility receives hazardous waste accompanied by a manifest, the owner or operator, or his agent, must retain at the facility a copy of each manifest for at least three years from the date of delivery.*

On December 1, 2008, Sifco shipped 2900 gallons of spent acid to Envirite, which was rejected due to a low flash point. Envirite shipped the load of hazardous waste back to Sifco on a new hazardous waste manifest. The load of hazardous waste was then sent to Clean Harbors on February 18, 2009. At the time of the June 1, 2009 Sifco did not have a signed copy of the second hazardous waste manifest generated by Envirite listing Sifco as the designated facility.

Upon being informed of this violation, and unable to locate the document on site, Sifco contacted Envirite, and had a copy of the documentation faxed to the facility while Ohio EPA was still on site. Ohio EPA therefore considers this violation abated.

8. **OAC 3745-65-52(D) Content of contingency plan:**

(D) The plan shall list names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator, and this list shall be kept up to date. Where more than one person is listed, one shall be named as primary emergency coordinator and others shall be listed in the order in which they will assume responsibility as alternates.

At the time of this inspection, Sifco did not have a current list of employees qualified to act as emergency coordinators, including addresses and telephone numbers (office and home).

By e-mail dated June 29, 2009, Sifco submitted to this office an updated list of emergency coordinators, including addresses and telephone numbers (office and home). Ohio EPA therefore considers this violation abated.

9. **OAC 3745-65-16(A)(D) Personnel training:**

(A) (1) Facility personnel shall successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance with the requirements chapters 3745-65 to 3745-69 and 3745-248 of the Administrative Code. The owner or operator shall ensure that this program includes all the elements described in the document required under paragraph (D)(3) of this rule.

(D) The owner or operator shall maintain the following documents and records at the facility:

(1) The job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job;

(2) A written job description for each position listed under paragraph (D)(1) of this rule. This description may be consistent in its degree of specificity with descriptions for other similar positions in the same company location or bargaining unit, but shall include the requisite skill, education, or other qualifications, and duties of facility personnel assigned to each position;

(3) A written description of the type and amount of both introductory and continuing training that will be given to each person filling a position listed under paragraph (D)(1) of this rule; and

(4) Records that document that the training or job experience required under paragraphs (A), (B), and (C) of this rule has been given to, and completed by, facility personnel.

At the time of this inspection, Sifco did not have a personnel training program which included all employee who managed hazardous waste or acted as emergency coordinators. Furthermore, Sifco's job titles and descriptions needed to be updated to include all positions which manage hazardous waste.

Upon being informed of these deficiencies, Sifco immediately updated the job titles and descriptions while Ohio EPA was still on site. By e-mail dated June 9, 2009, Sifco submitted documentation demonstrating employees in positions which manage hazardous waste had received training in hazardous waste management and the facility hazardous waste contingency plan. Ohio EPA therefore considers this violation abated.

10. **OAC Rule 3745-273-14(E) Labeling/markings of Universal Waste:** *Each lamp or a container or package in which such lamps are contained must be labeled or marked clearly with one of the following phrases: "Universal Waste- Lamp(s)," or "Waste Lamp(s)," or "Used Lamp(s)."*

At the time of this inspection, Ohio EPA observed one container of universal waste lamps being accumulated in the rear of Building 21, not labeled with one of the following phrases: "Universal Waste- Lamp(s)," or "Waste Lamp(s)," or "Used Lamp(s)."

Upon being informed of this violation and the universal waste labeling requirements, Sifco immediately labeled the box of spent lamps as Universal Waste Lamps. Ohio EPA therefore considers this violation abated.

Ohio EPA has the following concerns which must be addressed:

- ☞ Sifco accumulates hazardous waste in totes which are emptied via vac truck and transported off-site to the designated TSD. At the time of this inspection, Ohio EPA observed several totes recently emptied which still retained the old hazardous waste label and accumulation date on the side of the tote. This practice resulted in many of the full totes of hazardous waste observed in the hazardous waste accumulation area having more than one hazardous waste label. Sifco must instruct its employees to remove old hazardous waste labels after the totes have been emptied by the hazardous waste transporter and make sure the totes are closed in order to prevent accumulation of precipitation in the tote.
 - ✓ By e-mail dated June 8, 2009, Ohio EPA received documentation demonstrating Sifco has performed training with facility personnel to address this issue. No further action regarding this concern is necessary.

- ☞ At the time of this inspection, Ohio EPA observed that, although aisle space was present, many of the totes of hazardous waste had been placed in such a way as to block the hazardous waste label (and accumulation date) from easy viewing. Ohio EPA asked the facility to move the totes in order to facilitate the reading of the accumulation dates. Ohio EPA recommended to Sifco that they place the containers in the hazardous waste accumulation area with the labels facing outward in order to assure the employee performing the inspections would be able to check the accumulation date on each container.
 - ✓ By e-mail dated June 8, 2009, Ohio EPA received documentation demonstrating Sifco has performed training with facility personnel to address this issue. No further action regarding this concern is necessary.

- ☞ At the time of this inspection, Ohio EPA observed Sifco was collecting non-hazardous waste (waste scrubber balls) in bags marked as containing asbestos. When Ohio EPA inquired about this practice, Sifco stated the employees working on the project had run out of plain plastic garbage bags. Ohio EPA strongly recommends that the facility not collect its non-hazardous waste in bags labeled for asbestos accumulation.

Enclosed you will find copies of the checklists completed at the time of the inspection. Please submit all of the requested documentation to my attention within thirty (30) days of the date of this letter demonstrating that all issues have been addressed.

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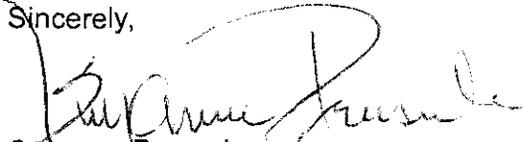
The Ohio EPA strongly encourages pollution prevention as the preferred approach for waste management. The first priority of pollution prevention is to eliminate the generation of wastes and pollutants at the source (*i.e.* source reduction). For those wastes and pollutants that are generated, the second is to recycle or reuse them in an environmentally sound manner. You can benefit economically, help preserve the environment and improve your public image by implementing pollution prevention programs. For more information about pollution prevention, including fact sheets or U.S. EPA's "Facility Pollution Prevention Guide" (EPA/600/R-92/088), please contact the Ohio EPA Pollution Prevention Section at (614) 644-3469.

The Division of Hazardous Waste Management has created an electronic news service to provide you with quick and timely updates on events and news related to hazardous waste activities in Ohio. If you haven't already, we encourage you to sign-up for this free service. You can find more information at the following Web link <http://www.epa.state.oh.us/dhwm/listserv.html>. Please feel free to share this information with your colleagues.

Failure to list specific deficiencies in this communication does not relieve Sifco from the responsibility of complying with all applicable hazardous waste regulations. This letter does not relieve Sifco from liability for any past or present violations of the state's hazardous waste laws.

Should you have any questions, please feel free to call me at (330) 963-1181.

Sincerely,



Suzanne Prusnek
Environmental Specialist
Division of Hazardous Waste Management

SP:ddw

Enclosures

cc: Natalie Oryshkewych, DHWM, NEDO, OEPA

ec: Frank Popotnik, DHWM, NEDO, OEPA
Harry Sarvis, DHWM, CO, OEPA