



**Environmental  
Protection Agency**

John R. Kasich, Governor  
Mary Taylor, Lt. Governor  
Scott J. Nally, Director

June 23, 2011

**RE: WARREN FABRICATING /  
OHIO STEEL SHEET & PLATE  
TRUMBULL COUNTY  
RCRA / OHR 000030411  
COMPLAINT #7406  
NOTICE OF VIOLATION**

Michael P. Link  
Warren Fabricating  
Executive Vice President  
7845 Chestnut Ridge Road  
Hubbard, OH 44425

Dear Mr. Link:

On March 4, 2011, Ohio EPA's Division of Materials and Waste Management (DMWM) conducted a complaint investigation of the WarFab facility (WarFab) located at 7845 Chestnut Ridge Road in Hubbard, Ohio. WarFab is a manufacturer of heavy equipment and a generator of used oil and spent paint waste (F003, D001).

The purpose of this inspection was to investigate a complaint regarding possible releases of used oil and to determine WarFab'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). As a result of this investigation, WarFab submitted documentation including shipping documentation and analytical data on the spent paint waste (flash point, TCLP for volatiles).

My review of this documentation reveals that WarFab has violated the following state hazardous waste regulation:

1. **Ohio Revised Code (ORC) §3734.02(E) and (F) storage of hazardous waste without a facility installation and operation permit:**

WarFab generates spent xylene solvent hazardous waste (D001, F003). The spent solvent is generated from cleaning the remaining paint out of the paint guns at WarFab. The spent solvent hazardous waste is accumulated in containers and shipped off site as a hazardous waste to Hukill Chemical for management (probably fuel blending – treatment)

Documentation submitted to this office reveals that WarFab ships the spent solvent hazardous waste off site approximately once a year, in violation of the accumulation time limit and accumulation weight limit for Small Quantity Generator of hazardous waste. WarFab ships the waste off site in bulk.

WarFab notified as a Small Quantity Generator (SQG) in 1998, which appears to be consistent with your current level of hazardous waste generation. A SQG must ship its hazardous waste off site every 180 days (6 months), unless the waste is being sent to a

Michael P. Link  
Warren Fabricating  
June 23, 2011  
Page 2

permitted facility at least 200 miles away. Hukill Chemical is less than 70 miles from the facility. In addition to the accumulation time limit, an SQG may only **accumulate on site a maximum of 6000 kg** (at any one time. Each of the last three shipments has been excess of 9000 kg, well above the limit set for SQGs. Therefore, in accordance with OAC rule 3745-52-34(F), WarFab is, at a minimum, an operator of a hazardous waste storage facility, in violation of ORC 3734.02(E) and (F).

The majority of spent solvent hazardous waste was shipped off site April 6, 2011. All that remains on site at this time has been generated since the last shipment.

To demonstrate compliance, WarFab must submit to this office an inventory of the hazardous waste on site, including a photograph showing the containers properly labeled with the words Hazardous Waste and the date the waste was accumulated. WarFab must submit two consecutive weeks of Hazardous Waste accumulation area inspection log sheets to this office, in addition to one completed emergency equipment inspection log sheet (enclosed).

**Since WarFab violated ORC §3734.02(E) and (F), WarFab is subject to all applicable general facility standards found in OAC chapters 3745-54 and 55. Additionally, at any time Ohio EPA may assert its right to have WarFab begin facility-wide cleanup pursuant to the Corrective Action process under Ohio law.**

Although WarFab is subject to full closure of the hazardous waste accumulation area, observations made during the March 4, 2011 inspection revealed no evidence of spills, or releases of hazardous waste. Since the facility is still using the hazardous waste accumulation area, and the concrete appears to be in good condition, Ohio EPA is not asking for closure of the hazardous waste accumulation area at this time.

#### **Concerns:**

In addition, SQGs must manage the hazardous waste in accordance with the container regulations (OAC Rule 3745-52-34). Please find enclosed a copy of Ohio EPA's guidance titled "Are you Properly Managing Your Hazardous Waste Containers?"

Containers of hazardous waste must be inspected weekly (every seven days). The emergency equipment associated with the hazardous waste accumulation area (spill control equipment and fire control equipment) must be inspected as often is necessary to insure its presence, and test if it is functioning. An emergency communication device must also be accessible in the accumulation area to employees working with hazardous waste, and also must be inspected with the other emergency equipment.

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

Michael P. Link  
Warren Fabricating  
June 23, 2011  
Page 3

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

Sincerely,

  
Suzanne Prusnek  
Environmental Specialist  
Division of Materials and Waste Management

SP:cl

cc: Marlene Kinney, DMWM, NEDO, OEPA

ec: Natalie Oryshkewych, DMWM, NEDO, OEPA  
Frank Popotnik, DMWM, NEDO, OEPA  
Jeff Mayhugh, DMWM, CO, OEPA  
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