OhioEPA

State of Ohio Environmental Protection Agency

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Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

Re: Superior Forge
OHD 987033131
Allen County
Hazardous Waste
Partial Return to Compliance

November 7, 2007

Mr. Tim Brennan, Plant Manager
Superior Forge & Steel Corporation
1820 McClain Road
Lima, Ohio 45804

Dear Mr. Brennan:

I received your responses to my September 6 and September 21, 2007, Notice of Violation (NOV) letters on October 5 and October 22, 2007. The documentation that you submitted included: photos demonstrating that the bins were emptied into your hazardous waste roll-off, a copy of the hazardous waste manifest for the baghouse dust, a photo of the label on the hazardous waste roll-off, training records, photos of the packaging, labeling and dating of the universal waste lamp packages, the revised page of the facility contingency plan and photos demonstrating that the bins were melted in the furnace.

During my August 22 and August 24, 2007, inspection, I found the following violations of Ohio's hazardous waste laws. The status of each violation cited in the September 6, 2007, Notice of Violation letter is noted below.

1. **Waste Evaluation**
   OAC Rule 3745-52-11

   A generator must determine whether its waste is hazardous by first determining if the waste is listed as a hazardous waste in rules 3745-51-30 to 3745-51-35; by testing the waste according to the methods set forth in rules 3745-51-20 to 3745-51-24 or by applying knowledge of the hazardous characteristic of the waste in light of the materials or the processes used.

   Superior has failed to adequately evaluate all of its waste properly, according to this rule, since it has not evaluated the contents of four five yard waste boxes located under the old baghouse along Buckeye Road on the south side of the facility.

   In order to abate this violation, you must immediately evaluate the wastes listed above in accordance with the requirements of Ohio Administrative Code Rule 3745-52-11 and this letter. On August 24, 2007, I observed that Superior personnel sampled the waste in each of the four waste boxes (two samples from each box) and from two locations on the ground, where waste appeared to have been spilled.

The complete analytical results must be submitted to me as soon as they are available. Your results must document if the waste is hazardous or not and whether it is restricted from land disposal. If the waste is hazardous, I will inform you of other violations in a separate letter.

On September 11, 2007, I received, by e mail, the analytical results of the sampling event on August 24, 2007. In your message, you state that the waste in bins one through three is hazardous and that, according to the analytical results, the waste in bin four is non-hazardous. In your October 4, 2007, response letter, you explain that the waste in all four bins was placed into your lined, covered, hazardous waste roll-off container (photos were enclosed) and on October 4, 2007, was shipped to The Environmental Quality Company in Belleville, Michigan. A copy of the manifest, Number 002894460 was enclosed with this letter. Therefore, this violation has been corrected.

2. **Training Provided - New Employee**
OAC Rule 3745-65-16(B)

Facility personnel must successfully complete the hazardous waste management training program within six months after the date they are hired.

Superior has not provided the initial training that is required by these rules since 2002. Superior must provide its hazardous waste training program for every employee with a job title related to hazardous waste management, and submit the records that document that each employee has completed the training.

In your October 4, 2007, response letter, you explain that hazardous waste management employee training was conducted on September 27, 2007. Enclosed with this letter are training records documenting the September 27, 2007, training. Therefore, this violation has been corrected.

3. **Training Provided - Annual Refresher**
OAC Rule 3745-65-16(C)

Facility personnel must take part in an annual review of the initial hazardous waste management training.

Superior has not provided the annual training that is required by these rules since 2002. For purposes of compliance with these rules, annual means every 365 days. Superior must provide its hazardous waste training program for every employee with a job title related to hazardous waste management, and submit the records that document that each employee has completed the training.

In your October 4, 2007, response letter, you explain that hazardous waste management employee training was conducted on September 27, 2007. Enclosed with this letter are training records documenting the September 27, 2007, training. Therefore, this violation has been corrected.

4. **Universal Waste Labeling - Lamps**
OAC Rule 3745-273-34(E)

Each lamp or a container or package in which such lamps are contained must be labeled or marked clearly with any one of the following phrases: "Universal Waste-Lamps", or "Waste Lamps" or "Used Lamps".

Superior did not properly label all of its lamps or containers or packages of lamps with one of the required phrases. In order to correct this violation, Superior must properly label each lamp, or container, or package and submit photographic documentation that this has been done.

In your October 4, 2007, response letter, you explain that Superior Forge has contracted Safety-Kleen to recycle your universal waste lamps and that Safety-Kleen provided two boxes for storage of universal waste lamps. Enclosed with your letter are two photos documenting the proper labeling of universal waste lamps. Therefore, this violation has been corrected.

5. **Accumulation Time for Universal Waste Lamps**
OAC Rule 3745-273-15(C)

A small quantity handler of universal waste who accumulates universal waste shall be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received.

Superior was not able to demonstrate the length of time the universal waste lamps were accumulated. In order to correct this violation, Superior must place a date on each container, once a universal waste lamp is placed into it, and submit photographic documentation that this has been done.

In your October 4, 2007, response letter, you explain that Superior Forge has contracted Safety-Kleen to recycle your universal waste lamps and that Safety-Kleen provided two boxes for storage of universal waste lamps. The boxes have been dated August 31, 2007. Enclosed with your letter is a photo documenting the proper dating of the containers of universal waste lamps. Therefore, this violation has been corrected.

6. **Universal Waste Employee Training**
OAC Rule 3745-273-16

A small quantity handler of universal waste shall inform all employees who handle or have responsibility for managing universal waste. The information shall describe proper handling and emergency procedures appropriate to the type of universal waste handled at the facility.

Superior has not adequately informed its employees handling universal waste lamps of the proper handling procedures. In order to correct this violation, Superior must describe how it will inform (train) its universal waste lamp handlers in proper handling procedures and state when this is accomplished. The training must include compliance with all rules for the handling of universal waste lamps and the corrective actions for all violations cited above.

In your October 4, 2007, response letter, you explain that hazardous waste management and universal waste handling employee training was conducted on September 27, 2007. Enclosed with this letter are training records documenting the September 27, 2007, training. Therefore, this violation has been corrected.

7. **Amendment of Contingency Plan**
OAC Rule 3745-65-54(D)

The contingency plan must be reviewed, and immediately amended, if necessary, whenever: the list of emergency coordinators changes.

Superior has failed to amend its contingency plan when the list of emergency coordinators changed. In order to abate this violation, Superior must revise and update the list of emergency coordinators in its contingency plan and submit a copy of the revised page.

Enclosed with your October 4, 2007, response letter is a copy of the revised page of the facility contingency plan which lists the current emergency coordinators. Therefore, this violation has been corrected.

After reviewing the analytical information provided by Superior Forge on September 11, 2007, I found the following additional violation of Ohio's hazardous waste laws. The status of the violation cited in the September 21, 2007, Notice of Violation letter is noted below.

1. **Unpermitted Hazardous Waste Treatment, Storage or Disposal**
ORC Section 3734.02(E)&(F)

No person shall store, treat, or dispose of hazardous waste identified or listed under this chapter and rules adopted under it, regardless of whether generated on or off the premises where the waste is stored, treated, or disposed of, or transport or cause to be transported any hazardous waste identified or listed under this chapter and rules adopted under it to any other premises, except at or to any of the following: (1) A hazardous waste facility operating under a permit issued in accordance with this chapter; (2) A facility in another state operating under a license or permit issued in accordance with the "Resource Conservation and Recovery Act of 1976" 90 Stat. 2806, 42 U.S.C.A. 6921, as amended.

Superior has established an unpermitted hazardous waste storage facility by: storing hazardous waste baghouse dust for longer than 90 days. This has occurred for as much as 17 years. Superior must immediately cease the storage of hazardous waste for longer than 90 days. Superior must provide documentation that describes the procedures that will be taken, immediately, to ensure that unpermitted storage does not happen again. Also, Superior must investigate the contents of the baghouses along Buckeye Road on the south side of the facility. Superior must determine if any baghouse dust remains in the baghouse or on the bags and document the condition of the interior of the baghouses with photographs. Please provide a five business day advance notice of your investigation, so that an inspector may be present to observe.

Since Superior has violated ORC Section 3734.02(E) & (F) by becoming an unpermitted storage facility (TSD), it is subject to **OAC Rules 3745-55-10 through 3745-55-48 and 3745-55-97**. Therefore, you are required to close the storage area. A closure plan describes the steps necessary to investigate the extent of contamination and to clean up all contamination found.

Superior also is subject to all applicable general facility standards found in **OAC Chapters 3745-54 and 55** until such time as Superior has demonstrated that it has ceased operations as an unpermitted storage facility. Additionally, at any time, Ohio EPA may assert its right to have Superior begin facility-wide cleanup pursuant to the Corrective Action process under Ohio law.

This is a serious violation for which Ohio EPA may pursue further enforcement action.

In your October 4, 2007, response letter you explain that Superior Forge will revise the Site Facility checklist in the Contingency Plan to include a monthly facility wide inspection to ensure that no hazardous waste has been stored for more than 90 days. You also explained that Superior Forge was planning to have the Buckeye Road baghouses cleaned inside and out, and painted on the exterior immediately. Finally, you explained that you are making arrangements to have a closure plan written.

In your October 19, 2007, response letter you explain that Superior Forge recycled the four baghouse bins by melting them in the facility's furnace and you enclosed photos documenting this. Also, enclosed with this response letter is a copy of the Monthly Site Inspection Checklist, which includes a facility-wide check for hazardous waste storage. Finally, you explained that Superior Forge has contracted Ventura Engineering of Columbus, Ohio, to write the closure plan.

On October 31, 2007, I returned to Superior Forge to inspect the baghouses along Buckeye Road. I observed that there was some amount of baghouse dust remaining in each unit. It was not possible to estimate the amount of baghouse dust present at the time of my inspection, but it was more than a dusty surface. The presence of baghouse dust in the units does constitute a further violation of ORC Section 3734.02(E)&(F). However, I note that this unpermitted storage involves the same waste (baghouse dust) from the same units involved above.

On October 31, 2007, you explained that the cleaning of the baghouses would be carried out in the following general manner:

Within the next 30 days, Superior Forge & Steel will have the bags from the baghouse removed and either cleaned or discarded. In both cases, the bags will be removed from the hangers in the baghouse and packed into bags while inside the baghouse before lowering them to the ground and placing them in a roll-off.

Then, the contractor plans to enclose a roll-off under each baghouse. They will start at the top of each unit, at the shakers, and sweep, brush or shovel the baghouse dust down to the floor area. Next, they will enter the floor area from the lower hatches and sweep, brush, shovel, the baghouse dust down into the hopper and into the roll-off. They believe that they will be able to prevent fugitive dust by enclosing the collection roll-off. The baghouse dust is hazardous waste - D007. Superior Forge does not plan to have it sampled and analyzed. They will place the dust collected into their regular hazardous waste roll-off, or use the new roll-off for the collection of the baghouse dust normally collected at the facility.

Superior Forge should keep Ohio EPA informed of its progress with this cleaning project. Superior Forge must keep track of the quantity on bags discarded and baghouse dust collected and report these amounts to Ohio EPA. Also, Superior Forge must submit copies of any hazardous waste manifests used to transport the waste off-site.

If you have any questions about my inspection, or this letter, please feel free to call me at (419) 373-3074. You can find copies of the rules and other information about used oil, universal waste and hazardous waste management on the division's web page at http://www.epa.state.oh.us/dhwm. Ohio EPA also has helpful information about pollution prevention at the following web address: http://www.epa.state.oh.us/ocapp/ocapp.html.

Sincerely,

Don North

Don North
District Representative
Division of Hazardous Waste Management

/csl
pc: Colleen Weaver, DHWM, NWDO
Cindy Lohrbach, DHWM, NWDO
NWDO, DHWM, Allen County, Superior Forge & Steel File
ec: Don North, DHWM, NWDO

NOTICE:
Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve your company from having to comply with all applicable regulations.