



State of Ohio Environmental Protection Agency

Northwest District Office

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

**RE: Bucyrus Blades Inc.
OHD 066 054 412
Crawford County
DHWM, NWDO
Partial Return to Compliance**

October 28, 2009

Mr. Jeffrey Frost
Bucyrus Blades Inc.
260 East Beal Avenue
Bucyrus, OH 44820

Dear Mr. Frost:

Thank you for sending the documentation in response to the Ohio Environmental Protection Agency's (Ohio EPA's) Notice of Violation (NOV) dated March 5, 2009. The documentation was received by Ohio EPA on May 15, 2009, and July 29, 2009, and was dated May 13, 2009, and July 29, 2009, respectively, by Bucyrus Blades, Inc. (BBI). The documentation submitted includes various photographs, maps, waste profiles, analytical results, material safety data sheets (MSDSs), and other information.

The following is a summary of the violations observed during the February 12, 2009, compliance evaluation inspection and the facility's compliance with respect to each violation. Please submit the required information **within 30 days of receipt of this letter.**

Violations:

1. **Ohio Administrative Code (OAC) Rule 3745-52-11, Hazardous Waste Determination:** "Any person who generates a waste, as defined in rule 3745-51-02 of the Administrative Code, must determine if that waste is a hazardous waste..."

BBI failed to evaluate the following waste streams to determine if they were a hazardous waste in accordance with OAC Rule 3745-52-11, prior to sending them off site: a) spent incandescent lamps, b) waste paint booth filters, c) water and sludge from the paint pits, and d) parts washer solution.

Mr. Jeffrey Frost
October 28, 2009
Page 2

- a. Spent Lamps-BBI failed to have waste evaluation documentation or an established recycling plan in place for incandescent lamps generated at the facility.

On May 15, 2009, Ohio EPA received documentation that BBI will manage the incandescent lamps as universal waste and ship them to Chemtron Corporation (CC). BBI also included photographic documentation that the universal waste lamps are being stored in closed containers with a proper label and accumulation start date.

Therefore, this violation is considered abated on May 15, 2009.

- b. Waste Paint Booth Filters-BBI failed to have proper waste evaluation documentation for waste paint booth filters generated at the facility.

During the original inspection on February 12, 2009, BBI told Ohio EPA that the current disposal method for the waste paint booth filters including placing the filters in a hopper filled with water. The waste paint booth filters were allowed to soak up the water for three days prior to being sent to the landfill. This was done because the filters cannot be placed on top of each other as they have ignited in the past. Ohio EPA requested further information concerning the paint booth filters in the March 5, 2009, NOV.

During a site visit on June 26, 2009, Ohio EPA observed Precision Analytical, Inc. (PAI) sample the waste paint filters on behalf of BBI. Ohio EPA received the analytical results from this sample on July 29, 2009. The results show that the waste paint booth filters are non-hazardous for Resource Conservation and Recovery Act (RCRA) metals and volatile organic compounds (VOCs). However, the waste paint booth filters were not analyzed for ignitability as previously requested by BBI.

Ohio EPA contacted PAI to inquire why the analysis was not completed. PAI stated that it was an oversight and agreed to run the test on the sample. On August 17, 2009, Ohio EPA received an electronic mail from Karen Bezoski-Davis of PAI stating that method SW-846 1030 was run on the waste paint filters and the results came back positive for ignitability. However, analytical results for this analysis have not been submitted to Ohio EPA.

Mr. Jeffrey Frost
October 28, 2009
Page 3

Within 30 days of receipt of this letter, BBI must submit the analytical results from the SW-846 Method 1030 conducted on the waste paint booth filters. BBI must also submit a description of how these waste paint booth filters will now be managed (i.e. Will BBI continue to conduct generator treatment to deactivate the waste paint booth filters or will BBI manage and ship the waste paint booth filters off site as hazardous waste?)

- c. Water and Sludge from the Paint Pit-BBI failed to have proper waste evaluation documentation for the water and sludge generated from the paint pits.

Prior to receiving Ohio EPA's NOV dated March 5, 2009, BBI sampled the paint pit sludge without first draining the water from the pit. After speaking with BBI about the procedure used to sample this waste stream, Ohio EPA strongly recommended that BBI resample the waste stream when the paint pit was drained during the next pit clean out.

During a site visit on June 26, 2009, Ohio EPA observed PAI sample the waste paint pit water and sludge on behalf of BBI. Ohio EPA received the analytical results from these samples on July 29, 2009. The results show that both the water and sludge from the paint pit are non-hazardous for RCRA metals and VOCs.

In addition, Ohio EPA received information on May 15, 2009, that the paint pit drainage system has been tested and the water from the paint pit flows directly to the sanitary sewer.

Therefore, this violation is considered abated on July 29, 2009.

- d. Waste Parts Washer Fluid- BBI failed to have proper waste evaluation documentation for the waste parts washer solution prior to mixing it with the used oil.

During a site visit on June 26, 2009, Ohio EPA observed PAI sample the waste parts washer fluid on behalf of BBI. Ohio EPA received the analytical results from this sample on July 29, 2009. The results show that the waste parts washer fluid is hazardous for ignitability (D001). The waste parts washer fluid is not hazardous for RCRA metals. During the site visit on June 26, 2009, BBI explained that in the future this waste stream will be disposed of through CC with the waste paint related material.

Mr. Jeffrey Frost
October 28, 2009
Page 4

BBI should be aware that the previous procedure of mixing the parts washer fluid with used oil is only legal if BBI is a conditionally exempt small quantity generator (CESQG) of hazardous waste. Since BBI is a small quantity generator (SQG) of hazardous waste, this activity is considered unpermitted treatment of a hazardous waste, which is an egregious violation of Ohio's hazardous waste rules and regulations. Such egregious violations can, and may, result in escalated enforcement actions against BBI if this procedure is continued.

At this time Ohio EPA has decided not to seek escalated enforcement against BBI for this practice. However, BBI should be aware that if this practice is continued, escalated enforcement may be sought by Ohio EPA at a later date.

This violation is considered abated on July 29, 2009.

2. **OAC Rule 3745-273-13(D)(1), Waste management-standards for small quantity handlers of universal waste:** "A small quantity handler of universal waste must contain any lamp in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions."

BBI failed to store the universal waste lamps in a closed container.

On May 15, 2009, Ohio EPA received photographic documentation that the universal waste lamps are being stored in closed containers. Ohio EPA also received a photograph showing the shed that contains the lamps has been cleaned up and no longer creates concern.

Therefore, this violation is considered abated on May 15, 2009.

3. **OAC Rule 3745-273-14(E), Labeling/marketing-standards for small quantity handlers 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)."

BBI failed to mark the containers holding the spent lamps with the words "Universal Waste-Lamp(s)" or "Waste Lamp(s)" or "Used Lamp(s)."

Mr. Jeffrey Frost
October 28, 2009
Page 5

On May 15, 2009, Ohio EPA received photographic documentation that the universal waste lamps have been properly labeled "Universal Waste Lamps".

Therefore, this violation is considered abated on May 15, 2009.

4. **OAC Rule 3745-52-34(D)(5)(b), Accumulation time of hazardous waste:** "The generator must post the following information next to the telephone: (i) The name and telephone number of the emergency coordinator; (ii) Location of fire extinguishers and spill control material, and, if present, fire alarm(s); and (iii) The telephone number of the fire department, unless the facility has a direct alarm."

BBI failed to post the following information next to the telephones: location of fire extinguishers and spill control material, and, if present, fire alarm(s).

On May 15, 2009, Ohio EPA received documentation that included a map showing the location of fire extinguishers, spill kits, and fire alarms. However, BBI failed to submit a photograph of one of the maps posted next to one of the telephones inside the plant. During a site visit on June 26, 2009, Ohio EPA viewed one of the maps posted next to the telephone inside the plant.

Therefore, this violation is considered abated on June 26, 2009.

5. **OAC Rule 3745-52-34(C)(1)(a), Accumulation time of hazardous waste:** "A generator may accumulate as much as fifty-five gallons of hazardous waste... at or near any point of generation... provided he... complies with rules... 3745-66-73...". OAC Rule 3745-66-73(A) states "A container holding hazardous waste shall always be closed during storage, except when it is necessary to add or remove waste."

BBI failed to keep the 55 gallon drum located in the paint room closed at all times except when adding or removing waste.

This violation is considered abated on February 12, 2009.

General Concerns:

- A. Accumulation Time for Universal Waste Lamps:** Ohio EPA would like to remind BBI that OAC Rule 3745-273-15(C), Accumulation time limits-standards for small quantity handlers of universal waste, states "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."

Even though Ohio EPA was shown a record that the last shipment of lamps was sent to CC on May 22, 2008, Ohio EPA recommends that BBI put an accumulation start date on each universal waste lamp container. This would help to straighten up the universal waste lamp storage area and make it easier to tell when the spent lamp storage for each individual container began.

On May 15, 2009, Ohio EPA received photographic documentation that BBI has placed an accumulation start date on the universal waste lamp container. This general concern is considered addressed on May 15, 2009.

- B. Universal Waste Batteries:** During the inspection, BBI showed Ohio EPA that the universal waste batteries are stored in a locked cabinet in an open container. At the time of the inspection, Ohio EPA told BBI that the container needed to be closed. BBI stated that CC picks up the universal waste batteries and recently completed a walk-through of the facility. CC was requiring BBI to store the universal waste batteries in a closed container and the new container had not yet been sent to BBI. Ohio EPA told BBI that a violation would be cited and a photograph showing the new container would need to be submitted.

After reviewing OAC Rule 3745-273-13(A)(1), Waste management-standards for small quantity handlers of universal waste, Ohio EPA has found that only batteries that show evidence leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions need to be contained in a closed container. However, since CC has requested these batteries be placed in a specific container, then BBI should follow CC's advice for ease of management and transportation.

Since none of the batteries at BBI were compromised, and thus were not required to be stored in a closed container, Ohio EPA will not cite BBI a violation. However, BBI should submit within 30 days of receipt of this letter, a photograph of the new container being used by BBI showing the proper label for the universal waste batteries.

Mr. Jeffrey Frost
October 28, 2009
Page 7

BBI is reminded that this label should include the wording "Universal Waste-Battery(ies)", or "Waste Battery(ies)", or "Used Battery(ies)". Also, Ohio EPA recommends that an accumulation start date be written on the label of the container so that BBI can easily demonstrate that the batteries have not been stored greater than 365 days even though receipts for universal waste batteries pick-ups are being kept on site.

During a site visit on April 2, 2009, Ohio EPA observed the new universal waste battery container. This container was properly labeled. Therefore, this general concern is considered addressed on April 2, 2009.

- C. Brine Solution:** Ohio EPA received an electronic mail on February 13, 2009, from BBI that included a letter from the City of Bucyrus Waste Water Department (WWD). This letter stated that the WWD did not have any objections to accepting the brine solution from BBI. However, it is unclear what process generates the brine solution and if this brine solution is discharged directly to the sanitary sewer system or if this brine solution is pumped from the tank and into a sanitary sewer drain. Within 30 days of receipt of this letter, BBI should submit information explaining the process that generates the brine solution and how the brine solution is discharged to the sanitary sewer. BBI should also submit any analytical information pertaining to the levels of RCRA metals in the brine solution prior to discharge to the WWD.

During a site visit on April 2, 2009, Ohio EPA observed the heat treating/quenching process that generates the brine solution. This process also generates steel scale which is suspended in the brine solution. The brine solution and steel scale could be hazardous wastes based on the amount of RCRA metals in the waste.

On May 15, 2009, Ohio EPA received analytical results from the steel scale. These results show that the steel scale is a non-hazardous waste. Since the steel scale is a concentrated form of the metals suspended in the brine solution and the analytical results show the steel scale is a non-hazardous waste, then BBI may use generator knowledge based partially on the steel scale analytical results to determine that the brine solution is also a non-hazardous waste.

Therefore, this general concern is considered addressed on May 15, 2009.

Mr. Jeffrey Frost
October 28, 2009
Page 8

D. Waste Streams: During Ohio EPA's inspection, the following waste streams were identified: universal waste lamps, universal waste batteries, paint related material, paint booth filters, water and sludge from the paint pits, used oil and coolant, parts washer fluid, scrap metal, and rags from maintenance. However, Ohio EPA's file on BBI includes an NOV dated February 8, 1995. An attachment to this letter states that soldering waste and slag from a salt bath is also generated. Within 30 days of receipt of this letter, BBI should submit information that includes a description of the processes that generate these waste streams, the quantities of the waste streams generated a month, how these wastes are managed while on site, and how and where these waste streams are disposed or recycled. If BBI generates any other waste stream that has not been listed above, then BBI should also include a description of these same items for the omitted waste streams.

During Ohio EPA's April 2, 2009, site visit, BBI explained that the only salt bath utilized in the facility was the brine solution from the heat treatment/quenching process described above in General Comment C. Ohio EPA also observed a brazing process where minimal waste is generated. Ohio EPA received analytical results from the brazing solder waste on July 29, 2009. These results show the soldering waste is non-hazardous.

Therefore, this general concern is considered addressed on July 29, 2009.

E. Used Oil Filters: During the inspection, BBI told Ohio EPA that used oil filters are generated from the machines. However, it is unclear if the used oil filters from the machines are recycled as scrap metal or as a used oil saturated material burned for energy recovery (if they are cloth filters), or if they are disposed of in the landfill, once the filters are picked up by CC.

Within 30 days of receipt of this letter, BBI should submit information as to what kind of used oil filters are used on the machines (metal or cloth/paperous/fibrous) and what happens to the spent used oil filters once CC picks them up from BBI. If the used oil filters are being recycled by CC, then the name and location of the recycling facility should be included in BBI's response.

If the used oil filters are being disposed of in the trash, then BBI will need to show documentation that a proper waste evaluation has been conducted prior to disposal. This may include analytical information showing that the filters do not contain hazardous levels of RCRA metals. If a proper waste evaluation has not been completed, then BBI will need to complete one at this time.

Mr. Jeffrey Frost
October 28, 2009
Page 9

During Ohio EPA's June 26, 2009, the fact sheet titled Understanding the Spill Prevention, Control and Countermeasure (SPCC) Requirements, dated March 2007, was given to BBI for more information. Ohio EPA is enclosing the fact sheet titled Generator Record Keeping Requirements Table since BBI had some questions regarding recordkeeping during the last site visit. If BBI has more specific questions regarding recordkeeping, please contact me at the phone number listed below.

Should you have any questions, please feel free to call me at (419) 373-3065. Please send all correspondence **within 30 days of receipt of this letter** to Ohio EPA, Northwest District Office, Attn: Kara Reynolds, 347 North Dunbridge Road, Bowling Green, Ohio 43402.

Sincerely,

Kara Reynolds

Kara Reynolds
Environmental Specialist
Division of Hazardous Waste Management

/csl

cc: Colleen Weaver, DHWM, NWDO
Kara Reynolds, DHWM, NWDO
Cindy Lohrbach, DHWM, NWDO
DHWM, NWDO Crawford County File: Bucyrus Blades

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.