



State of Ohio Environmental Protection Agency

Northwest District Office

347 North Dunbridge Road
Bowling Green, OH 43402-9398

TELE: (419) 352-8461 FAX: (419) 352-8468
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Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korfeski, Director

Re: Kenton Iron Products
Hazardous Waste
Complaint # 2758
Hardin County
Notice of Violation

May 19, 2008

Mrs. Renee P. Olney
Liberty Casting Company
550 Liberty Road
Delaware, Ohio 43015

Dear Mrs. Olney:

On April 29, 2008, Kara Reynolds and I investigated a complaint at Kenton Iron Products (KIP) located at 13917 N. Vision Drive, Kenton, Ohio following a complaint investigated by Ohio EPA's Division of Emergency & Remedial Response (DERR) on April 11, 2008. DERR notified the Division of Hazardous Waste Management (DHWM) on April 11, 2008, that there were unidentified drums of material outside at the facility. KIP was represented by Terry Ulmer, Gary Wurtsbaugh, Scott Pritchard, and yourself. The investigation included an inspection of the area outside where you were storing your drums, an area of used oil staining on the ground, and a review of your paperwork. This letter will explain the violations I found, what you need to do to correct these violations, one area of general concern, and what you need to do to address this area of concern.

On April 14, 2008, you and I spoke by phone after DERR had responded to a complaint that during periods of rain there was a sheen coming from your facility. You stated that the only thing that had been removed was empty drums. I stated to clean up anything egregious, drum, and label appropriately. We then set up the date of April 29, 2008, to meet at the facility.

KIP is a foundry which produces iron castings for industrial applications. Facility utilizes catalyst product (Pep Set) and binders (Chem-Rez) to create molds for the castings. During the April 29, 2008, investigation, it was determined that KIP was operating as a small quantity generator of hazardous waste. Hazardous wastes generated were bad product - Pep Set (D001) and Chem-Rez (D002) generated from poor management of product. Other wastes generated at the facility include foundry dust, slag, sand; parts washing solvent; used oil; and fluorescent bulbs.

Upon arriving at the facility we discussed the complaint. Mr. Pritchard stated that a used oil drum had been clipped by a forklift and some used oil had spilled onto the ground. We observed where KIP had cleaned up all visible used oil staining and placed this material into a small hopper waiting to be sampled. In addition, we observed 64 drums sitting outside.

Of the total 64 drums it was determined that the drums were as follows:

Material contents	Number of drums
Empty	6
Plastic solid (non-hazardous)	5
Used Oil	23
Pep Set catalyst (product)	12
Used oil filters	1
Novaset catalyst (product)	2
Chem-Rez binder (product)	7
Used Oil / water	1
Chem-Rez/Pep Set mixture (hazardous waste - D001, D002)	2
Unknown	3
Refcohol product	1
Plastic and water (non-hazardous)	1

There were also 3, 5-gallon buckets of weed killer which the facility will still utilize (product); 1, 5-gallon bucket of non-hazardous Novaset sample which is to be sent back to Ashland Chemical; and 1, 5-gallon bucket of old paint (waste).

In addition, you stated that Safety-Kleen sampled 4 drums of waste (presumably including the three unknown drums) on April 15, 2008. You have been unable to get these results from Safety-Kleen as the Safety-Kleen worker that is handling your account has been off of work.

On May 5, 2008, you submitted via email the following information:

- ⇒ Manifest from the pick-up of hazardous waste by Chemtron on 9-11-06
- ⇒ Non-hazardous manifests for the pick-up of foundry dust, sand, and slag for disposal at Cherokee Run Landfill
- ⇒ A filled in worksheet for your posted emergency information
- ⇒ A disposal receipt for your used oil with Heartland Petroleum, LLC on 3-2-05
- ⇒ A copy of your application for a U.S. EPA identification number
- ⇒ Photographs indicating your two boxes of bulbs have been dated with the dates 11-13-07 and 1-8-08, respectively.

On May 8, 2008, you submitted via email the following information:

- ⇒ A contract indicating your parts washing solvent is now in Safety-Kleen's continued use program
- ⇒ An outline of your previous hazardous waste training
- ⇒ Waste evaluation information indicating your foundry dust, sand, and slag are non-hazardous
- ⇒ SK's waste report from the servicing of your parts washing solvent (D039) prior to entering into the continued use program
- ⇒ A disposal receipt for your used oil with RS Used Oil Services on 4-10-07 and the pick-up of the used oil (23 drums) and oil/water (1 drum) observed during the 4-29-08, investigation on 5-6-08
- ⇒ In addition you stated that Chemtron would be sampling your used oil stained soil and the 2 "unknown" drums (waste Pep Set, Chem-Rez) on 5-12-08

On May 12, 2008, Chemtron sampled the used oil stained soil from the small roll-off box (hopper) and the two drums of Chem-Rez/Pep Set mixture.

During the investigation, I gave you the following information: the U.S. EPA publication Managing your Hazardous Waste; a sample emergency equipment and a sample hazardous waste container storage inspection log; and the fact sheets Universal Waste Rules for Handlers of Lamps, The Regulation of Used Oil: An Overview for Ohio Businesses Who Generate Used Oil.

As a result of my investigation on April 29, 2008, I found the following violations of Ohio's hazardous waste laws. In order to correct these violations you must do the following and send me the required information **within 30 days** of your receipt of this letter:

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

Any person who generates a waste must determine if that waste is a hazardous waste in accordance with the criteria for hazardous waste as set forth in Chapter 3745-51 of the Administrative Code.

A.) KIP has failed to evaluate the three unknown drums sitting outside to determine if they are hazardous. KIP had Safety-Kleen sample these drums to determine if they are hazardous between the time of the DERR investigation and my investigation.

- To abate this violation, KIP must submit the analytical information or the documentation for generator knowledge to me. Your results must document if the waste is hazardous or not and, if hazardous, whether it is restricted from land disposal. If it is hazardous, you must explain what treatment, storage, or disposal facility you will send it to. If the waste is hazardous, I will determine the status of your compliance with other hazardous waste laws and notify you of my findings in a separate letter.

- In addition please submit to me a summary outlining how you will avoid in the future having unknown drums of material being stored on your property (employee training, etc.)

B.) KIP has failed to evaluate the 1, 5-gallon bucket of waste paint sitting outside to determine if this is hazardous.

To properly evaluate the above waste stream, KIP must do one of three options: 1) KIP must take a representative sample of this waste to properly evaluate this waste stream through a laboratory analysis which lists constituents present and at what concentration. KIP must sample the paint waste to determine the concentrations of the RCRA metals (which may be present in the materials utilized in the process) and any other regulated volatile organics that may be present based on the paint utilized (in light of the materials or the processes used) as listed in the Ohio Administrative Code Rule 3745-51-24 following the methods as outlined in U.S. EPA's SW-846. KIP may run total concentrations for these constituents as a screening tool.

If the concentrations are detected for the constituents at or above the regulatory limit, a TCLP may be required to ensure this constituent is not present above the Ohio EPA regulatory level, or 2) KIP must apply generator knowledge of the hazardous characteristic(s) of the waste in light of the materials or the processes used through adequate documentation, or 3) a combination of option one and two.

On May 12, 2008, you stated you would be submitting the Material Safety Data Sheet (MSDS) to me as generator knowledge to evaluate this waste.

- To abate this violation, KIP must submit the analytical information or the documentation for generator knowledge to me. Your results must document if the waste is hazardous or not and, if hazardous, whether it is restricted from land disposal. If it is hazardous, you must explain what treatment, storage, or disposal facility you will send it to. If the waste is hazardous, I will determine the status of your compliance with other hazardous waste laws and notify you of my findings in a separate letter.
- In addition please submit to me a summary outlining how you will avoid in the future having waste product material that ultimately must be disposed of from being stored on your property (employee training, etc.)

If you perform sampling, Ohio EPA will use the data you provide, in addition to other documentation, to make regulatory decisions concerning the wastes tested. The data you submit should be reviewed using a data review process, referred to as data validation, to confirm the validity of your data prior to submission. Data validation includes a review of the following components: laboratory test methods, laboratory data completeness, documentation of holding time(s), chain(s) of custody, and quality assurance/quality control (QA/QC) data. To confirm the validity of your data, you may use Ohio EPA's tier 1 data validation plan review form which can be obtained from Ohio EPA's web page:

http://www.epa.state.oh.us/dhwm/tier_1_data_validation_manual.html. Ohio EPA may request the documentation needed to confirm the validity of the data submitted.

Please submit a brief narrative of each sampling event which includes: process generating the waste, point in the process the sample was obtained, sampling techniques used to obtain the sample and a description of how this sample was determined to be a representative sample of the waste tested.

In addition, if sampling is performed, please notify me at least seven days prior to taking the samples so that I or an Ohio EPA representative may be present.

**2. Generator identification number.
OAC Rule 3745-52-12**

A generator must not treat, store, dispose of, transport, or offer for transportation hazardous waste without having received a U.S. EPA identification number from U.S. EPA or Ohio EPA.

KIP is operating as a small quantity generator of hazardous waste. They currently generate hazardous waste, but they do not have a generator identification number.

In addition, KIP may not have their hazardous waste transported off-site without first obtaining this number.

On May 5, 2008, you submitted to me a copy of the application for your Notification of Regulated Waste Activity Form, EPA form number 9029, which you submitted to Ohio EPA on May 6, 2008, to receive your U.S. EPA identification number.

Thus, this violation is abated.

**3. Hazardous Waste label for containers.
OAC 3745-52-34 (D) (4)**

A generator may accumulate hazardous waste on-site for one hundred and eighty days or less without an Ohio hazardous waste permit provided that the container is labeled or clearly marked with the words "Hazardous Waste".

KIP was storing three drums of Chem-Rez/Pep Set mixture (D001, D002) outside and these drums were not labeled or clearly marked with the words "Hazardous Waste".

A hazardous waste label or the words "Hazardous Waste" was placed (or written) on all three of the drums during the April 29, 2008, investigation.

This violation was abated at the time of the investigation.** You stated via email on May 12, 2008, that one of these drums was identified during sampling as Pep Set product and thus is not a hazardous waste. Thus there are only two drums of hazardous waste.

**4. Accumulation Time of Hazardous Waste.
OAC 3745-52-34 (D) (4)**

A generator may accumulate hazardous waste on-site for one hundred and eighty days or less without an Ohio hazardous waste permit provided that the date upon which each period of accumulation begins is clearly marked and visible for inspection on each container.

KIP was storing three drums of Chem-Rez/Pep Set mixture (D001, D002) outside and these drums did not have the accumulation date.

The accumulation dates were written on each of the three drums of 1-1-08, 2-1-08, 3-1-08, respectively during the April 29, 2008, investigation.

This violation was abated at the time of the investigation. ** You stated via email on May 12, 2008, that one of these drums was identified during sampling as Pep Set product and thus is not a hazardous waste. Thus there are only two drums of hazardous waste.

**5. Posted emergency information.
OAC 3745-52-34 (D) (5) (b)**

A generator must post the following emergency information by the telephone:

- ⇒ Name and telephone number of emergency coordinator.
- ⇒ Location of fire extinguishers and spill control material, and, if present, fire alarms.
- ⇒ Telephone number of the fire department, unless the facility has a direct alarm.

KIP did have the above information posted by a telephone.

KIP must post all the above information by the telephone.

On May 5, 2008, you submitted to me a filled in worksheet for your posted emergency information.

- To abate this violation, KIP shall take a picture of the posted information by the telephone and send this photograph to me.

6. Personnel Training.
OAC 3745-52-34 (D) (5) (c)

A generator must ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relevant to their positions.

KIP has not trained their employees on the proper waste handling and emergency procedures, relevant to their positions.

KIP shall immediately conduct a training which satisfies the requirements as listed above. KIP can satisfy this requirement through a variety of resources such as: contacting their disposal facility to provide this training, watching a video which discusses proper hazardous waste handling and emergency procedures, or contacting a private environmental or training consultant to provide this training. The U.S. EPA Office of Solid Waste may have different resources available. Their toll free Resource Conservation and Recovery Act number is 1-800- 424-9346 or you may be able to get information at the following web address:
<http://www.epa.gov/osw>.

- To abate this violation, KIP shall submit to me a sign-in sheet with the signatures of attendees, date of training, and brief description of training given. KIP shall be aware that anyone who may handle hazardous waste would be required to attend this training.

7. Required Equipment.
OAC Rule 3745-65-32 (C)

All facilities shall be equipped with emergency equipment including but not limited to spill control equipment.

KIP did not have emergency equipment / spill kits readily accessible in the area outside where they were storing their hazardous waste.

KIP should place this type of equipment in areas where hazardous waste may be handled and / or stored.

- To abate this violation, KIP shall submit documentation (photograph, etc.) that spill control equipment is accessible in the case of a spill or release of hazardous waste.

8. Emergency equipment inspections.
OAC Rule 3745-65-33

All facility communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, where required, must be tested and maintained as necessary to assure its proper operation in time of emergency. The owner or operator must record the inspections in a log or summary.

KIP failed to conduct and record emergency equipment inspections (spill control equipment, etc.) in a log or summary.

KIP shall begin documenting emergency equipment inspections. Please consult the emergency equipment sample log given to you during the investigation.

- To abate this violation, KIP shall submit to me a copy of an inspection log documenting that emergency equipment has been inspected.

9. Container storage area inspections.
OAC 3745-66-74

Container storage area must be inspected, at least weekly; looking for leaks and deterioration, and these inspections must be recorded in an inspection log or summary.

KIP does not have a designated container storage area and KIP is not inspecting the area where currently hazardous waste containers are being stored outside weekly (defined as every seven days) for condition of containers nor is KIP keeping an inspection log. KIP was storing two drums of hazardous waste outside and container inspections were not being conducted.

KIP shall conduct inspections weekly for the container storage area. These inspections shall be recorded in an inspection log or summary. Please consult the sample container storage inspection log given to you during the investigation.

- To abate this violation, KIP shall send me copies of completed inspection log sheets for three consecutive weeks (if the drums remain on-site) or a summary outlining how KIP will conduct inspections in the future upon generation of hazardous waste (employee training, etc.).

**10. Waste management - standards for small quantity handlers of universal waste (lamps).
OAC Rule 3745-273-13 (D) (1)**

A small quantity handler of universal waste must manage lamps in a way that prevents releases of any universal waste or component of a universal waste to the environment by containing lamps in containers or packages and such containers must remain closed.

KIP was storing two boxes of lamps. These boxes were not closed, thus, these lamps were not in containers that was closed.

- To abate this violation, please submit to me photograph documentation that the boxes that contained spent lamps have been properly closed.

**11. Waste management - Labeling/marketing standards for small quantity handlers of universal waste (lamps).
OAC Rule 3745-273-14 (E)**

A small quantity handler of universal waste must label or mark a container or package with such lamps with one of the following phrases: "Universal Waste-Lamps," or "Waste Lamps," or "Used Lamps."

KIP failed to mark their boxes of used lamps with a proper label.

- To abate this violation, please submit to me photograph documentation that the boxes that contained spent lamps have been properly labeled with the words "Universal Waste-Lamps," or "Waste Lamps," or "Used Lamps."

**12. Accumulation time limits - standards for small quantity handlers of 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.

KIP did not have a method to demonstrate how long their used lamps had been stored.

On May 5, 2008, you submitted to me photographs indicating your two boxes of bulbs have been dated with the dates 11-13-07 and 1-8-08, respectively.

Thus, this violation is abated.

**13. Used oil storage requirements - proper labels.
OAC 3745-279-22 (C) (1)**

Containers used to store used oil shall be labeled or marked clearly with the words "Used Oil."

KIP failed to mark approximately 10 drums being stored outside used to store used oil with the words "Used Oil."

"Used Oil" was written on all of the 10 drums used to store used oil during the investigation on April 29, 2008.

This violation was abated at the time of the investigation.

Area of Concern:

1. Clean up and proper management of used oil releases.

KIP stated that a used oil drum was clipped by a fork lift and used oil was spilled onto the ground. A complaint was received by Ohio EPA alleging that a sheen from the used oil staining on the ground was visible in periods of rain.

After DERR investigated this complaint, KIP did properly clean up all visible contamination of the used oil stained soil and placed it into a sound container. In addition, this material was sampled on May 12, 2008, to determine a proper waste evaluation.

Initially when the used oil was spilled, KIP did not immediately clean this material up in accordance with OAC 3745-279-22 (D) (3).

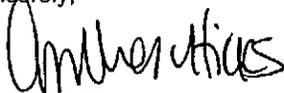
- To satisfy this area of concern, please submit a summary of how KIP plans to ensure in the future that used oil releases are properly cleaned up and managed (employee training, etc.)

The Division of Hazardous Waste Management (DHWM) 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.

Please address all correspondence to Amber Hicks, Ohio EPA, 347 N. Dunbridge Road, Bowling Green, Ohio 43402. Should you have any questions, please feel free to call me at (419) 373-3082.

You can find copies of the rules and other information on the division's web page at <http://www.epa.state.oh.us/dhwm>. Ohio EPA has helpful information about pollution prevention at the following web address: <http://www.epa.state.oh.us/ocapp/ocapp.html>.

Sincerely,



Amber M. Hicks
Division of Hazardous Waste Management

/csl

Enclosures

pc: Colleen Weaver, DHWM, NWDO
Cindy Lohrbach, DHWM, NWDO
◀DHWM, NWDO File: Kenton Iron Products, Vision Drive facility;

ec: Amber Hicks, 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.

Ohio Environmental Protection Agency
**RCRA SUBTITLE C SITE
 IDENTIFICATION/VERIFICATION FORM**

For Ohio EPA use only

E-mail this completed form to
tammy.mcconnell@epa.state.oh.us or mail it to Tammy
 McConnell, Central Office

2. Site EPA ID No.	EPA ID Number:								
3. Site Name	Name: Kenton Iron Products				Website: www.kentoniron.com (Optional)				
4. Site Location Information	Street Address: 13917 N. Vision Drive								
	City, Town, or Village: Kenton				State: OH				
	County Name: Hardin				Zip Code: 43326				
5. Site Land Type (check only one)	Private <input checked="" type="checkbox"/>	County <input type="checkbox"/>	District <input type="checkbox"/>	Federal <input type="checkbox"/>	Indian <input type="checkbox"/>	Municipal <input type="checkbox"/>	State <input type="checkbox"/>	Other <input type="checkbox"/>	
6. NAICS code(s) www.census.gov/epcd/www/naics.html									
7. Facility Representative Additional names can be recorded in number 12 Only provide address information if it is different than the site address	First Name: Renee			MI: P.	Last Name: Olney				
	Phone Number: 740-363-1941				Phone Number Extension: 266				
	E-Mail Address: rpolney@libertycasting.com						Fax Number:		Fax Number Extension:
	Street or P.O. Box: 550 Liberty Road								
	City, Town or Village: Delaware				State: OH		Country: USA		Zip Code: 43015
	Name of Site's Legal Owner:				Date Became Owner (mm/dd/yyyy):				
	Owner Type:	Private <input type="checkbox"/>	County <input type="checkbox"/>	District <input type="checkbox"/>	Federal <input type="checkbox"/>	Indian <input type="checkbox"/>	Municipal <input type="checkbox"/>	State <input type="checkbox"/>	Other <input type="checkbox"/>
Street or P.O. Box:									
City, Town or Village:				Owner Phone #:					
State:				Country:		Zip Code:			
Name of Site's Operator:				Date Became Operator (mm/dd/yyyy):					
Owner Type:	Private <input type="checkbox"/>	County <input type="checkbox"/>	District <input type="checkbox"/>	Federal <input type="checkbox"/>	Indian <input type="checkbox"/>	Municipal <input type="checkbox"/>	State <input type="checkbox"/>	Other <input type="checkbox"/>	
Street or P.O. Box:									
City, Town or Village:				Operator Phone #:					
State:				Country:		Zip Code:			
9. Violations Cited?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No								
10A. Type of Regulated Waste Activity (Mark "X" in all of the appropriate boxes)									
<input type="checkbox"/> Not Regulated				<input type="checkbox"/> Conditionally Exempt Small Quantity Generator					
<input type="checkbox"/> UNKNOWN: Cited for violation of 3745-52-11				<input type="checkbox"/> United States Importer of Hazardous Waste					
<input type="checkbox"/> Large Quantity Generator (LQG)				<input type="checkbox"/> Mixed Waste (Hazardous and Radioactive) Generator					
<input checked="" type="checkbox"/> Small Quantity Generator (SQG)									
<input type="checkbox"/> Hazardous Waste Transporter				<input type="checkbox"/> Exempt Boiler and/or Industrial Furnace					
<input type="checkbox"/> Treater, Storer or Disposer of Hazardous Waste				<input type="checkbox"/> Small Quantity On-Site Burner Exemption					
<input type="checkbox"/> Recycler of Hazardous Waste				<input type="checkbox"/> Smelting, Melting, Refining Furnace Exemption					
<input type="checkbox"/> Underground Injection Control Facility									

10B. Universal Waste Activities (Indicate types of universal waste managed (check all boxes that apply))			
<input checked="" type="checkbox"/> Small Quantity Handler of Universal Waste		<input type="checkbox"/> Large Quantity Handler of Universal Waste (accumulates 5,000 kg. or more)	
<input type="checkbox"/> Destination Facility for Universal Waste			
Check all boxes below that apply for each of the three types of facilities above		10C. Used Oil Activities (Indicate Type(s) of Activity(ies))	
	Managed	<input checked="" type="checkbox"/> Used Oil Generator	<input type="checkbox"/> Off-Specification Used Oil Burner
Batteries	<input type="checkbox"/>	<input type="checkbox"/> Used Oil Transporter	<input type="checkbox"/> Used Oil Fuel Marketer Who Directs Shipment of Off-Spec. Oil
Pesticides	<input type="checkbox"/>	<input type="checkbox"/> Used Oil Transfer Facility	<input type="checkbox"/> Used Oil Fuel Marketer to Off-Specification Used Oil Burner
Mercury containing equipment	<input type="checkbox"/>	<input type="checkbox"/> Used Oil Processor	
Lamps	<input checked="" type="checkbox"/>	<input type="checkbox"/> Used Oil Re-refiner	
11. Waste Codes for Federally Regulated Hazardous Wastes. Please list the codes for the federally regulated hazardous waste handled at the site. List them in the order they are presented in the regulations (e.g., D001, D003, F007, U112). Use an additional page if more space is needed. If there are more than 7 waste codes and they are the same as listed in the most recent RCRAInfo source record, you do not need to list them all. Instead just indicate the date of the most recent source record.			
D001	D002		
12. Comments: Use this area to describe whether the inspection was announced, whether the waste is stored in tanks or containers, etc.			
Announced	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Additional Facility Representatives:	Terry Ulmer, Scott Pritchard
Tanks	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Other Comments:	
Containers	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
13. Name of Inspector(s)		Name of Inspector(s)	Date of Inspection/Time (mm/dd/yyyy) (hh:mm)
Amber Hicks		Kara Reynolds	4/29/2008 9:00-11:15
14. OPTIONAL CERTIFICATION. I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.			
Signature of Owner, Operator, or an Authorized Representative		Name and Title (Print)	Date (mm/dd/yyyy)