OhioEPA

State of Ohio Environmental Protection Agency

Northwest District Office

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

Re: Fetter Finishing, LLC
OHR 000 108 779
Complaint #2068
Auglaize County
Hazardous Waste
Return to Compliance

May 30, 2008

Mr. David Whitaker
IPS West, LLC
P.O. Box 10
Waynesfield, Ohio 45896

Dear Mr. Whitaker:

On January 1, 2008, Industrial Paint and Strip West LLC (IPS West) became the owner of the former Fetter Finishing (Fetter) facility located at 1000 Commerce Court in Waynesfield, Ohio. On March 17, 2008, IPS West submitted documentation to dispute the claim made by the previous owner, Fetter Finishing, that the waste water treatment sludge generated on-site was a listed hazardous waste (F019). The listing description for F019 is narrow in scope in that it applies only to wastewater treatment sludges generated from the chemical conversion coating (phosphating) of aluminum. Since the production process at IPS West is not exclusively chemical conversion coating of aluminum and it is co-mingled with all facility rinse waters, non-electroplating or non-chemical conversion, prior to treatment in the on-site wastewater treatment system, it does not match the process explicitly stated in the F019 listing.

On May 20, 2008, Ohio EPA issued a letter to IPS West stating that the wastewater treatment sludges generated from the process will not be listed hazardous waste F019. IPS West will generate universal waste and used oil, however, the facility will be considered a non-generator of hazardous waste.

At the time of the hazardous waste compliance evaluation inspection on October 23, 2006, Fetter was operating as a large quantity generator of hazardous waste. Based upon the documentation submitted, all previously outstanding violations will be returned to compliance.

The following is a summary of the violations cited as a result of my October 23, 2006, inspection and Fetter's compliance with respect to each:

1. **OAC Rule 3745-52-11: Waste Evaluation:** Any person who generates a waste must determine if that waste is a hazardous waste by using generator knowledge or by testing the waste.

   Fetter failed to have waste evaluation documentation or an established recycling plan in place for the fluorescent bulbs generated at the facility.

Fetter must immediately cease disposing of the fluorescent bulbs as non-hazardous waste until a proper waste evaluation has been completed. Fluorescent bulbs typically contain mercury. Hazardous bulbs are considered "spent materials" and remain hazardous waste even when recycled. Hazardous waste lamp generators have the option of handling their lamps as hazardous waste or as universal waste.

Managing hazardous waste lamps under the universal waste rules eases certain regulations imposed on generators of spent lamps. During the inspection you were given a Fact Sheet outlining the universal waste rules for handlers of lamps and a list of fluorescent bulb recyclers. Please review this information and contact me if you have any questions.

Fetter must submit to Ohio EPA documentation to demonstrate how you plan to properly manage your fluorescent bulbs. If Fetter decides to conduct waste evaluation, please notify me at least 7 days prior to the sampling event date, so that a representative from Ohio EPA can be present to observe the sampling and to split samples if necessary. If Fetter plans to manage the spent fluorescent bulbs as universal waste, please submit photographic documentation showing the storage container properly labeled and dated. In addition, Fetter must submit the name of the facility where you plan to recycle the bulbs.

On December 4, 2006, Fetter submitted a photograph of the spent fluorescent bulb storage area. Fetter indicated that you are now disposing of the spent bulbs through Enviroserve; however, you did not state if you are managing the spent fluorescent bulbs as hazardous waste or universal waste. If Fetter plans to manage the spent bulbs as universal waste, the storage containers need to be properly labeled and dated and photographic documentation must be submitted. In addition, Fetter must provide information on where Enviroserve is taking the spent bulbs for recycling.

On April 13, 2007, Fetter submitted a photograph showing that the fluorescent bulbs are now properly stored in containers that are closed, labeled universal waste, and dated with the accumulation start date. Fetter also stated that Enviroserve is brokering the bulbs and taking them to Environmental Recycling in Bowling Green where they will be recycled.

With this information, this violation is abated.

2. **OAC Rule 3745-65-16(A)(1-3): Personnel Training:** A generator shall conduct personnel training for all employees involved in the handling or management of hazardous waste at the facility. The training shall include, but is not limited to, instruction in safe equipment operation, emergency procedures and the generator's contingency plan. It must also familiarize employees with procedures for using, inspecting, repairing and replacing facility emergency and monitoring equipment. The personnel training must be directed by a person trained in hazardous waste management procedures.

Fetter does not conduct personnel training. There was no training plan available to review at the time of the inspection.

Fetter must develop a personnel training plan that includes procedures for using, inspecting, repairing, and replacing emergency & monitoring equipment, what to do in case of fire in a hazardous waste area, what wastes are considered hazardous, how to label hazardous wastes, what to do in case of waste spills, how to inspect waste storage areas, contingency plan evacuation routes, and communication/alarm systems.

Prior to conducting training, a copy of the training program or plan shall be submitted to Ohio EPA for review. Fetter must also submit a copy of the instructor's name and credentials, resume, work experience or OSHA 40-hour certificate which shows they have been trained in hazardous waste management procedures.

This violation will be abated once the personnel training has been completed and class sign-in sheets from those attending have been received by Ohio EPA.

On December 4, 2006, Fetter submitted a copy of the written Hazardous Communication Program for review. The training plan fails to cover items related to the management of hazardous waste. In addition, the hazard communication quiz does not ask any questions related to the management of hazardous waste. On January 8, 2007, I sent Cindy Kaufman, via electronic mail, some suggestions of items that need to be included in your training outline. Fetter must submit a copy of an updated training plan to Ohio EPA for review. An adequate training plan must be in place prior to employee training.

On April 13, 2007, Fetter submitted an updated copy of the Hazardous Communication written program. Ohio EPA has reviewed the updated plan and found the following deficiencies: Fetter stated that you plan to manage the spent fluorescent bulbs as universal waste. Therefore, Fetter must refer to the fluorescent bulbs as universal waste and not hazardous waste. Fetter must outline the requirements for labeling a container of hazardous waste in the labeling section. Specifically, Fetter must add information that outlines what information needs to be on a hazardous waste label (i.e. waste codes, accumulation start date). Fetter must also add information that outlines the differences between the less than 90-day accumulation area where the roll-off box is located and the satellite accumulation area where the lugger box is located. Fetter's plan and quiz covers mostly hazardous materials and hazardous chemicals and not the required information related to the management of hazardous waste.

Due to the fact that Fetter is no longer in operation, and IPS submitted documentation on March 17, 2008, verifying it is a non-generator of hazardous waste, this violation is abated.

3. **OAC Rule 3745-65-16(B): Personnel Training for New Employees:** A generator shall provide hazardous waste training to all new personnel within six months of their first date of employment at the facility or when they are moved to a new job position which involves hazardous waste management.

Fetter does not have in place hazardous waste management training for new employees.

Fetter must immediately begin to train new employees within six months of their initial date of employment or switching to a new position involving hazardous waste management. To demonstrate a return to compliance, Fetter shall submit to Ohio EPA, NWDO, a copy of a written internal policy that ensures new employees are properly trained.

On December 4, 2006, Fetter submitted a copy of the written Hazardous Communication Program for review. The program states that Fetter will provide training on hazardous chemicals and materials at the time a new employee is hired. As indicated above, your training plan fails to cover items related to the management of hazardous waste. The internal policy must state that new employees will be trained in the management of hazardous waste as related to their job duties.

The information Fetter submitted on April 13, 2007, did not contain any corrections as requested above.

Due to the fact that Fetter is no longer in operation, and IPS submitted documentation on March 17, 2008, verifying it is a non-generator of hazardous waste, this violation is abated.

4. **OAC Rule 3745-65-16(C): Annual Refresher Training for Personnel:** A generator shall provide annual refresher training for all personnel involved in the handling and management of hazardous waste at the facility. Ohio EPA defines annually as at least once every 365 days.

Fetter failed to provide annual refresher training for all employees involved in the handling or management of hazardous waste.

To abate this violation, Fetter must conduct the required training and shall submit signed class rosters to Ohio EPA, NWDO, to demonstrate that all employees have received the required training. In addition, Fetter shall immediately establish a written procedure to provide annual refresher training and shall submit a copy of this procedure to Ohio EPA, NWDO. Annual refresher training must be completed at least once every 365 days.

On December 4, 2006, Fetter submitted a copy of the written Hazardous Communication Program for review. The program states that Fetter will provide training on hazardous chemicals and materials during an annual refresher. As indicated above, your training plan fails to cover items related to the management of hazardous waste. The internal policy must state that employees will receive an annual refresher training that covers the management of hazardous waste as related to their job duties.

Due to the fact that Fetter is no longer in operation, and IPS submitted documentation on March 17, 2008, verifying it is a non-generator of hazardous waste, this violation is abated.

5. **OAC Rule 3745-65-16(D)(1-4): Personnel Training Records:** A facility shall keep employee training records that shall include written job titles, written job descriptions, the type and amount of both introductory and continuing training that will be given to each person filling the position, and training records that document that the training has been completed for all employees involved in the handling and management of hazardous waste.

   Fetter does not maintain personnel training records which include employee name, job title, job descriptions, type and amount of introductory and continuous training for employees responsible for waste handling and spill response duties.

   To abate this violation, Fetter must submit to Ohio EPA, NWDO, written job titles, job descriptions, name of each employee filling that position and documentation that all applicable training has been completed for all employees involved in the handling and management of hazardous waste.

   On December 4, 2006, Fetter submitted a copy of the job description for the waste water treatment lab tech. This job description failed to list that this position would be responsible for the management of hazardous waste. Fetter must update this job description to include the required information and submit a copy to Ohio EPA. In addition, Fetter must add in the duties and responsibilities section of the Training Checklist/Qualification Notification form for the waste water treatment lab tech that they will be responsible for moving the inside lugger box and dumping the waste water treatment sludge (F019) into the outside roll-off.

   On January 22, 2007, Fetter submitted an updated copy of the job description for the waste water treatment lab tech and an updated copy of the Training Checklist/Qualification Notification Form documenting that the required information was added.

   With this information, this violation is abated.

6. **OAC Rule 3745-65-16(E): Personnel Training Records:** Training records on current personnel must be kept until the closure of the facility. Training records on former employees must be kept for at least three years from the date the employee last worked at the facility.

   Fetter did not maintain training records on current and former employees.

   Fetter must submit to Ohio EPA, NWDO, a copy of a written internal policy that ensures all personnel training records will be maintained. Specifically, records must be maintained for current employees until facility closure and for former employees for three years.

   On December 4, 2006, Fetter submitted a copy of the written Hazardous Communication Program. The program outlined that all training records will be maintained on current employees until facility closure and on former employees for three years.

   With this information, this violation is abated.

7. **OAC Rules 3745-65-51(A) and (B); 3745-65-52 (A), (B), (C), (D), (E) and (F); 3745-65-53(A) and (B); and 3745-65-55: Contingency Plan**. A facility shall have a contingency plan which will be implemented during an emergency. The contingency plan must describe the actions personnel will take during an emergency, describe arrangements with responders, list the emergency contact and related information, list emergency equipment, and include an evacuation plan. A copy of the contingency plan must be maintained at the facility and submitted to entities that may be required to provide emergency services. A facility must have a designated emergency coordinator who is familiar with all aspects of the contingency plan, available to respond to an emergency and has the authority to commit the resources needed to implement a contingency plan.

Fetter has violated all the applicable rules associated with the contingency plan requirements as follows:

(a) 3745-65-51(A) - The facility does not have a contingency plan.

(b) 3745-65-51(B) - By not having a contingency plan, the facility is unable to implement such a plan during a fire, explosion, or release of hazardous waste.

(c) 3745-65-52(A) - The facility does not have a plan that describes actions the personnel must take.

(d) 3745-65-52(B) - The facility has a SPCC plan that has not been amended to incorporate hazardous waste management provisions.

(e) 3745-65-52(C) - The facility does not have a contingency plan that describes arrangement agreed to by local police departments, fire departments, hospitals, contractors, Ohio EPA, and local emergency responders.

(f) 3745-65-52(D) - The facility does not have a contingency plan that lists the home addresses, home phone numbers, and office numbers of persons qualified to act as emergency coordinator.

(g) 3745-65-52(E) - The facility does not have a contingency plan that lists emergency equipment.

(h) 3745-65-52(F) - The facility does not have a contingency plan that includes an evacuation plan.

(i) 3745-65-53(A) - The facility does not maintain a contingency plan.

(j) 3745-65-53(B) - The facility has not submitted a contingency plan to all local police departments, fire departments, hospitals, and Ohio EPA and local emergency response teams, that may be requested to provide emergency services.

(k) 3745-65-55 - The facility did not designate an emergency coordinator.

Fetter must prepare a contingency plan and submit a copy to this office for review. This plan must include all the contents to demonstrate compliance with this rule. Fetter must maintain a contingency plan at its facility and submit such plan to agencies or organizations that may be required to provide emergency services. Fetter must designate an emergency coordinator and identify this person in its contingency plan. The contingency plan must demonstrate compliance with this rule.

On December 4, 2006, Fetter submitted a copy of your Emergency Action Plan/Contingency Plan for review. The Contingency Plan was deficient in the following areas: *1)* Under Plant Information, Fetter states "The cake is then removed from the sludge press and put into the Lugger Box. The box is covered and stored under the sludge press." Fetter must transport the Lugger Box of filter cake, once the pressing process has been completed, to the roll-off box located outside in the hazardous waste storage area. The lugger box area is not being managed as a hazardous waste storage area. Fetter would have to follow all the requirements for a less than 90-day storage area if you want to store filter cake in the lugger box area; *2)* Exhibit 1 must be corrected to properly list the hazardous wastes generated at your facility; *3)* Exhibit 2 must include the home address and telephone numbers of those persons listed as an emergency coordinator; and *4)* Exhibit 6 must give the location and capability of the emergency equipment. An adequate Contingency Plan must be in place prior to employee training.

On April 13, 2007, Fetter submitted the following information to address the deficiencies noted above: language was added to show that the lugger box would be emptied on a daily basis; Exhibit 1 was corrected by only listing the hazardous waste filter cake (F019) as generated waste. The fluorescent bulbs are now properly identified in the contingency plan as universal waste; Exhibit 2 was corrected to include the required information for the emergency coordinator list; and Exhibit 6 was updated to include the location and capability of the emergency equipment.

Once an adequate Contingency Plan is in place, Fetter must submit a copy to all local police departments, fire departments, hospitals, and Ohio EPA and local emergency response teams, that may be requested to provide emergency services. Fetter must submit a copy of the cover letter(s) and return mail receipts to document that the plan has been provided to the required parties.

Due to the fact that Fetter is no longer in operation, and IPS submitted documentation on March 17, 2008, verifying it is a non-generator of hazardous waste, this violation is abated.

8. **OAC Rule 3745-65-56(A) through (H) and (J): Emergency Procedures:** Whenever there is an emergency situation consisting of imminent or actual harm or hazard to human health or the environment, the emergency coordinator (or his designee) must immediately implement the emergency procedures outlined in the contingency plan.

On October 12, 2006, Fetter had a spill of hazardous waste, F019 filter cake, while transferring the waste from the filter press cart to the roll-off container located outside and failed to implement emergency procedures.

Fetter must prepare emergency procedures that are to be implemented, along with the contingency plan, in the event of an emergency situation and submit a copy to this office for review. Fetter must also submit a written report to the Director that includes the required information outlined in OAC Rule 3745-65-56(J)(1 through 7) and send a copy of the report to this office.

On December 4, 2006, Fetter submitted a copy of your Emergency Action Plan/Contingency Plan for review. Fetter outlined in the plan the emergency procedures that were to be implemented in the event of a spill of hazardous waste.

Fetter must also submit a written report to the Director that includes the required information outlined in OAC Rule 3745-65-56(J)(1 through 7) and send a copy of the report to this office. This report is required due to the spill of hazardous waste that took place on October 12, 2006.

On April 5, 2007, Ohio EPA sent via electronic mail a web link to the information that is needed for the report to the director. To date, no copy of this report has been sent to this office.

Due to the fact that Fetter is no longer in operation, and IPS submitted documentation on March 17, 2008, verifying it is a non-generator of hazardous waste, this violation is abated.

9. **OAC Rule 3745-65-32(C): Required Equipment:** All facilities shall be equipped with spill control equipment, and decontamination equipment.

Fetter did not have any spill control equipment located in the hazardous waste container storage area.

Fetter must submit photographic documentation showing that spill control equipment has been placed in the hazardous waste container storage area.

On January 8, 2007, Fetter submitted photographic documentation for the spill kit that is now properly located in the wastewater treatment area near the lugger box.

With this information, this violation is considered abated.

10. **OAC Rule 3745-65-33: Testing and maintenance of equipment:** All facility communications or alarm systems, spill control equipment and decontamination equipment 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.

Fetter does not test or maintain the emergency equipment to assure its proper operation in the event of an emergency. These tests must be recorded in a log. It is recommended that the log include the following information: date and time of test, name of person conducting the test, observations made and date/nature of any repairs.

To abate this violation, Fetter must submit a copy of an internal policy regarding the testing and maintenance of all emergency equipment and the frequency of the inspections. Fetter must also submit a copy of a completed inspection log to verify compliance with this rule. An example log was given to you at the time of the inspection.

On November 24, 2006, Fetter submitted a copy of an inspection log for the emergency equipment. Fetter is conducting the emergency equipment inspections on a weekly basis along with the hazardous waste container storage area inspections.

With this information, this violation is considered abated.

11. **OAC Rule 3745-52-34(C)(1)(b): 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 that the waste is placed in containers that are labeled or marked clearly with the words "Hazardous Waste" or with other words that identify the contents of the containers, while being accumulated on-site.

    Fetter did not properly label the filter press cart.

    Fetter properly labeled the filter press cart with the words "Hazardous Waste" at the time of our investigation.

    Therefore, this violation is considered abated.

12. **OAC Rule 3745-66-74: Inspections:** Container storage areas shall be inspected on a weekly basis looking for leaks and for deterioration. These inspections shall be recorded in an inspection log which includes at a minimum the date and time of inspection, name of the inspector, a notation of observations made, and the date/nature of any repairs. Ohio EPA interprets weekly to mean once within the seven day period following the previous inspection.

    Fetter failed to document the weekly inspections of the container storage area in an inspection log.

    To abate this violation, Fetter must submit four (4) weeks of completed inspection logs to this office. An example log was given to you at the time of the inspection.

    On November 24, 2006, Fetter submitted four weeks of completed inspection logs: October 23, 2006; October 30, 2006; November 6, 2006; and November 13, 2006. During the week of November 6, 2006, Fetter inspected the container storage area on a daily basis. As a large quantity generator, Fetter is only required to inspect the container storage area on a weekly basis.

    With this information, this violation is considered abated.

13. **OAC Rule 3745-279-22(C)(1): Labeling:** Containers, aboveground tanks, and fill pipes used for underground storage tanks shall be labeled or marked clearly with the words "used oil."

    Fetter had a storage tank of used oil that was not properly labeled.

    Fetter properly labeled the storage tank with the words "used oil" at the time of our investigation.

    Therefore, this violation is considered abated.

14. **OAC Rule 3745-279-22(D)(3): Storage:** Upon detection of a release of used oil, a generator shall clean up and manage properly the released used oil and other materials.

    The area surrounding the drum of air compressor oil had evidence of spilled oil. The gravel and dirt was visibly stained from the oil.

    Fetter must clean up the used oil and all visibly contaminated soil/gravel from the area around the drum of air compressor oil. Fetter must evaluate the contaminated soil to determine if it is a characteristic hazardous waste. Fetter must obtain a representative sample of the waste and have it analyzed for Toxicity Characteristic Leaching Procedure (TCLP) Resource Conservation and Recovery Act (RCRA) metals (SW-846 Method 1311/6010).

    To abate this violation, Fetter must submit a copy of the analytical results as well as whether the waste is hazardous or non-hazardous and the appropriate waste code(s) to Ohio EPA. Once analytical results have been reviewed, Ohio EPA will advise Fetter on proper disposal options for this waste stream. Fetter must also submit photographic documentation to demonstrate that the used oil and stained soil in this area has been cleaned up.

    On December 4, 2006, Fetter submitted photographic documentation for the area around the drum of compressor oil that has been properly cleaned up. On January 8, 2007, Fetter submitted a copy of the analytical results for the compressor oil and stained soil that was removed from around the drum. These results indicate that the soil is not a characteristic hazardous waste and may be managed as a solid waste.

    With this information, this violation is considered abated.

Should you have any questions or if I can be of assistance, please contact me at (419)373-3066.

Sincerely,

Melissa L. Boyers

Melissa L. Boyers
Division of Hazardous Waste Management

/csl

pc: Cindy Lohrbach, DHWM, NWDO
Colleen Weaver, DHWM, NWDO
DHWM, NWDO, IPS West, LLC (former Fetter Finishing) File

ec: Melissa Boyers, 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.