Ohio | Environmental Protection Agency

Ted Strickland, Governor
Lee Fisher, Lt. Governor
Chris Korleski, Director

Re: Swanton Welding & Machining Co., Inc.
OHR000159954
Fulton ~~Lucas~~ County
Hazardous Waste
Return to Compliance

October 15, 2010

Mr. Chuck Morgan, General Manager
Swanton Welding & Machining Company, Inc.
407 Broadway Street
Swanton, Ohio 43558

Dear Mr. Morgan:

Thank you for your September 27, 2010, and October 8, 2010, responses to Ohio EPA's September 24, 2010, Partial Return to Compliance letter. My review of the documentation submitted reveals that Swanton Welding & Machining Co., Inc. (Swanton Welding) has adequately demonstrated abatement of all the violations cited in the July 16, 2010, NOV letter.

The following is a summary of the violations cited in the July 16, 2010, NOV as a result of our July 2, 2010, inspection and your compliance with respect to each:

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

a) Any person who generates a waste must determine if that waste is a hazardous waste by using generator knowledge or by testing the waste.

At the time of the inspection, Swanton Welding did not have waste evaluation documentation for the spent paint filters. Swanton Welding has historically disposed of this spent material as a non-hazardous waste via PCS. Swanton Welding must immediately cease disposing of the waste paint filters as non-hazardous waste until a proper waste evaluation has been completed.

Swanton Welding must obtain a representative sample of the spent paint booth filter waste stream and have it analyzed for Toxic Characteristic Leaching Procedure (TCLP) Resource Conservation and Recovery Act (RCRA) metals (SW-846 Method 1311/6010) and volatile organics (SW-846 Method 1311/8260). To abate this violation, Swanton Welding must submit a copy of the analytical results to Ohio EPA. Once analytical results have been reviewed, Ohio EPA will advise you on proper disposal options as well as plans for the future management of this waste stream.

Ohio EPA will review the submitted waste evaluation information and determine if there is a change in Swanton Welding's generator status. Additional violations may be cited based upon your determined generator status. You will be notified of any additional violations in a separate letter.

The results Swanton Welding submitted on 9/7/10 were only for TCLP metals analysis. There was a note on the chain of custody form that more sample was needed in order to run the analytical for volatile organics. It also noted that as of 8/30/10, no more sample was received by the lab. I contacted Shamar Sanders at PSC on 9/14/10, and he stated that to date no additional sample has been submitted. Swanton Welding must collect an adequate representative sample of the spent paint booth filters and complete the volatile organics analysis (SW-846 Method 1311/8260). The submitted analytical results for TCLP metals indicate that the spent paint booth filters are non-hazardous for metals.

On October 8, 2010, Swanton Welding submitted, via electronic mail, a copy of the analytical results for the volatile organics analysis of the spent paint booth filters. The submitted analytical results for TCLP organics indicate that the spent paint booth filters are also non-hazardous for organics, as well as metals. Swanton Welding can manage this waste stream as a solid waste. This portion of the violation has been abated.

If Swanton Welding has any changes in their painting process, Ohio EPA recommends an updated waste evaluation be conducted on the spent paint booth filters.

b) In addition, Swanton Welding failed to have waste evaluation documentation or an established recycling plan in place for the fluorescent bulbs generated at the facility.

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.

Swanton Welding must submit to Ohio EPA documentation to demonstrate how you plan to properly manage your fluorescent bulbs. If Swanton Welding plans to manage the spent fluorescent bulbs when generated as universal waste, please submit the name of the facility where you plan to recycle the bulbs. Managing the spent fluorescent bulbs as universal waste eliminates the need for analytical testing.

Swanton Welding must also properly train employees, who handle or have responsibility for managing universal waste, on waste handling and emergency procedures relative to their responsibilities and send me documentation (memo or sign-in sheets) that this has been completed.

On August 18, 2010, Swanton Welding submitted, via electronic mail, a copy of the training outline that was used for the universal waste training given on August 17, 2010. Also submitted was a copy of the sign in sheet listing the names of the employees who attended the training. Swanton Welding will manage all spent fluorescent bulbs as universal waste.

Swanton Welding intends to ship the universal waste lamps off-site for recycling at Waste Management Lamp Tracker in Kieser, Missouri. This portion of the violation has been abated.
This violation has been completely abated.

2. **OAC Rule 3745-52-12(A), Generator Identification Numbers:**

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

Swanton Welding has been shipping hazardous waste off-site for disposal using the generator identification number (OHG000053158) given to them by PCS.

Swanton Welding must immediately cease shipping hazardous waste off-site for disposal using the ID# issued by PCS. Swanton Welding must contact Ohio EPA and obtain a hazardous waste ID# for your facility located at 407 Broadway Street. Swanton Welding must complete and submit a Notification of Regulated Activity form (EPA Form 9029, revised 11/2002) to Ohio EPA. You can obtain this form by contacting the Division of Hazardous Waste Management, Central Office, at (614) 644-2977 or on Ohio EPA's website www.epa.ohio.gov. This form can also be submitted electronically.

On July 26, 2010, Swanton Welding submitted, via electronic mail, a copy of the Form EPA 9029 that was completed in order to receive an EPA ID#. Swanton Welding was assigned the hazardous waste ID# OHR000159954.

This violation was previously abated in the Partial Return to Compliance letter dated September 24, 2010.

3. **OAC Rule 3745-52-34(C)(1)(a), Container Management:**

A container holding hazardous waste shall always be closed during storage except when it is necessary to add or remove waste.

Swanton Welding had one open satellite container located in the paint booth area.

To abate this violation, Swanton Welding must submit photographic documentation to show that the satellite container in the paint booth is kept closed except when it is necessary to add or remove waste.

On August 18, 2010, Swanton Welding submitted, via electronic mail, photographic documentation for the satellite container located in the paint booth area that is now properly closed.

This violation was previously abated in the Partial Return to Compliance letter dated September 24, 2010.

4. **OAC Rule 3745-52-34(C)(1)(b), Satellite Accumulation Areas:**

A generator may accumulate as much as fifty-five gallons of hazardous waste or one quart of acutely hazardous waste in containers at or near any point of generation where wastes initially accumulate, which is under the control of the operator of the process generating the waste, without a permit provided the containers are marked "Hazardous Waste" or other identifying words of the container's contents.

The satellite container of waste paint solvent (D001, D035, F003, F005) was not properly labeled "Hazardous Waste" or other identifying words at the time of the inspection. To abate this violation, Swanton Welding must submit photographic documentation to show that the satellite container in the paint booth area is now properly labeled.

On August 18, 2010, Swanton Welding submitted, via electronic mail, photographic documentation for the satellite container located in the paint booth area that is now properly labeled.

This violation was previously abated in the Partial Return to Compliance letter dated September 24, 2010.

5. **OAC Rule 3745-52-34(D)(4), Container Management:**

A generator may for one hundred eighty days or less, accumulate and/or conduct treatment of hazardous waste that is generated on-site without an Ohio hazardous waste permit provided that the waste is placed in containers that are labeled or marked clearly with the words "Hazardous Waste" while being accumulated and/or treated on-site.

Swanton Welding had one 55-gallon drum of waste paint solvent (D001, D035, F003, F005) located in the outside hazardous waste storage area that was not marked with the words "Hazardous Waste."

Swanton Welding must properly label the container of waste paint solvent with the words "Hazardous Waste." To abate this violation, Swanton Welding must submit photographic documentation to show that the container in the outside hazardous waste storage area is properly labeled.

On August 18, 2010, Swanton Welding submitted, via electronic mail, photographic documentation for the container of waste paint solvent located in the outside hazardous waste storage area that is now properly labeled.

This violation was previously abated in the Partial Return to Compliance letter dated September 24, 2010.

6. **OAC Rule 3745-52-34(D)(4), Accumulation time of hazardous waste:**

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

Swanton Welding had one 55-gallon drum of waste paint solvent (D001, D035, F003, F005) located in the outside hazardous waste storage area that did not have an accumulation start date.

Swanton Welding must properly mark the container of waste paint solvent with the accumulation start date. To abate this violation, Swanton Welding must submit photographic documentation to show that the container in the outside hazardous waste storage area is properly marked.

On August 18, 2010, Swanton Welding submitted, via electronic mail, photographic documentation for the container of waste paint solvent located in the outside hazardous waste storage area that is now properly marked with the accumulation start date.

This violation was previously abated in the Partial Return to Compliance letter dated September 24, 2010.

7. **OAC Rule 3745-52-34(D)(5)(a), Emergency Coordinator:**

A generator must ensure that at all times there is at least one employee either on the premises or on call with the responsibility for coordinating all emergency response measures. This employee is the emergency coordinator.

Swanton Welding failed to have a designated emergency coordinator.

To abate this violation, Swanton Welding must ensure that at least one emergency coordinator is available at all times. Swanton Welding must submit a list of emergency coordinator(s) for the facility.

On August 18, 2010, Swanton Welding submitted, via electronic mail, a copy of the emergency response information sheet. This sheet lists the names of the two designated emergency coordinators for the facility.

This violation was previously abated in the Partial Return to Compliance letter dated September 24, 2010.

8. **OAC Rule 3745-52-34(D)(5)(b), Preparedness and Prevention:**
A generator must post the following information next to the telephone: the name and telephone number of the emergency coordinator; location of fire extinguishers and spill control equipment, and if present, fire alarms; and the telephone number of the fire department, unless the facility has a direct alarm.

Swanton Welding failed to have the required information posted next to the telephone located nearest to the outside hazardous waste storage area.

To abate this violation, Swanton Welding must post the required information next to the telephone and submit a copy of the posted list. Swanton Welding must also submit photographic documentation to show that the list has been properly posted in this area.

On August 18, 2010, Swanton Welding submitted, via electronic mail, a copy of the emergency response information that is posted next to the two-way radio located nearest the outside hazardous waste storage area. In addition, photographic documentation was submitted showing the information posted on the wall next to the two-way radio.

This violation was previously abated in the Partial Return to Compliance letter dated September 24, 2010.

9. OAC Rule 3745-52-34(D)(5)(c), Emergency Procedures/Preparedness and Prevention:

A generator must ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relevant to their responsibilities during normal facility operations and emergencies.

Swanton Welding failed to properly train employees on proper waste handling and emergency procedures related to the wastes generated on-site.

To abate this violation, Swanton Welding must immediately provide training to all employees involved in the management of the hazardous waste. A copy of the training outline must be submitted for review. In addition, a copy of the sign-in sheets used to document employee attendance must be submitted.

On August 18, 2010, Swanton Welding submitted, via electronic mail, a copy of the training outline that was used for the hazardous waste training given on August 17, 2010. Also submitted was a copy of the sign in sheet listing the names of the employees who attended the training.

This violation was previously abated in the Partial Return to Compliance letter dated September 24, 2010.

10. OAC Rule 3745-65-33, Emergency 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.

Swanton Welding does not test and maintain the emergency equipment to assure its proper operation in the event of an emergency. These tests are not 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, Swanton Welding must submit a copy of an internal policy regarding the testing and maintenance of all emergency equipment and the frequency of the inspections. Swanton Welding must 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 August 18, 2010, Swanton Welding submitted, via electronic mail, a copy of the policy that outlines the procedures for testing and maintaining the emergency equipment at the facility. Also submitted was a copy of a completed inspection log.

This violation was previously abated in the Partial Return to Compliance letter dated September 24, 2010.

11. OAC Rule 3745-66-73(A), Container Management:

A container holding hazardous waste shall always be closed during storage except when it is necessary to add or remove waste.

Swanton Welding had one 55-gallon drum of waste paint solvent (D001, D035, F003, F005) in the outside hazardous waste storage area that was open at the time of inspection. To abate this violation, Swanton Welding must submit photographic documentation to show that the 55-gallon drum of waste paint solvent in the outside hazardous waste storage area is kept closed except when it is necessary to add or remove waste.

On August 18, 2010, Swanton Welding submitted, via electronic mail, photographic documentation for the 55-gallon drum of waste paint solvent located in the outside hazardous waste storage area that is now properly closed.

This violation was previously abated in the Partial Return to Compliance letter dated September 24, 2010.

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 or summary. Ohio EPA interprets weekly to mean once within the seven-day period following the previous inspection.

Swanton Welding was not conducting inspections of the outside hazardous waste storage area where the waste paint solvent (D001, D035, F003, F005) is stored.

To abate this violation, Swanton Welding must immediately begin conducting weekly inspections of the outside hazardous waste storage area and 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 August 18, 2010, Swanton Welding submitted, via electronic mail, four weeks of completed weekly inspection logs (7/9/10, 7/16/10, 7/23/10, and 7/30/10). However, for week five the date of the inspection was 8/7/10, eight days from the previous inspection date (7/30/10). Swanton Welding must submit an additional four weeks of completed inspection logs to document weekly inspections are occurring once within the seven-day period following the previous inspection.

On September 27, 2010, Swanton Welding submitted, via electronic mail, an additional five weeks of weekly inspection logs (8/13/10, 8/20/10, 8/27/10, 9/3/10, and 9/10/10).

With this information, this violation has been abated.

Ohio EPA has helpful information about compliance assistance and pollution prevention at the following web address: http://www.epa.ohio.gov/ocapp. In addition, you can find copies of the rules and other information on the division's web page at: http://www.epa.ohio.gov/dhwm/. 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

pc: Cindy Lohrbach, DHWM, NWDO
Colleen Weaver, DHWM, NWDO
DHWM, NWDO 2010 Swanton Welding & Machining Co. 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.