



State of Ohio Environmental Protection Agency

Northwest District Office

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

**RE: Atlas Industries, Inc.
OHD 005 053 657
Sandusky County
DHWM, NWDO
Complaint 2260
Return to Compliance**

December 27, 2007

Mr. Tim Little
Atlas Industries, Inc.
1520 County Road 42
Gibsonburg, Ohio 43431

Dear Mr. Little:

I want to thank Atlas Industries, Inc. (All) for sending the following correspondence in response to the Ohio Environmental Protection Agency's (Ohio EPA's) Notice of Violation (NOV) dated August 11, 2004: a letter dated October 9, 2004, received by Ohio EPA on October 18, 2004; a letter dated October 27, 2004, received by Ohio EPA on October 29, 2004; an electronic mail dated December 12, 2007, received by Ohio EPA on December 12, 2007; and a fax dated December 18, 2007, received by Ohio EPA on December 18, 2007.

I want to apologize on behalf of Ohio EPA for the lapse of time between your response to Ohio EPA and this return to compliance (RTC) letter. The August 11, 2004, NOV was sent in response to a complaint investigation conducted by Mr. Timothy Killeen on August 5, 2004. However, Mr. Killeen left the agency and due to the amount of turnover at his former position, this RTC letter was never completed.

Amy Heller and I reviewed the waste analysis plan and current analytical information on December 12, 2007, when we visited the Fremont facility. My review of all the documentation submitted and the records kept at the Fremont facility reveals that All has adequately demonstrated abatement of the violations discovered during Timothy Killeen's August 5, 2004, inspection, and cited in Timothy's August 11, 2004, NOV.

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The following is a summary of the violations cited and the facility's compliance with respect to each violation:

1. **Ohio Administrative Code (OAC) Rule 3745-52-11, Waste Evaluation:** 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 by using the criteria for hazardous waste as set forth in Chapter 3745-51 of the Administrative Code.

All failed to evaluate the following waste streams to determine if they are a hazardous waste: coolant filters, cutting oil prior to reclamation, contaminated floor dry, spent parts washer solvents, spent fluorescent light bulbs, and sludge from the cutting oils.

All submitted an analytical report for the following waste streams that was received by Ohio EPA on October 18, 2004: parts washer solvent, Parko Lubrite, waste coolant, Oil Dry, coolant before reclamation, coolant filter, and sludge. These results show that the oil dry, coolant filter, and sludge could be hazardous wastes. The other waste streams appear to be non-hazardous wastes according to the sampling results.

All submitted the document titled *Atlas Industries, Inc., Waste Analysis Plan (WAP)* that was received by Ohio EPA on October 29, 2004.

On December 12, 2007, I visited the Fremont facility to review the updated WAP, most recent analytical information, and to discuss the current waste streams at the facility. The WAP and analytical results presented to me during the site visit were adequate and show that the oil dry, coolant filters, and sludge are non-hazardous wastes. Copies of these analytical reports were faxed to Ohio EPA on December 18, 2007.

During the site visit, Mr. Terry Morelock stated that the green tipped light bulbs are disposed of in the landfill. However, non green tipped bulbs are recycled at Environmental Recycling. Mr. Morelock stated that All would begin to manage the green tipped bulbs as universal waste along with the non green tipped bulbs. For additional information I gave Mr. Morelock the following fact sheets which I will also include in this letter for your information: Fluorescent Lamps: What You Should Know, January 2007;

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Universal Waste Rules for Handlers of Lamps, June 2005; and Computer, Fluorescent Lamp and Ballast Recyclers, April 2007.

With the December 18, 2007, information, this violation is considered abated.

- 2. OAC Rule 3745-279-22(C)(1), Container Labeling:** Containers and above ground tanks used to store used oil at your facility shall be labeled or marked clearly with the words "Used Oil."

At the time of the inspection, All failed to label the above ground storage tank of used oil in the storage area clearly with the words "Used Oil."

All submitted photographic documentation that was received on October 18, 2004, that showed the used oil tank was labeled "Waste Oil & Coolant." I explained to Mr. Morelock that this tank needed to be labeled "Used Oil." All submitted photographic documentation that was received on December 12, 2007, that showed the used oil tank was properly labeled.

With the December 12, 2007, information, this violation is considered abated.

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.

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>.

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Should you have any questions or if I can be of assistance, please contact me at (419) 373-3065.

Sincerely,

Kara Reynolds

Kara Reynolds
Environmental Specialist
Division of Hazardous Waste Management

/lb

Enclosures

cc: Colleen Weaver, DHWM, NWDO
Kara Reynolds, DHWM, NWDO
Cindy Lohrbach, DHWM, NWDO
~~DHWM, NWDO Sandusky County File: Atlas Industries Inc, Gibsonburg Plant~~
Terry Morelock, Atlas Industries, Inc., Fremont, Ohio

ec: Amy Heller, 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.