



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
www.epa.state.oh.us

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

Re: New Era Ohio, LLC
Williams County
OHR000130070
Hazardous Waste
Return to Compliance

February 12, 2009

Mr. Lloyd Beattie, Team Leader-General Machining
New Era Ohio, LLC
520 West Mulberry Street
Bryan, Ohio 43506

Dear Mr. Beattie:

Thank you for your January 20, 2009, response to Ohio EPA's December 18, 2008, Notice of Violation/Partial Return to Compliance letter. New Era Ohio, LLC (NEO) submitted information regarding the proper management and disposal of the spent solvent 9, contingency plan updates, photographic documentation for the spent fluorescent bulb storage containers, and universal waste training documentation. My review of this documentation reveals that NEO has adequately demonstrated abatement of all of the violations (numbers 2-11) discovered during the November 26, 2008, compliance evaluation inspection. Violation number one was previously returned to compliance in the December 18, 2008, Notice of Violation/Partial Return to Compliance letter.

The following is a summary of the violations cited in the December 18, 2008, Notice of Violation/Partial Return to Compliance letter and your compliance with respect to each:

- 2. ORC Section 3734.02 (E&F): Permitted Facilities for the Treatment, Storage, and Disposal of Hazardous Waste:** No Person shall treat, store, or dispose of hazardous waste without a hazardous waste facility permit.

NEO has been managing the spent solvent 9 as used oil and shipping it off-site using a non-hazardous waste manifest. Solvent 9 is used to clean the oil off of parts manufactured in department 6 - chuckers at the facility. The spent solvent does not meet the definition of used oil and therefore cannot be managed as one. As noted in violation #1(b), the spent solvent 9 is a hazardous waste (D008) due to a lead content of 48 ppm which is above the regulatory limit of 5.0 ppm. NEO is managing this waste stream as a used oil based upon the waste profile that was provided to them from Philip Services Corp. NEO has been shipping the spent solvent 9 to Petro Chem where it is burned for energy recovery. A review of the non-hazardous waste manifests documents that on two occasions the solvent 9 waste was stored on-site for greater than 90-days: 11/15/06-2/16/07 (93 days); and 6/15/07-10/1/07 (108 days).

NEO must immediately begin to properly manage the spent solvent 9 as a hazardous waste. NEO must submit to Ohio EPA a copy of the manifest, complete with land disposal restriction (LDR) form, for the next shipment of spent solvent 9 waste transported off-site for disposal, to verify compliance with this law.

Since NEO violated ORC Section 3734.02 (E&F), NEO is subject to all applicable general facility standards found in OAC chapters 3745-54 and 55. Additionally, at any time Ohio EPA may assert its right to have NEO begin facility-wide cleanup pursuant to the Corrective Action process under Ohio law.

On January 20, 2009, NEO submitted a copy of the one-time land disposal restriction form prepared for the solvent 9 waste stream along with the waste characterization form prepared by Philip Services Corporation. NEO shipped one drum of solvent 9 off-site for disposal on January 20, 2009. A copy of the manifest was faxed to Ohio EPA on January 20, 2009.

With this information, this violation is considered abated.

- 3. OAC Rule 3745-52-20: Manifest-general requirements:** A generator who transports, or offers for transportation, hazardous waste for off-site treatment, storage, or disposal must prepare a uniform hazardous waste manifest, U.S. EPA form 8700-22, before transporting the hazardous wastes off-site.

NEO shipped spent solvent 9, where analytical results for TCLP lead were 48 ppm, which is above the regulatory limit of 5.0 ppm, off-site without a manifest.

NEO must immediately begin to ship the spent solvent 9 hazardous waste off-site using a uniform hazardous waste manifest. To demonstrate a return to compliance, NEO shall submit to Ohio EPA, NWDO, a copy of the manifest, complete with LDR form, for the next shipment of spent solvent 9 hazardous waste transported off-site for disposal.

On January 20, 2009, NEO submitted a copy of the one-time land disposal restriction form prepared for the solvent 9 waste stream. NEO shipped one drum of solvent 9 off-site for disposal on January 20, 2009. A copy of the manifest was faxed to Ohio EPA on January 20, 2009.

With this information, this violation is considered abated.

- 4. OAC Rule 3745-65-52(D): Contingency Plan:** The contingency plan must list names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator.

NEO's contingency plan did not include the home addresses for the emergency coordinators listed in the plan.

To abate this violation, NEO must update the list of emergency coordinators to include home addresses and submit the corrected page to the Ohio EPA, NWDO, for review.

On January 20, 2009, NEO submitted a copy of the updated emergency coordinators page for the contingency plan. The new list included the names, addresses, and phone numbers (home and office) of the facility emergency coordinators.

With this information, this violation is considered abated.

5. **OAC Rule 3745-52-34(A)(2): Container Management:** A generator may accumulate hazardous waste on-site for ninety days or less without a permit provided that the waste is placed in containers that have 1) the date upon which each period of accumulation begins clearly marked and visible for inspection on each container and 2) are labeled or marked clearly with the words "Hazardous Waste" while being accumulated on-site.

NEO had one drum of spent aerosol cans in the hazardous waste drum storage area that did not have an accumulation start date.

At the time of the inspection, the drum was properly labeled with the accumulation start date.

Therefore, this violation is considered abated.

6. **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.

NEO had one drum of spent solvent 9 located in the department 6 - chuckers satellite accumulation area that was not labeled with the words "Hazardous Waste" or other identifying words.

To abate this violation, NEO must submit photographic documentation to show that the satellite container in the department 6 - chuckers area is now properly labeled with the words "Hazardous Waste".

On January 20, 2009, NEO submitted photographic documentation for the satellite container in the department 6 - chuckers area that is now properly labeled.

With this information, this violation is considered abated.

7. **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.

NEO had one satellite drum of solvent 9 in the department 6 - chuckers area that was open at the time of inspection.

At the time of the inspection, the satellite drum was properly closed.

Therefore, this violation is considered abated.

- 8. OAC Rule 3745-273-13(D)(1): Universal Waste: Fluorescent Lamp Management:** All lamps/bulbs being managed as a universal waste must be stored in packages that are structurally sound and adequate to prevent breakage. The packages/containers must be closed.

NEO did not store the spent fluorescent lamps in containers that were closed or structurally sound.

To abate this violation, NEO must submit to Ohio EPA, NWDO, a photograph documenting that the lamps have been put into proper containers or packages.

On January 20, 2009, NEO submitted photographic documentation for the spent fluorescent bulbs that are now properly stored in closed containers.

With this information, this violation is considered abated.

- 9. OAC Rule 3745-273-14(E): Universal Waste: Fluorescent Lamp Labeling:** All packages and containers holding spent fluorescent lamps/bulbs are to be labeled with the words "Universal Waste - Lamps", "Waste Lamps" or "Used Lamps".

NEO did not have their spent fluorescent bulbs properly labeled.

To abate this violation, NEO must submit to Ohio EPA, NWDO, a photograph documenting that the lamps or containers in which they are stored have been properly labeled with the words "Universal Waste - Lamps", "Waste Lamps" or "Used Lamps".

On January 20, 2009, NEO submitted photographic documentation for the spent fluorescent bulb storage containers that are now properly labeled with the words "universal waste lamps".

With this information, this violation is considered abated.

- 10. OAC Rule 3745-273-15(C): Accumulation Time for Universal Waste Batteries and Lamps:** A small quantity handler of 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.

NEO was not able to demonstrate the length of time the universal waste bulbs were accumulated. There were no dates on the spent fluorescent bulbs located in the warehouse storage area.

In order to correct this violation, NEO must place a date on each bulb, or on the container they are placed in, with the earliest date that a bulb is placed in the container. NEO must submit photographic documentation that this has been done.

On January 20, 2009, NEO submitted photographic documentation for the spent fluorescent bulb storage containers that are now properly dated with the accumulation start date.

With this information, this violation is considered abated.

- 11. OAC Rule 3745-273-16: Universal Waste Employee Training:** A small quantity handler of universal waste shall ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relative to their responsibilities during normal facility operations and emergencies.

NEO has not ensured that all employees are thoroughly familiar with proper waste handling and emergency procedures.

In order to correct this violation, NEO must describe, through a training outline, how it will thoroughly familiarize (train) its universal waste fluorescent bulb handlers in proper handling and emergency procedures. NEO must submit some form of documentation demonstrating that this training has been accomplished. The training must also include compliance with all rules for the handling of universal waste bulbs and the corrective actions for all violations of universal waste rules, cited above.

On January 20, 2009, NEO submitted a copy of the universal waste training plan that was presented to employees who manage universal waste activities at the facility. This training was given to seven employees on January 14, 2009.

With this information, this violation is considered abated.

Area of Concern:

- 1) The 2006 and 2007 annual hazardous waste reports NEO submitted to Ohio EPA were not correct. NEO must correct these reports by adding the spent solvent 9 waste stream, the waste codes associated with the waste, and the amounts generated for each year. NEO must contact MaryAnn Silagy at 614-644-2891 to obtain information on how to properly correct the 2006 and 2007 annual hazardous waste reports.

NEO spoke with MaryAnn Silagy on January 7, 2009, regarding the need to add the spent solvent 9 to the 2006 and 2007 annual hazardous waste reports. On January 20, 2009, NEO submitted a copy of the corrected 2006 and 2007 annual hazardous waste reports that were submitted to Ohio EPA.

Mr. Lloyd Beattie
February 12, 2009
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Should you have any questions or if I can be of assistance, please contact me at (419) 373-3066.

Sincerely,



Melissa L. Boyers
Division of Hazardous Waste Management

/csl

pc: Cindy Lohrbach, DHWM, NWDO
Colleen Weaver, DHWM, NWDO
John Schierberl, DHWM, CO
[DHWM, NWDO New Era Ohio LLC 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.