



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.
OHR 000 123 588
Sandusky County
DHW, NWDO
Complaint 2261
Return to Compliance**

December 26, 2007

Mr. Terry Morelock
Atlas Industries, Inc.
1750 East State Street
Fremont, Ohio 43420

Dear Mr. Morelock:

Thank you for sending the following correspondence in response to the Ohio Environmental Protection Agency's (Ohio EPA's) Notice of Violation (NOV) dated August 25, 2004: a letter dated October 6, 2004, received by Ohio EPA on October 12, 2004; a letter dated October 27, 2004, received by Ohio EPA on October 29, 2004; 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 25, 2004, NOV was sent in response to a complaint investigation conducted by Mr. Timothy Killeen on August 5, 2004. However, Mr. Killéen 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 facility. My review of all the documentation submitted and the records kept at the facility reveals that Atlas Industries, Inc. (AII) has adequately demonstrated abatement of the violations discovered during Timothy Killeen's August 5, 2004, inspection, and cited in Timothy's August 25, 2004, NOV.

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, coolant oil prior to reclamation, contaminated floor dry, spent coolant for disposal, 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 12, 2004: wash tank tool room, wash tank maintenance, oil sock, sludge, coolant filter, coolant prior to reclamation, waste coolant, and waste tank machine. These results show that the wash tank maintenance, sludge, and coolant filters 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 site 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 sludge and coolant filters are both non-hazardous wastes. A copy of these analytical reports were faxed to Ohio EPA on December 18, 2007. The spent solvent from the wash tank maintenance is in the continued use program at Safety-Kleen.

During the site visit, you stated that the green tipped light bulbs are disposed of in the landfill. However, non green tipped bulbs are recycled at Environmental Recycling. You stated that you would begin to manage the green tipped bulbs as universal waste along with the non green tipped bulbs. I gave you the following fact sheets for additional information: Fluorescent Lamps: What You Should Know, January 2007; 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 two above ground storage tanks of used oil in the storage area clearly with the words "Used Oil."

All submitted photographic documentation that was received on October 12, 2004, that the used oil containers were properly labeled.

Mr. Terry Morelock
December 27, 2007
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With this 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>.

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

cc: Colleen Weaver, DHWM, NWDO
Kara Reynolds, DHWM, NWDO
Cindy Lohrbach, DHWM, NWDO
~~DHWM, NWDO Sandusky County File: Atlas Industries~~

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.