



State of Ohio Environmental Protection Agency

Northwest District Office

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

Re: Whitaker Surface Systems
OHD 986 970 986
Wood County
PRTC

February 11, 2009

Mr. Scott Helmke
Whitaker Surface Systems
2707 Tracy Road
Northwood, Ohio 43619

Dear Mr. Helmke:

Thank you for your July 8, 2008, September 18, 2008, January 21, 2009, and your January 28, 2009, responses to Ohio EPA's July 17, 2008, Notice of Violation letter (NOV). My review of the documentation submitted reveals that Whitaker Surface Systems (Whitaker) has adequately demonstrated abatement of 12 of the 13 violations cited.

The following is a summary of the violations cited in the July 17, 2008, NOV and your compliance with respect to each:

**1. Unpermitted Storage, Treatment, and Disposal
Ohio Revised Code Section 3734.02 (E)&(F)**

ORC Section 3734.02 (E) states in part that, ". . . No person shall establish or operate a hazardous waste facility. . . without a hazardous waste installation and operation permit. . ."

ORC Section 3734.02 (F) states in part that, "No person shall store, treat, or dispose of hazardous waste identified or listed under this chapter and rules adopted under it, regardless of whether generated on or off the premises where the waste is stored, treated or disposed of . . . except at or to any of the following: (1) A hazardous waste facility operating under a permit in accordance with this chapter . . ."

Whitaker has improperly stored hazardous waste at their facility by storing a 30 yard roll-off container containing filter cake sludge (F006) over 180 days. Whitaker is allowed to accumulate the F006 filter cake on site greater than 90 days but not more than 180 days when it is sent off-site for legitimate metal recycling.

Waste Stream	Allowable Storage	Storage Start Date	Maximum Storage Date	Date Shipped Off Site	Days of Unlawful Storage
F006 (Filter Cake) (30 yd roll-off)	180 days	06/20/07	12/16/07	02/27/08	73

Whitaker must no longer store hazardous waste without a permit over the 180 day storage limit. Whitaker must submit documentation to me which outlines the procedures that will be implemented by Whitaker to ensure that unpermitted storage will no longer occur at your facility.

Since Whitaker violated ORC Section 3734.02 (E) and (F), Whitaker 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 Whitaker begin facility-wide cleanup pursuant to the Corrective Action process under Ohio law.

Please be advised that due to the nature of the violation Ohio EPA may require closure pursuant to OAC Rules 3745-55-11 through 3745-55-20 and OAC Rules 3745-55-42 through 3745-55-47 at this site.

Please note that Ohio EPA considers this violation to be serious in nature. Please be advised that Whitaker has been referred to our Central Office Enforcement Section for enforcement consideration.

2. Weekly Inspections, OAC Rule 3745-66-74

The owner or operator must inspect areas where containers are stored, at least weekly, looking for leaks and for deterioration caused by corrosion or other factors. Ohio EPA considers "weekly" to mean every seven days. The owner or operator must also record inspections in an inspection log.

Whitaker failed to inspect their container storage area (F006 roll-off box) every seven (7) days.

In order to abate this violation, Whitaker must submit four weeks of weekly inspections for the container storage area to my attention.

On September 18, 2008, Whitaker submitted four weeks of weekly inspections for the container storage area.

With this information, this violation is considered abated.

3. Management of Containers, OAC Rule 3745-52-34(A)(2)

As a LQG of hazardous waste, Whitaker is required to mark all containers storing hazardous waste with the date upon which each period of accumulation begins.

Whitaker failed to have the accumulation start date on the 30 yard roll-off container (F006) located outside in the container storage area.

On July 8, 2008, Whitaker submitted photo documentation showing that the accumulation start date has been placed on the 30 yard roll-off container (F006) located outside in the container storage area.

With this information, this violation is considered abated.

4. Management of Containers, OAC Rule 3745-52-34(A)(3)

As a LQG of hazardous waste, Whitaker is required to label all containers storing hazardous waste with the words "Hazardous Waste".

Whitaker failed to properly label the roll-off container containing F006 hazardous waste with the words "Hazardous Waste".

On July 8, 2008, Whitaker submitted photo documentation showing that the words "Hazardous Waste" has been placed on the 30 yard roll-off container (F006) located outside in the container storage area.

With this information, this violation is considered abated.

5. Management of Containers, OAC Rule 3745-66-73(A)

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

Whitaker failed to close the roll-off container containing F006 hazardous waste during storage.

In order to abate this violation, Whitaker must submit photo documentation showing the roll-off container containing F006 hazardous waste is closed during storage.

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On January 21, 2009, Whitaker submitted photo documentation showing the roll-off container containing F006 hazardous waste is closed during storage.

With this information, this violation is considered abated.

6. Management of Containers, OAC Rule 3745-66-71

If a container holding hazardous waste is not in good condition, or if it begins to leak, the owner or operator shall transfer the hazardous waste from such container to a container that is in good condition or manage the waste in another manner that complies with the requirements of Chapters 3745-64 to 3745-69 and 3745-248 of the Administrative Code.

During the inspection on June 26, 2008, Ohio EPA found the roll-off box containing F006 filter cake sludge leaking in the front. Whitaker immediately placed absorbent material around the water leaking from the roll-off box to contain the water. Whitaker was then given permission to weld the hole in the seal of the roll-off box shut.

On July 8, 2008, Whitaker submitted photo documentation of the roll-off box showing that the hole was repaired by welding it shut.

With this information, this violation is considered abated.

7. Contingency Plan, OAC Rule 3745-65-52(D)

Whitaker's contingency plan must contain a current list of names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator.

Whitaker's contingency plan failed to contain a current list of names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator.

In order to abate this violation, Whitaker must immediately update the contingency plan to contain a current list of names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator and submit a copy of the document revision to Ohio EPA.

On January 21, 2009, Whitaker submitted an updated contingency plan with a current list of emergency coordinators and contact information.

With this information, this violation is considered abated.

8. Contingency Plan, OAC Rule 3745-65-52(F)

Whitaker's contingency plan must contain an evacuation plan for facility personnel where there is a possibility that evacuation may be necessary. This plan shall describe signal(s) to be used to begin evacuation, evacuation routes, and alternate evacuation routes to be utilized in situations where the primary routes are blocked by releases of hazardous waste or hazardous waste constituents or fires.

Whitaker's contingency plan failed to contain an evacuation plan for facility personnel.

In order to abate this violation, Whitaker must prepare an evacuation plan that contains the above listed items and submit a copy of the document to Ohio EPA.

On January 21, 2009, Whitaker submitted an evacuation plan as part of the contingency plan.

With this information, this violation is considered abated.

9. Satellite Accumulation Area, OAC Rule 3745-52-34(C)(1)(b)

All satellite accumulation areas must mark their containers with the words "Hazardous Waste" or other words identifying the contents.

Whitaker failed to mark the F006 filter cake sludge satellite container with the words "Hazardous Waste" or other words identifying the contents.

In order to abate this violation, Whitaker must submit photo documentation showing the satellite container containing F006 filter cake sludge has been marked with the words "Hazardous Waste" or other words identifying the contents.

On January 21, 2009, Whitaker submitted photo documentation showing the satellite container containing F006 filter cake sludge has been marked with the words "Hazardous Waste".

With this information, this violation is considered abated.

10. Personnel Training, OAC Rule 3745-65-16(A)(2)

LQG of hazardous waste must have a training program which teaches facility personnel hazardous waste management procedures (including contingency plan implementation) relevant to their positions.

Whitaker failed to show that the personnel training program covered contingency plan implementation. Whitaker provided the actual test questions from the training but was unable to show the contents of what was covered during the training session. The test questions did not show that the contingency plan was covered during training.

In order to abate this violation, Whitaker must submit the power point presentation showing that the contingency plan was covered during the training, or, if the contingency plan was not covered, please revise the personnel training to include the contingency plan and submit a copy of the revision.

On January 21, 2009, Whitaker submitted a hazardous waste training outline which covers contingency plan implementation as part of the training program which teaches facility personnel hazardous waste management procedures.

With this information, this violation is considered abated.

11. Personnel Training, OAC Rule 3745-65(D)(1)

As a LQG of hazardous waste you must keep records and documentation of the job title of each position at the facility related to hazardous waste management, and the name of the employee filling each job.

Whitaker failed to provide Ohio EPA documentation of the job title of each position at your facility related to hazardous waste management and the name of the employee filling each job.

In order to abate this violation, Whitaker must submit the job title of each position at your facility related to hazardous waste management and the name of the employee filling each job.

On January 21, 2009, Whitaker submitted the job title of each position at the facility related to hazardous waste management, and the name of the employee filling each job.

With this information, this violation is considered abated.

12. Personnel Training, OAC Rule 3745-65(D)(2)

As a LQG of hazardous waste you must keep a written job description for each position listed under OAC Rule 3745-65(D)(1). This description may be consistent in its degree of specificity with descriptions for other similar positions in the same company location, but shall include the requisite skill, education, or other qualifications, and duties of facility personnel assigned to each position.

Whitaker failed to provide Ohio EPA with a written job description for each position listed under OAC Rule 3745-65(D)(1).

In order to abate this violation, Whitaker must submit the written job descriptions for each position to Ohio EPA.

On January 21, 2009, Whitaker submitted a written job description for each position listed under OAC Rule 3745-65(D)(1).

With this information, this violation is considered abated.

13. LDR Requirements, OAC Rule 3745-270-07(A)(2)

As a LQG of hazardous waste Whitaker must have a copy of the land disposal restriction (LDR) notification form on file for the filter cake sludge (F006).

Whitaker failed to provide Ohio EPA with a LDR notification form for the filter cake sludge (F006).

In order to abate this violation, Whitaker must submit a copy of the LDR notification form for the filter cake sludge (F006).

On January 28, 2009, Whitaker submitted a LDR notification form for the filter cake sludge (F006).

With this information, this violation is considered abated.

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Should you have any questions or if I can be of assistance, please contact me at (419) 373-3058.

Sincerely,



Amy Heller
Division of Hazardous Waste Management

/csf

pc: Colleen Weaver, DHWM, NWDO
Cindy Lohrbach, DHWM, NWDO
Kelly Smith, DHWM, CO
DHWM, NWDO File: Wood County, Whitaker Surface Systems?

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.