



**Environmental
Protection Agency**

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

Re: Fab Steel Company, Inc.
OHR000005652
Wood County
Hazardous Waste
Partial Return to Compliance

January 10, 2012

Mr. Jerry O'Blenis, VP of Operations
Fab Steel Company, Inc.
240 W. Andrus Road
Northwood, Ohio 43619

Dear Mr. O'Blenis:

Thank you for your November 17, 2011, November 21, 2011, and December 16, 2011, responses to Ohio EPA's November 1, 2011, Notice of Violation (NOV) letter. The documents you submitted included waste evaluation documentation, photographs, weekly inspection logs, and universal waste management plans. My review of the documentation submitted reveals that Fab Steel Company, Inc., (Fab Steel) has adequately demonstrated abatement of eleven of the thirteen violations cited in the November 1, 2011, NOV letter.

The following is a summary of the violations cited in the November 1, 2011, NOV as a result of my October 13, 2011, inspection and your compliance with respect to each:

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

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, Fab Steel did not have waste evaluation documentation for the spent paint booth filters. Fab Steel has historically disposed of this spent material as a non-hazardous/solid waste via Waste Management. Fab Steel must immediately cease disposing of the waste paint booth filters as non-hazardous waste until a proper waste evaluation has been completed.

On December 16, 2011, Fab Steel submitted a copy of the analytical results for the spent paint booth filters. The TCLP analytical results indicate that the spent paint booth filters are hazardous due to the presence of barium at 3100 parts per million (ppm), which is above the regulatory limit of 100 ppm. Fab Steel will need to manage this waste stream as a hazardous waste.

On December 16, 2011, Safety Kleen picked up one 55-gallon drum of spent paint booth filters and disposed of them as a hazardous waste (D005).

The Ohio EPA recommends that an updated waste evaluation be conducted on the spent paint booth filters any time Fab Steel makes a change in the painting process (i.e. new paint and/or thinner).

With this information, this violation has been abated.

2. 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.

Fab Steel had three 55-gallon drums of waste paint solvent (D001, D035, D005, D006, D007, D008, F003, F005) located in the outside hazardous waste storage shed that did not have accumulation start dates.

On November 17, 2011, Fab Steel submitted photographic documentation showing the accumulation start date on the containers of waste paint solvent.

With this information, this violation has been abated.

3. 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.

Fab Steel failed to have the required information posted next to the telephone located nearest to the outside hazardous waste storage shed.

On November 17, 2011, Fab Steel submitted photographic documentation showing the required information posted next to the telephone and posted on the door of the hazardous waste storage shed.

With this information, this violation has been abated.

4. 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.

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

To abate this violation, Fab Steel must immediately provide training to the painters and any other employees involved in the management of hazardous waste. A copy of the training outline must be submitted for review prior to conducting the training. The training must include compliance with all rules for the management of hazardous waste and the corrective actions for all violations of hazardous waste rules, cited in this letter. In addition, a copy of the sign-in sheets used to document employee attendance must be submitted once the training has been completed.

On November 17, 2011, Fab Steel reported that employees would be attending training on December 13, 2011. To date, Fab Steel has not submitted a copy of the sign-in sheets used to document employee attendance and a copy of the training outline.

This violation has not been abated and remains outstanding.

5. OAC Rule 3745-65-32(C), Required Equipment:

All facilities shall be equipped with portable fire extinguishers, fire control equipment, spill control equipment, and decontamination equipment.

Fab Steel does not maintain spill control equipment in the hazardous waste storage area. The required equipment should be located in an area closest to the outside hazardous waste storage shed.

On November 17, 2011, Fab Steel submitted photographic documentation showing the spill kit located next to the telephone and fire extinguisher all in the building next to the outside hazardous waste storage shed.

With this information, this violation has been abated.

6. 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.

Fab Steel 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, Fab Steel must submit a copy of an internal policy regarding the testing and maintenance of all emergency equipment and the frequency of the inspections. Fab Steel must submit a copy of a completed inspection log to verify compliance with this rule.

On November 17, 2011, Fab Steel reported that they have contracted with Safety Kleen to handle 24 hour spill containment as well as maintain the on-site spill equipment. Fab steel did not include a copy of an internal policy that outlines the frequency with which Safety Kleen will conduct the inspections and a copy of the log that will be maintained to document the inspections.

This violation has not been abated and remains outstanding.

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.

Fab Steel had an open funnel in one of the three 55-gallon drums located in the outside hazardous waste storage shed that the facility keeps locked.

On November 17, 2011, Fab Steel submitted photographic documentation showing the 55-gallon drum in the hazardous waste storage shed now properly closed.

With this information, this violation has been abated.

8. 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.

Fab Steel was not conducting weekly inspections of the outside hazardous waste storage area where the waste paint solvent (D001, D035, D005, D006, D007, D008, F003, F005) is stored.

On November 17, 2011, Fab Steel submitted five weeks of completed inspection logs for the hazardous waste storage area.

With this information, this violation has been abated.

9. 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.

Fab Steel did not store the spent fluorescent lamps in containers that were closed.

On November 17, 2011, Fab Steel submitted photographic documentation showing the spent fluorescent lamps now stored in containers that are properly closed.

With this information, this violation has been abated.

10. 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".

Fab Steel did not have the containers of spent fluorescent bulbs properly labeled.

On November 17, 2011, Fab Steel submitted photographic documentation showing the spent fluorescent lamps now stored in containers that are properly labeled "Waste Lamps".

With this information, this violation has been abated.

11. OAC Rule 3745-273-15(A): Accumulation Time for Universal Waste Batteries and Lamps:

A small quantity handler of universal waste may accumulate universal waste for no longer than one year from the date the universal waste is generated, or received from another handler.

Fab Steel was not able to demonstrate the length of time the universal waste bulbs were being accumulated on-site.

On November 21, 2011, Fab Steel submitted a copy of the bill of lading for the spent fluorescent lamps that were shipped off-site on November 21, 2011, to Environmental Recycling in Bowling Green, Ohio, where they will be recycled.

With this information, this violation has been abated.

12. 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.

Fab Steel was unable to demonstrate the length of time the universal waste bulbs in the storage room have been on-site. There were no dates on the spent fluorescent bulbs or storage containers.

On November 21, 2011, Fab Steel submitted a copy of the bill of lading for the spent fluorescent lamps that were shipped off-site on November 21, 2011, to Environmental Recycling in Bowling Green, Ohio, where they will be recycled. Fab Steel will begin dating the universal waste storage containers with the accumulation start date once the first bulb is placed in the new box.

With this information, this violation has been abated.

13. 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.

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

On November 17, 2011, Fab Steel stated that all employees that been instructed on where the universal waste lamp containers are located, how they are to be stored, and how to clean-up any accidental breakage of a lamp. Employees were also given copies of the universal waste lamp guidance documents provided by Ohio EPA.

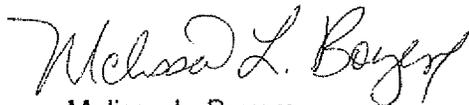
With this information, this violation has been abated.

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/>.

Please submit documentation demonstrating abatement of the above outstanding violations (numbers 4 and 6) to this office within **14 days** of receipt of this letter.

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 Materials and Waste Management

//lr

pc: Cindy Lohrbach, DMWM, NWDO
Colleen Weaver, DMWM, NWDO

ec: Colleen Weaver, DMWM, NWDO (scanned e-copy)
Melissa Boyers, DMWM, NWDO

Notice:

Ohio's 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.