

**Environmental
Protection Agency**

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

September 26, 2011

**WASHINGTON COUNTY
WATERFORD TANK FABRICATION
DMWM/SEDO
NON NOTIFIER**

Mr. Larry Lang and Mr. Matt Brook
Waterford Tank Fabrication
Box 392
Lowell, OH 45744

Dear Mr. Lang and Mr. Brook:

On September 15, 2011, I inspected Waterford Tank Fabrication's ("WTF") Beverly facility located at 203 State Route 83 to determine compliance with Ohio's hazardous waste laws as found in Chapter 3734. of the Ohio Revised Code and Chapter 3745. of the Ohio Administrative Code (OAC). This letter will explain the violations I found, what you need to do to correct the violations, other general concerns we have, and what you need to do to respond to our general concerns.

I found the following violations of Ohio's hazardous waste laws. In order to correct these violations, you must do the following and send me the required information **within 21 days** of the date of this letter:

- (1) **OAC Rule 3745-52-11, Hazardous Waste Determination:** Any person who generates a waste must evaluate it to determine if the waste is a hazardous waste in accordance with the criteria set forth in OAC Chapter 3745-51.

WTF failed to evaluate: a) spent paint thinner generated from painting operations occurring behind the round tank building. As determined by MSDS information observed during the inspection, spent paint thinner is an F003/F005/D035 hazardous waste; b) all paints applied to steel tank parts that have been painted on plastic tarps on the ground during the last five years of operation (since WTF has occupied this site); and c) spent sandblasting media located in piles on the ground in several areas of the plant property.

b) For evaluation of paint, as discussed with Mr. Brook on the telephone, please submit all MSDS information for every paint, coating, or paint thinner used in this painting operation during the past five years; and c) regarding spent sandblasting media, you must immediately containerize and evaluate all spent sand blasting media per this rule to determine if it is a listed or characteristic hazardous waste, and submit documentation of this evaluation to this office for review.

- (2) **Ohio Revised Code (ORC) § 3734.02(E) and (F), Establishing and Operating a Hazardous Waste Facility:** (E) No person shall establish or operate a hazardous waste facility without a hazardous waste facility installation and operation permit. (F) No person shall dispose of hazardous waste or transport or cause hazardous waste to be transported to any other premises except to or at a hazardous waste permitted facility.

WTF established and operated a hazardous waste disposal facility without a hazardous waste installation and operation permit, in violation of ORC § 3734.02(E) and (F), by spilling and disposing of hazardous waste paint thinner on the ground when it a) applied a mixture of paint and hazardous waste spent paint thinner (F003/5/D035) onto the ground as a result of overspray and/or spillage while painting steel tank parts on a tarp on the ground, and b) during sloppy handling of paint thinner both during and after cleanup of paint guns and lines. WTF caused hazardous waste to be illegally transported to a facility without a hazardous waste permit when c) an employee transported and disposed of hazardous waste spent paint thinner at residence by placing on his brush burning pile, and when d) WTF illegally disposed of hazardous waste spent paint thinner "strainings" by placing them on their scrap metal and allowing scrap metal to be transported to Polk Iron in Zanesville where it was disposed of.

In order to abate this violation, WTF must immediately cease illegal disposal and transportation of hazardous waste. WTF must cease all painting operations which occur outside of their paint booth. In addition, WTF must immediately move all spent paint thinner handling practices to the interior of the building, and begin to containerize all spent paint thinner that is not immediately reused in painting operations occurring in a paint booth. WTF must also immediately scrape all mud and contaminants from the concrete pad located at the rear of the round tank building, where sloppy handling of spent paint thinner occurred, and containerize all scrapings. This waste must then either be evaluated to determine if it is a F003/F005D035 listed hazardous waste, or disposed of as a hazardous waste in accordance with Ohio laws.

Because WTF has violated ORC §3734.02(E) and (F), WTF 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 WTF begin facility-wide cleanup pursuant to the Corrective Action process under Ohio law.

- (3) **OAC 3745-55-12, Closure Plan- Amendment of Plan:** The owner or operator of a hazardous waste facility must have a written closure plan.

Because WTF has created a hazardous waste disposal facility, WTF must close the painting area behind the round tank building where illegal disposal has occurred pursuant to OAC rules 3745-55-11 through 3745-55-20 and OAC rules 3745-55-42 through 3745-55-47.

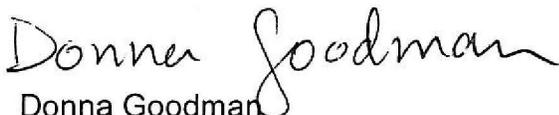
In order to abate this violation, please submit an approvable closure plan within 90 days of the date of this letter to the attention of Mr. John Rochotte, Ohio EPA, Division of Environmental Response and Revitalization, 2195 Front St., Logan, OH 43138. Once approved, the closure plan must be implemented.

GENERAL COMMENTS

- (a) Behind the round tank building, a burn barrel was observed with remains of burned trash. Also, an old plastic tarp coated with paint was abandoned on the ground. Please note that Ohio law prohibits the burning of solid waste and the disposal of solid waste on the ground. All solid waste must be disposed of at a licensed solid waste landfill.
- (b) WTF must immediately contact Ohio EPA's Division of Air Pollution Control at the Southeast District Office (740-385-8501) to ensure that the new paint booth as well as an older paint booth at the Larry Lang farm is in compliance with all applicable air pollution control regulations. Please document to me that this has been done.
- (c) Please note that due to the seriousness of violations cited above, escalated enforcement action may occur, including fines and/or penalties.

Enclosed, you will find a copy of the checklists that were completed during the September 15, 2010 inspection. Should you have any questions, feel free to contact me at (740) 380-5293. 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 also has helpful information about pollution prevention at the following web address: <http://www.epa.state.oh.us/opp>.

Sincerely,



Donna Goodman
Inspector
Division of Materials and Waste Management

DG/mlm

Enclosure

cc: John Rochotte, DERR/SEDO

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.

Send to Central Office <input checked="" type="checkbox"/>	Ohio Environmental Protection Agency RCRA SUBTITLE C SITE IDENTIFICATION/VERIFICATION FORM	For Ohio EPA use only
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Completed verification forms required to be submitted to CO should be e-mailed to brad.hauser@epa.state.oh.us.

Site EPA ID No.	EPA ID Number:	
Site Name	Name: Waterford Tank Fabrication	Website: (Optional)
Site Location Information	Street Address: 203 State Route 83	
Site Land Type (check only one)	City, Town, or Village: Beverly	State: OH
NAICS code(s) www.census.gov/epcd/www/naics.html	County Name: Washington	Zip Code: 45715
	Private <input checked="" type="checkbox"/> County <input type="checkbox"/> District <input type="checkbox"/> Federal <input type="checkbox"/> Indian <input type="checkbox"/> Municipal <input type="checkbox"/> State <input type="checkbox"/> Other <input type="checkbox"/>	
	332420	

Facility Representative	First Name: Matt	MI:	Last Name: Brook
Additional names can be recorded in number 12	Title: Part-owner		
Only provide address information if it is different than the site address	Phone Number: 740-525-7310		Phone Number Extension:
	E-Mail Address:		
	Fax Number:		Fax Number Extension:
	Street or P.O. Box:		
	City, Town or Village:		
	State:		Zip Code:

Legal Owner And Operator of the Site. List Additional Owners and/or Operators in the Comment Section or on another copy of this form page	Name of Site's Legal Owner:		Date Became Owner (mm/dd/yyyy):	
	Owner Type:	Private <input checked="" type="checkbox"/> County <input type="checkbox"/> District <input type="checkbox"/> Federal <input type="checkbox"/> Indian <input type="checkbox"/> Municipal <input type="checkbox"/> State <input type="checkbox"/> Other <input type="checkbox"/>		
	Street or P.O. Box:		Owner Phone #:	
	City, Town or Village:		Country:	Zip Code:
	State:		Date Became Operator (mm/dd/yyyy):	
	Name of Site's Operator:	Operator Type: Private <input type="checkbox"/> County <input type="checkbox"/> District <input type="checkbox"/> Federal <input type="checkbox"/> Indian <input type="checkbox"/> Municipal <input type="checkbox"/> State <input type="checkbox"/> Other <input type="checkbox"/>		
	Street or P.O. Box:		Operator Phone #:	
	City, Town or Village:		Country:	Zip Code:
	State:			

VIOLATIONS CITED?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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TYPE OF HANDLER - MARK "X" AS APPROPRIATE

<input type="checkbox"/> Not a HW Generator	<input type="checkbox"/> UNKNOWN: Cited for violation of 3745-52-11 <input type="checkbox"/> Short-Term/Temporary Generator (generates from a short-term or one-time event and not from on-going processes). Check the box for the applicable generator status and provide a comment.	<input type="checkbox"/> Large Quantity Generator (LQG) <input type="checkbox"/> Small Quantity Generator (SQG) <input checked="" type="checkbox"/> Conditionally Exempt Small Quantity Generator <input type="checkbox"/> U.S. Importer of Hazardous Waste <input type="checkbox"/> Mixed Waste (Hazardous and Radioactive) Generator
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TYPE OF REGULATED WASTE ACTIVITY (MARK "X" IN ALL OF THE APPROPRIATE BOXES)

<input type="checkbox"/> Hazardous Waste Transporter	<input type="checkbox"/> Exempt Boiler and/or Industrial Furnace
<input type="checkbox"/> Hazardous Waste Transfer Facility	<input type="checkbox"/> Small Quantity On-Site Burner Exemption
<input type="checkbox"/> Treater, Storer or Disposer of Hazardous Waste	<input type="checkbox"/> Smelting, Melting, Refining Furnace Exemption
<input type="checkbox"/> Recycler of Hazardous Waste	<input type="checkbox"/> Underground Injection Control Facility
<input type="checkbox"/> 72-Hour Recycler	<input type="checkbox"/> Receives Hazardous Waste from Off-site

UNIVERSAL WASTE ACTIVITIES (INDICATE TYPES OF UNIVERSAL WASTE MANAGED (CHECK ALL BOXES THAT APPLY))

<input type="checkbox"/> Small Quantity Handler of Universal Waste	<input type="checkbox"/> Destination Facility for Universal Waste
<input type="checkbox"/> Large Quantity Handler of Universal Waste (accumulates 5,000 kg. or more)	

CHECK ALL BOXES BELOW THAT APPLY FOR THE TYPES OF UNIVERSAL WASTE THE FACILITY MANAGES

Batteries
 Pesticides
 Mercury containing equipment
 Lamps

USED OIL ACTIVITIES (INDICATE TYPE(S) OF ACTIVITY(S))

Used Oil Generator
 Used Oil Transporter
 Used Oil Transfer Facility
 Used Oil Processor
 Used Oil Re-refiner
 Off-Specification Used Oil Burner
 Used Oil Fuel Marketer who directs shipment of Off-Spec Used Oil
 Used Oil Fuel Marketer who first claims the Used Oil meets the specifications

Eligible Academic Entities with Laboratories: Facility has previously notified that they are opting into managing laboratory hazardous waste pursuant to OAC rules 3745-52-200 through 3745-52-216. Check the box(es) below to indicate the laboratory type.

College or University
 Teaching hospital that is owned by or has a formal written affiliation agreement with a college or university
 Non-profit Institute that is owned by or has a formal written affiliation agreement with a college or university

Waste Codes for Federally Regulated Hazardous Wastes. Please list the codes for the federally regulated hazardous waste handled at the site. List them in the order they are presented in the regulations (e.g., D001, D003, F007, U112). Use an additional page or list them in the comments if more space is needed. If the waste codes are the same as listed in the most recent RCRAInfo source record, you do not need to list them. Instead just indicate the date of the most recent source record.

F003 F005 D035

COMMENTS: USE THIS AREA TO DESCRIBE WHETHER THE INSPECTION WAS ANNOUNCED, WHETHER THE WASTE IS STORED IN TANKS OR CONTAINERS, ETC.

Announced	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Additional Facility Representatives:	Dwayne Spires, Plant Manager
Tanks	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No		
Containers	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No		

Name of Inspector(s)	Name of Inspector(s)	Date of Inspection/Time (mm/dd/yyyy) (hh:mm)
Donna Goodman		09/15/11 1:00 PM

Comments:
Additional owner: Larry Lang, 1931 State Route 60, Beverly, OH 45715

PROCESS, WASTE, P2 SUMMARY SHEET

Facility Name: Waterford Tank Fabricating Facility Type: CESQG Date of Inspection: 9/15/11 EPA ID#: non notifier

Waste Generated		On- or Off-Site Management			P2 Activities	
Process/Activity Generating Waste (e.g. plating bath, machining, baghouse, painting, general maintenance, etc)	Waste Description (e.g. sludge, solvent, ash, used oil, spent lamps, etc.) and EPA Waste Code, if applic.	QTY Generated per Month, Type of Accumulation (container, tank, etc) and location of waste accumulation area	Type of On-Site Treatment (recycle, wwt, etc)	Name, state, and type of activity occurring at the off-site facility.	Current P2 Activities	P2 Opportunities
1	Painting occurring on tarps on ground behind building where round tanks are manufactured	F003/5 D035 Spent paint thinner from cleaning of paint guns and lines.	Approx. 20 gallons per mo. are either taken home by employee and used to burn brush; or are strained and re-used by adding to primer prior to spraying paint on parts. Strainings are poured onto scrap steel which is sent offsite for recycling	Some spent paint thinner taken offsite by employee to his home. Some strained paint thinner that is disposed of on scrap steel is sent to Polk Iron, Zanesville, OH.	Some spent paint thinner is strained and reused as a thinner for primer used to coat steel parts.	
2	Painting occurring in new paint booth in new building	F003/5 D035	Volume generated not yet established. Use of new paint booth has just started. Current			
3	Painting in new paint booth	Paint booth filters. Not yet generated	Volume not yet established.			
4	Sand blasting	Spent black beauty	Volume unknown. Unevaluated	Disposed of on ground		
				Polk Steel,		

5	Steel cutting	Scrap steel	varies		Zanesville		
6							
7							
8							
9							

REMARKS **GENERAL INFORMATION**

General Process Information:

Company shears, bends and welds steel into large oil tanks used for fracking wells. Tanks are painted to customer specs prior to shipping offsite. For past five years, painting of parts has occurred on plastic tarps on the ground behind one of the buildings. Paint overspray is evident on the ground as soils are painted. Sloppy management of spent paint thinner, which is accumulated in open five gallon containers on small concrete pad outside the building, appears to have resulted in the release of spent paint thinner to soils. A paint booth has recently been installed and is beginning to be used. Tanks are sandblasted prior to painting. Sand blast media is disposed of on the ground.

Regulatory/Enforcement History (if applicable):

NA

Additional P2 remarks and information:

Paint thinner should be recycled and/or and reused in accordance with Ohio laws.

Would this facility be interested in a P2 assessment? Yes* No *If yes, refer promptly to your district P2 coordinator.

Office of Compliance Assistance and Pollution Prevention - 1-800-329-7518 or p2mail@epa.state.oh.us or www.epa.state.oh.us/ocapp/ocapp.html

Other:

**CONDITIONALLY EXEMPT SMALL QUANTITY GENERATOR REQUIREMENTS
COMPLETE AND ATTACH A PROCESS, WASTE, P2 SUMMARY SHEET**

CESQG: ≤100Kg. (Approximately 25-30 gallons) of waste in a calendar month or < 1 Kg. of acutely hazardous waste.
 SQG: Between 100 and 1,000 Kg. (About 25 to under 300 gallons) of waste in a calendar month.
 LQG: ≥ 1,000 Kg. (~300 gallons) of waste in a calendar month or ≥1 Kg. of acutely hazardous waste in a calendar month.
 NOTE: To convert from gallons to pounds: Amount in gallons x Specific Gravity x 8.345 = Amounts in pounds.

Safety Equipment Used:

WASTE EVALUATION

1.	Have all wastes generated at the facility been adequately evaluated? [3745-52-11]	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
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GENERATOR CLASSIFICATION

2.	Does the generator produce <100 kg. of hazardous waste per month? [conditionally exempt small quantity generator ("CESQG")]	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
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NOTE: If quantities of hazardous waste accumulated on-site at any one time exceed 1,000 Kg. - or the generator produces between 100 and 1,000 Kg. of hazardous waste per month, it is operating as a Small Quantity Generator ("SQG"). If so, complete the Small Quantity Generator Requirements checklist.

OFF-SITE SHIPMENT OF HAZARDOUS WASTE

3.	Does the CESQG ensure delivery of hazardous waste(s) to an off-site permitted TSD? [3734.02(F)]	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
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TREATMENT OF HAZARDOUS WASTE

4.	Does the generator treat hazardous waste in a:	
	a. Container that meets 3745-66-70 to 3745-66-77?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
	b. Tank that meets 3745-66-90 to 3745-66-101 except 3745-66-97(C)?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
	c. Drip pads that meet 3745-69-40 to 3745-69-45?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
	d. Containment building that meets 3745-256-100 to 3745-256-102?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>

NOTE: Complete appropriate checklist for each unit.

NOTE: If the CESQG conducts treatment they are subject to the LQG requirements.

NOTE: If waste is treated to meet LDRs, use LDR checklist.

MIX HAZARDOUS WASTE WITH USED OIL

5.	Does the CESQG mix its hazardous waste with used oil for the purpose of burning for energy recovery? [3745-51-05(J)] If so:	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
	a. Does the CESQG manage the mixture in accordance with 3745-279-21?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>