



**Environmental
Protection Agency**

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

March 29, 2012

**WASHINGTON COUNTY
SPECIALTY FABRICATIONS
DMWM/SEDO
NON NOTIFIER**

Mr. Gary Lang
Specialty Fabrications
19371 State Route 60
Beverly, Ohio 45715

Dear Mr. Lang:

Thank you for Specialty Fabrication's ("SF") March 21, 2012 response to Ohio EPA's January 6, 2012 Notice of Violation (NOV) letter. Information submitted included the results of sampling conducted in areas where painting occurred on the ground and where disposal of paint/solvents occurred into a storm sewer and a concrete trench inside the building. In addition, the contents of several drums were evaluated. Based on information provided to Ohio EPA thus far, SF has now abated the following violation cited as a result of the December 23, 2012 complaint investigation:

Hazardous waste determination, OAC rule 3745-52-11

However, based on field observations and analytical results which were submitted, SF is in violation of the following law:

- 1. 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.

SF 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 disposing of hazardous waste solvents in a concrete trench in the floor of the building, disposing of paint on the ground outside from overspray which occurred during painting operations, and disposing of solvent/paint waste in a storm sewer leading to the banks of the Ohio River.

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Based on analytical results submitted for the concrete waste which was chipped and scraped from the interior concrete trench, and which is currently store onsite, this waste must be disposed of as a D004/D006/D007/D008/F003 hazardous waste to a permitted hazardous waste facility. This is due to the high levels of arsenic, cadmium, chromium and lead in this waste. Please submit documentation in form of a manifest or shipping papers that this has been done.

Ohio EPA is considering taking enforcement action for this and other previously cited violations. More information on this, as well as other actions that you can take to abate this violation will be forthcoming. Please note that additional violations may also be cited. Because SF has violated ORC §3734.02(E) and (F), SF 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 SF begin facility-wide cleanup pursuant to the Corrective Action process under Ohio law.

Although no further action is being required by Ohio EPA at this time regarding the hazardous waste disposal areas, be advised that due to the nature of the violation Ohio EPA may require closure pursuant to OAC rules 3745-55-11 through 3745-55-22 and OAC rules 3745-55-42 through 3745-55-47 at this site.

GENERAL COMMENTS

Regarding the three drums stored outside the building, as discussed during my February 16, 2012 site visit, SF should have taken immediate steps to either re-use or recycle the two partially full drums of hydraulic oil mixed with water to a reputable recycler. The Aqua clear Air Foam product that was identified by labeling and field observations in the third drum should either be used for its intended purpose or disposed of in accordance with MSDS information for that product. Please submit information which documents how the contents of these three drums were managed.

SF must immediately take the necessary measures to return to compliance with Ohio's environmental laws. Within 14 days of the date of this letter, SF is requested to provide documentation to this office including the steps taken to abate the violations cited above. Documentation of steps taken to return to compliance includes written correspondence, updated policies, and photographs, as appropriate, and may be submitted via the postal service or electronically to donna.goodman@epa.state.oh.us. Please be advised that violations cited above will continue until the violations have been properly abated. Failure to comply with Chapter 3734. of the Ohio Revised Code and rules promulgated thereunder may result in a civil penalty of up to \$10,000 per day for each violation. It is imperative that you return to compliance.

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If you have any questions, please contact me by telephone at (740) 380-5293 or by e-mail at donna.goodman@epa.state.oh.us.

Sincerely,

Donna Goodman

Donna Goodman
Inspector
Division of Materials and Waste Management

DG/sb

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.