

**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
Notice of Violation
Partial Return to Compliance

April 23, 2012

Mr. Jerry O'Brien
Vice President of Operations
Fab Steel Company, Inc.
240 West Andrus Road
Northwood, Ohio 43619

Dear Mr. O'Brien:

Thank you for your January 24, 2012, February 6, 2012, March 5, 2012, and March 16, 2012, responses to Ohio EPA's January 10, 2012, Partial Return to Compliance letter. The violations cited were discovered during my October 13, 2011, inspection. The documents you have submitted to date include: emergency equipment inspection information, annual refresher training documentation, waste evaluation documentation, photographs, weekly inspection logs, and universal waste management plans.

The analytical results, submitted on December 16, 2011, in response to the waste evaluation violation (#1), 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.

Based upon the analytical results for the spent paint booth filters, Ohio EPA has determined that as of December 16, 2011, Fab Steel is in violation of the following additional Ohio hazardous waste law:

14. ORC Section 3734.02 (F): Unlawful Transportation:

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, or transport or cause to be transported any hazardous waste identified or listed under this chapter and rules adopted under it to any other premises, except at or to any of the following: (1) A hazardous waste facility operating under a permit issued in accordance with this chapter; (2) A facility in another state operating under a license or permit issued in accordance with the "Resource Conservation and Recovery Act of 1976" 90 Stat. 2806, 42 U.S.C.A. 6921, as amended.

Fab Steel unlawfully transported characteristic hazardous waste to other than a permitted hazardous waste facility. Fab Steel has historically disposed of these spent paint booth filters as a non-hazardous/solid waste via Waste Management who took them to Evergreen Landfill for disposal. A solid waste landfill such as Evergreen is not permitted to accept hazardous waste for treatment, storage, or disposal. Fab Steel submitted a copy of the receipts for the paint booth filters purchased from 2009 until present. Fab Steel has always managed the spent paint booth filters as non-hazardous. Based upon the number of new filters purchased, it appears that Fab Steel disposed of twelve (12) spent paint booth filters as non-hazardous between October 2009 and November 2011.

Fab Steel has ceased disposing of the spent paint booth filters at a solid waste landfill. 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 following is a summary of the violations discovered during my October 13, 2011, inspection and cited in the November 1, 2011, Notice of Violation letter 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 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).

This violation was previously abated on December 16, 2011.

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.

This violation was previously abated on November 17, 2011.

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.

This violation was previously abated on November 17, 2011.

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.

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.

On March 16, 2012, Fab Steel submitted a copy of the sign-in sheet for the employees who received hazardous waste training. In addition, Fab Steel submitted on March 5, 2012, a copy of the certificate of course completion for the train-the-trainer course you completed on-line.

With this information, this violation has been abated.

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.

This violation was previously abated on November 17, 2011.

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.

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.

On February 6, 2012, Fab steel submitted a copy of the form that will be used to conduct inspections of the emergency equipment. Fab Steel will inspect the seal of the spill containment container and the emergency contact information posted on a monthly basis. The contents of the spill control equipment will be inspected and the tamper proof seals replaced on a yearly basis.

With this information, this violation has been abated.

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.

This violation was previously abated on November 17, 2011.

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.

This violation was previously abated on November 17, 2011.

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.

This violation was previously abated on November 17, 2011.

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".

This violation was previously abated on November 17, 2011.

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.

This violation was previously abated on November 21, 2011.

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.

This violation was previously abated on November 21, 2011.

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.

This violation was previously abated on November 17, 2011.

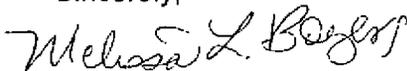
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Ohio EPA has helpful information about compliance assistance and pollution prevention at the following web address: <http://www.epa.ohio.gov/ocapp>.

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>.

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

/cg

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

ec: Colleen Weaver, DMWM, NWDO (scanned e-copy)
Melissa Boyers, DMWM, NWDO
Mike Reiser, DMWM, NWDO
Brent Goetz, 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.