



State of Ohio Environmental Protection Agency

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January 11, 2007

Ms. Allison Knowles  
Von Roll America, Inc.  
1250 St. George Street  
East Liverpool, OH 43920

**RE: VON ROLL AMERICA, INC., COLUMBIANA COUNTY, OHD 980 613 541  
HWFB NO. 02-15-0589, RCRA LQG/TSD INSPECTION, COMPLIANCE  
EVALUATION INSPECTION, RETURN TO COMPLIANCE**

Dear Ms. Knowles:

On September 26, 2006, the Ohio Environmental Protection Agency (EPA) conducted a semi-annual compliance evaluation inspection (CEI) of the Von Roll America (VRA), Inc. facility in East Liverpool, Ohio. We inspected VRA to determine compliance with Ohio's hazardous waste laws as found in Chapter 3734. of the Ohio Revised Code (ORC) and Chapter 3745. of the Ohio Administrative Code (OAC). Ohio EPA's inspection included observation of facility operations during a walk through inspection and a review of written documentation of the facility's operating record, e.g., incident reports, training program, inspection records, manifests for waste received and waste transported off-site.

During the CEI, Ohio EPA observed three violations of Ohio's hazardous waste laws. One violation was abated prior to the completion of the inspection. All violations were communicated with VRA in a notice of violation (NOV) dated November 8, 2006. In addition, the Ohio EPA noted several concerns during the inspection. These were also included in the November 8, 2006 letter.

VRA responded to the NOV in a letter dated December 7, 2006. The following includes excerpts of the violations and concerns cited and excerpts of VRA's response. In a few cases, more information is required. Please submit within thirty (30) days of the date of this letter.

**VIOLATIONS:**

1. **OAC rule 3745-54-33, Emergency Equipment.** The Permittee must inspect, test, and maintain emergency equipment to assure its proper operation in time of emergency.

Inspection of emergency equipment per location according to Section G, Contingency Plan, of the Part B permit application revealed equipment missing from designated locations. In many instances, VRA replaced the equipment immediately; in a few situations, the supplies were received the next day from off-site. **This violation was abated prior to the completion of the CEI.**

In the NOV, Ohio EPA requested VRA develop and submit a log or tracking sheet for each location to include a complete list of equipment as described in the facility's contingency plan. This log would track the removal and/or replacement of emergency equipment and ensure all emergency equipment is maintained in the locations indicated and in the quantities listed. The log would also provide information, during an emergency, regarding the missing emergency equipment. VRA chose to revise their inspection form and use this for tracking the emergency equipment.

VRA submitted the permit modification on October 10, 2006 revising the location of emergency equipment on site. The modification was acknowledged on November 17, 2006.

2. **OAC rule 3745-50-58(A), Duty to Comply.** The Permittee must comply with all conditions of this permit....

Permit Condition B-1a, Waste Reception, in Section B, Facility Description requires waste shipments to the facility be scheduled between the hours of 7:00 am and 7:00 pm and accepted through the front gate from 6:00 am to 8 pm. Inspection of the delivery log revealed three trucks were received by the facility through the front gate after 9:00 p.m. on July 19, 2006 with no approval from, or notification to, the Ohio EPA.

Upon investigation, VRA discovered that personnel working that evening were under the false understanding that shipments from the Heritage Transportation Services 10-day facility could be received through the gates outside the permitted receiving times, i.e., after 8 pm.

In order to return to compliance, VRA retrained necessary personnel through one-on-one communication, e-mail, and on-the-job training. Documentation of the e-mail was provided in VRA's December 7, 2006 letter. **This violation is considered abated.**

3. **OAC rule 3745-50-58(A), Duty to Comply.** The Permittee must comply with all conditions of this permit....

Permit Condition C-2a(1), Pre-Acceptance Analyses, in Section C, Waste Characteristic and Waste Analysis Plan, in the Part B permit application, states: "Pre-acceptance analyses are analyzed during the review phase of the waste stream acceptance process. These analyses will be obtained before a waste is, at a minimum, treated at the facility..."

Ohio EPA on-site inspectors observed VRA accepting conditionally approved waste streams without completely fulfilling the conditions of approval. In one case, VRA received a conditionally approved waste stream and incinerated the waste prior to conducting the pre-acceptance analysis of the sample.

VRA discovered problems with meeting the conditions of the profile approval were typically linked to the facility's data entry procedures. In order to prevent future occurrences, VRA made changes to their data management system and to standard operating procedure, CSSOP-011, which addresses conditionally approved waste streams. The revised SOP was included in VRA's December 7, 2006 letter. **This violation is abated.**

## General Comments and Concerns

During the inspection, several items/issues were noted that could become potential violations in the future. Listed below are excerpts of the comments/concerns listed in the Ohio EPA November 8, 2006 letter, excerpts of VRA's response as found in the December 7, 2006 letter, and Ohio EPA's response.

1. **OAC rule 3745-52-11, Waste Evaluation.** Any person who generates a waste must evaluate the waste to determine if the waste is a hazardous waste in accordance with the criteria set forth in OAC Chapter 3745-51.

During the CEI walk through inspection of the Maintenance Building, two aerosol cans of flammable material were observed in a solid waste trash container. VRA contends this incident was a mistake on the part of a VRA employee as the facility routinely covers waste generation/characterization/disposal with employees at the least, annually.

In response to this concern, VRA circulated an e-mail describing the incident and reminding all employees that it is everyone's responsibility to ensure waste is properly managed. The e-mail also included information regarding disposal of personal protective equipment, batteries and lamps, and CRTs. **There is no further action required.**

**Ohio EPA will continue to monitor the facility's waste management practices during routine compliance inspections and semi-annual CEIs.**

2. **OAC rule 3745-54-15(D), General Inspection Requirements.** The owner or operator must record inspections in an inspection log or summary... At a minimum, these records must include the date and time of the inspection, the name of the inspector, a notation of the observations made...

During the review of the inspection records, it was noted that several forms were not fully completed, i.e., notations to signify the completion of the inspection were not included. For example, regarding the fire extinguishers, the equipment had been inspected and the tags on the extinguishers had been dated, but the inspector had failed to note the inspection on the form.

VRA attributes this incident to human error on the part of a VRA employee as the facility covers the necessity to accurately complete inspection forms with employees on a regular basis, at the least, annually. In response to this concern, VRA circulated an e-mail describing the incident and reminding all employees of the importance of completing inspection forms fully. **There is no further action required.**

**Ohio EPA will continue to monitor the facility's waste management practices during routine compliance inspections and semi-annual CEIs.**

3. **OAC rule 3745-50-85(L)(1) Planned Changes.** The Permittee must give notice to the director as soon as possible of any planned physical alterations or additions to the permitted facility.

During the inspection of the laboratory, it was noted an instrument listed in Section C, Waste Characteristic and Waste Analysis Plan (WAP), of the Part B permit application had been changed. VRA did not submit a modification at the time to revise the WAP in order to reflect this change.

In the November 8, 2006 NOV, Ohio EPA requested VRA submit a permit modification to revise Section C, Waste Characteristic and Waste Analysis Plan (WAP), of the Part B permit application, specifically page C-185. VRA submitted the permit modification notification in a letter dated December 7, 2006. **There is no further action required.**

4. **Dewatering Roll-Off Containers of Slag.**

According to a permit modification approved August 24, 2006, VRA is permitted to dewater containers of hazardous-waste in designated locations in accordance with hazardous waste rules, the permit, and facility standard operating procedures (SOPs). During the walk through inspection for the CEI, Ohio EPA inspectors observed end-dump trailers containing treatment residue (slag) being dewatered outside the designated location in the 90 Day North storage area. During the CEI exit interview, VRA agreed to cease using 90 Day North storage area for dewatering until all issues related to that area have been resolved. Dewatering has not been observed in the 90 Day North storage area since the CEI.

Ohio EPA has observed dewatering activities in other locations and, in each case, the containers have been processed in accordance with the permit. **There is no further action required at this time.**

5. **Demisters in Brass Alley.**

During the walk-through inspection of the CEI, Ohio EPA observed demister chevrons from the Four Stage Wet Scrubber (scrubber) being stored in an area of the facility called Brass Alley. A few of the demisters were observed to have a thin film of caked material and dust on them. Upon movement of one of the demisters, some of the caked material spalled off onto the ground (asphalt).

VRA reported that these demisters were decontaminated upon removal from the scrubber and they were being saved for reuse when necessary. Consequently, VRA did not consider the demisters a waste.

The demisters were removed from Brass Alley and the material that had spalled off was cleaned up on October 9, 2006, according to VRA's December 7, 2006 letter. The cleaned-up material was placed in a satellite accumulation drum and eventually incinerated. Inspection of the demisters revealed damage and they were disposed of through the facility's Bulk Solid Waste Storage Tanks (pits).

According to VRA's December 7, 2006 letter, the SOP for the decontamination of the demisters was reviewed and found it to be adequate. The facility contends time and weather were responsible for the material spalling off the demisters. **There is no further action required.**

6. **Scheduling.**

VRA conducted an outage in July 2006 for general maintenance and repair of the incineration system and ancillary equipment. After the outage, VRA had several instances when waste (typically containerized waste) was accepted through the front gate but could not be unloaded immediately. As a result, Ohio EPA granted extensions for staging the waste in order for VRA to remain in compliance with their permit.

According to VRA's December 7, 2006 letter, the facility implemented a two part plan to eliminate waste staging problems associated with an outage. The plan is directed at scheduling/customer service procedures and operating procedures. A description of the proposed changes was included in the December 7, 2006 letter. **There is no further action required.**

**Ohio EPA will monitor the success of the plan during the next annual outage.**

7. **Auditing Lab Packs.**

According to Section C, Waste Characteristics and Waste Analysis Plan, the contents of lab pack waste shall be audited (depack and verify inner containers against the packing inventory sheet) prior to incineration. Ohio EPA inspectors observed several lab packs that were received and put into storage prior to auditing. There were also instances when the lab packs were in storage for several months before being audited. Although neither the permit nor permit application contain specific language describing a time limit between receipt and auditing of lab packs, Ohio EPA found this practice unacceptable and requested VRA propose a time limit.

In response to this concern, VRA modified the Lab Pack auditing SOP (FS-2000-300) to require all lab packs be audited within fourteen (14) days of receipt. VRA also included the requirement that all lab packs be audited prior to being placed in storage. If either one of these requirements can not be met, the SOP requires the Environmental, Health and Safety (EHS) department be notified. VRA provided a copy of the SOP for Ohio EPA review.

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After reviewing the SOP, Ohio EPA is requesting additional information. Please explain how the new conditions of the SOP have been implemented. For example, how is the timing of the lab packs tracked and who is responsible for notifying the EHS if the fourteen days is exceeded? How does VRA ensure that lab packs are not placed into storage prior to auditing? **Please provide the requested information within thirty (30) days of the date of this letter.**

If you have any questions, please do not hesitate to contact me at the Ohio EPA field office in East Liverpool at (330) 385-8447 or the Northeast District Office at (330) 963-1279. Or you may contact my supervisor, Frank Popotnik, at (330) 963-1198. 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,



*for* Patricia M. Natali  
Environmental Specialist  
Division of Hazardous Waste Management

PMN:ddw

Enclosure

cc: Frank Popotnik, DHWM, NEDO  
Michelle Tarka, DHWM, NEDO  
Tammy McConnell, DHWM, CO  
Harry Sarvis, DHWM, CO  
Will Damico, USEPA, Region V  
Natalie Oryshkewych, DHWM, NEDO

Keywords: CEI, fall 2006, RTC

**NOTICE:**

Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve VRA from the responsibility of complying with all applicable hazardous waste regulations. This letter does not relieve VRA from liability for any past or present violations of the state's hazardous waste laws.