

Northwest District Office

347 North Dunbridge Road
Bowling Green, OH 43402-9398

TELE: (419) 352-8461 FAX: (419) 352-8468
www.epa.state.oh.us

Bob Taft, Governor
Bruce Johnson, Lieutenant Governor
Joseph P. Koncelik, Director

Re: Fabcor Inc.
OHD 987057106
Auglaize County
Hazardous Waste
Partial Return to Compliance

January 5, 2007

CERTIFIED MAIL

Mr. Jon Hoying, Vice President
Fabcor Inc.
P.O. Box 58
350 South Ohio Street
Minster, Ohio 45865

Dear Mr. Hoying:

I received your responses to my February 7, 2006, inspection and February 17, 2006, Notice of Violation letter (NOV) on February 8, February 14 and March 15, 2006. Your responses included: photos of waste paint and cleaning solvent in closed containers, a photo of a container labeled "Used Oil", Product Safety Data Sheets and laboratory analysis reports for GE lamps, a list of painters, a training outline and a draft container inspection record. Based on your responses, I have made the following conclusions (violations are numbered the same as the NOV):

**1. Waste Evaluation
OAC Rule 3745-52-11**

Fabcor Inc. (FI) failed to adequately evaluate all of its waste properly, according to this rule. Therefore, FI was required to do the following:

- A. Acknowledge that the waste paint and cleaning solvent is, at least, the listed hazardous waste F003 & F005. **In your March 10, 2006, response you state "From our data thus far we have identified the following hazardous waste codes: F003, F005, D001 & D002." Please explain what waste has the waste code D002 and why.**
- B. Obtain a representative sample of the wastes at the facility, according to OAC 3745-51-20. You must evaluate all samples, through laboratory analysis, for all appropriate characteristics, including RCRA metals, MEK (methyl ethyl ketone) and benzene, and submit the results of the laboratory analysis to Ohio EPA. FI will need to give Ohio EPA a five day advance notice of sampling activities, in order for an inspector to make arrangements to view the sampling.

Before sampling, you must submit a sampling and analysis plan, for my approval, which explains, in writing, how you will obtain a representative sample of each type of waste (including the number of samples), the sampling equipment to be used (collectors and sample containers), who will collect it, who will analyze it and how it will be analyzed (constituents and method numbers). Please refer to the following guidance document for help with writing your waste sampling and analysis plan: RCRA Waste Sampling Draft Technical Guidance. It can be found at:
<http://www.epa.gov/epaoswer/hazwaste/test/pdfs/rwsdtg.pdf>

The complete analytical results from implementation of the approved sampling and analysis plan must be submitted to me as soon as they are available. Your results must document if the waste has other characteristics of hazardous waste and what it is restricted from land disposal for. Since the waste is at least the hazardous waste F003 & F005, you must explain what treatment, storage or disposal facility you will send it to.

Please submit, with your laboratory data, a brief narrative of each sampling event which includes: process generating the waste, point in the process the sample was obtained, sampling techniques used to obtain the sample and a description of how this sample was determined to be a representative sample of the waste tested.

FI has not submitted a sampling and analysis plan, has not scheduled sampling activities with Ohio EPA, has not obtained a representative sample of its hazardous waste nor submitted such sample to a laboratory for analysis, has not submitted a report of the analytical results to Ohio EPA, has not stated if the waste has other characteristics of hazardous waste, has not stated if the waste has any land disposal restriction Underlying Hazardous Constituents (UHCs), and has not explained what hazardous waste treatment, storage or disposal facility the waste has been (will be) sent to.

- C. Evaluate all types of spent bulbs from your facility. You and Mr. Eilerman reported that FI crushes spent bulbs to reduce their volume and these crushed bulbs are stored in an open drum. You and Mr. Eilerman explained that fluorescent bulbs are used in the office areas and other types are used in the plant. Please list the types and makers of all bulbs used in your facility. You may be able to evaluate your spent bulbs by obtaining laboratory analytical data from the bulb manufacturer. If you are able to obtain this information, you must submit it to Ohio EPA.

Mr. Jon Hoying
January 5, 2007
Page 3

If this type of information is not available then FI must obtain a representative sample of the waste and evaluate it through laboratory analysis. In this event, follow all the steps in section B above. If the bulbs are a hazardous waste I will notify you of other violations in a separate letter.

I have reviewed all the information you submitted regarding the various types of lamps used at FI, including fluorescent lamps, metal halide lamps and tungsten halogen lamps. Ohio EPA has determined that you must either:

- i. Obtain a representative sample of each category and type of lamp (including all components of the lamp) from each manufacturer and have each representative sample analyzed for all applicable TCLP characteristics. If the lamp possess a characteristic of hazardous waste, cease crushing the lamp immediately, since your crushing activity would constitute unpermitted hazardous waste treatment.**

- ii. Manage the spent lamps as a Universal Waste (through recycling). Please be aware that incandescent, fluorescent, metal halide, neon, high-intensity discharge, high-pressure sodium and mercury-vapor lamps could be hazardous waste when discarded. Fluorescent lamps may contain up to 40 milligrams (mg) of mercury, depending on the brand and manufacturer. Lamps may also contain lead and cadmium. Many lamps exhibit a characteristic of toxicity for heavy metals when disposed. I have enclosed a copy of the following document to assist you in properly managing your spent lamps: Universal Waste Rules for Handlers of Lamps. I have also enclosed a copy of Computer, Fluorescent Lamp and Ballast Recyclers. I recommend that you review these documents carefully and contact me if you have any questions. The first document describes the rules you must follow in order to manage lamps as a universal waste.**

**2. Unpermitted Hazardous Waste Treatment, Storage & Disposal
ORC Section 3734.02(E)&(F)**

FI poured its hazardous waste (F003 & F005) into open five gallon pails in the paint shed and purposely allowed the solvent to evaporate.

FI has become an unpermitted hazardous waste treatment and disposal facility by: treating and disposing of xylene, toluene, ethylbenzene, and methyl isobutyl ketone (F003 & F005) to the air in the paint storage shed. This was the procedure for at least three years. FI must immediately cease unpermitted treatment and disposal of its hazardous waste.

FI was required to:

1. Close all containers of hazardous waste paint and cleaning solvent and submit a photograph documenting this.
2. Submit to me a legible copy of the manifest(s) or shipping paper(s), signed by a representative of the permitted treatment, storage or disposal facility, that documents the proper off-site shipment of all its hazardous waste.
3. Provide documentation that describes the procedures that will be taken, immediately, to ensure that unpermitted treatment and disposal does not happen again.
4. Submit a list of painters.
5. Submit a training outline.
6. Conduct training for all of its painters and waste handlers immediately.
7. Submit documentation of training completed for all painters and waste handlers.
8. Develop an inspection record and perform and record weekly inspections of its hazardous waste containers, until the violation of ORC Section 3734.02 is abated. The inspection record should include, at least, a check for leaks and for deterioration caused by corrosion or other factors.
9. Submit copies of the completed inspection record for the first four week period.

After reviewing all the information FI provided, I have made the following conclusions: 1. Attached to your February 14, 2006, email message and your March 10, 2006, response letter are photographs documenting that hazardous waste containers are closed. (Continued compliance will be checked during a future inspection.)

2. FI has not submitted a copy(s) of the manifest(s), signed by a representative of the permitted treatment, storage or disposal facility, that documents the proper off-site shipment of all its hazardous waste. 3. FI must revise the hazardous waste management procedure to include, at least, a description of the hazardous wastes and their characteristics and hazards; a statement that the hazardous waste container(s) must be kept closed, except when waste is added; and a description of how the waste container is to be labeled. 4. FI submitted its list of painters and waste handlers. 5. FI must revise its training outline to include, at least, the items to be included in the revised hazardous waste management procedures. 6. FI must conduct training, based on the revised training outline, for all of its painters and waste handlers, immediately. 7. FI must submit documentation that training has been completed by all painters and waste handlers. 8. FI must revise the inspection record to include Container Labeling and perform and record weekly inspections of its hazardous waste containers, until the violation of ORC Section 3734.02 is abated. 9. FI must submit copies of the completed inspection record for the first and most recent four week period.

Since FI has violated ORC Section 3734.02(E) & (F) by becoming an unpermitted treatment and disposal facility (TSD), it is subject to OAC Rules 3745-55-10 through 3745-55-48 and 3745-55-97. Therefore, you may be required to submit a closure plan. A closure plan describes the steps necessary to investigate the extent of contamination and to clean up all contamination found.

FI also is subject to all applicable general facility standards, found in OAC Chapters 3745-54 and 55, until such time as FI has demonstrated that it has ceased operations as a treatment and disposal facility. Additionally, at any time, Ohio EPA may assert its right to have FI begin facility-wide cleanup, pursuant to the Corrective Action process under Ohio law.

3. **Container Labeling**
OAC Rule 3745-279-22(C)

FI had failed to mark or label three 5-gallon containers of used oil at its facility with the words "Used Oil".

Attached to your February 14, 2006, email message and your March 10, 2006, response letter is a photograph documenting that the used oil was placed into one 55-gallon drum and labeled "Used Oil". Therefore this violation has been corrected.

Mr. Jon Hoying
January 5, 2007
Page 6

If you have any questions about my inspection or this letter, please feel free to call me at (419) 373-3074. You can find copies of the rules and other information about used oil and hazardous waste management 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/ocapp/ocapp.html>.

Sincerely,



Don North
District Representative
Division of Hazardous Waste Management

/cs/

pc: Colleen Weaver, DHWM, NWDO
Cindy Lohrbach, DHWM, NWDO
NWDO, DHWM, Auglaize County, Fabcor File
7005 1160 0002 4566 2041

ec: Don North, DHWM, NWDO

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.

7005 1160 0002 4566 2041

U.S. Postal Service™	
CERTIFIED MAIL™ RECEIPT	
<i>(Domestic Mail Only; No Insurance Coverage Provided)</i>	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage	\$ 1.63
Certified Fee	2.40
Return Receipt Fee (Endorsement Required)	1.85
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 4.88



DHWM/D. North
csl

Sent To	
FABCOR INC	
Street, Apt. No., or PO Box No.	350 SOUTH OHIO ST PO 58
City, State, ZIP+4	MINSTER OH 45865

PS Form 3800, June 2002 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery</p> <p style="text-align: right; margin-right: 50px;">1/6/07</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p style="margin-left: 40px;">MR JON HOYING V PRES FABCOR INC PO BOX 58 350 SOUTH OHIO ST MINSTER OH 45865</p> <p style="margin-left: 40px;">DHWM/D. North/csl</p>	<p>3. Service Type</p> <p><input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>
<p>2. Article Number (Transfer from service label)</p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>7005 1160 0002 4566 2041</p>	