



Re: **Art Iron, Inc.
OHD005052022
Lucas County
DMWM, NWDO
Second Notice of Violation**

April 25, 2013

Mr. Joseph Stose
Art Iron, Inc.
860 Curtis Street
Toledo, Ohio 43609

Dear Mr. Stose:

Thank you for accompanying me during the Ohio Environmental Protection Agency's (Ohio EPA's) March 13, 2013, inspection of Art Iron, Inc.'s (All's) facility located at 860 Curtis Street, Toledo, Ohio. I inspected All to determine its 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). During the inspection, I also helped you identify ways to prevent pollution by reducing waste. My inspection included an evaluation of facility operations and a review of written documentation. **On March 29, 2013, I sent you a Notice of Violation/Partial Return to Compliance (NOV/PRTC) outlining the results of the compliance evaluation inspection. To date, All has not submitted a response to the March 29, 2013, NOV. Therefore, All remains in violation of Ohio's hazardous waste laws.**

All is a structural steel fabricator. All's steel is fabricated for commercial buildings, schools, hospitals, and other similar buildings. All receives steel from various steel mills and warehouse and cuts the steel to size; steel is not melted at this facility. All drills, saws, and shears the steel but does not conduct any lathing on the steel. Some steel is painted prior to shipment, but most painting is contracted out.

All generates hazardous waste paint related material (D001, D035, F003, F005). All also generates spent lamps, used oil absorbents, plasma arc cutting torch bag house dust, plasma arc cutting torch bag house filters, and overspray/floor sweepings which have not been adequately evaluated to determine if they are hazardous wastes. At this time All's generator status is unknown due to inadequate waste evaluations. All is at least a conditionally exempt small quantity generator (CESQG) of hazardous waste. Therefore, All was inspected as a CESQG of hazardous waste. All additionally generates used oil and lead acid batteries (core exchange).

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 14 days of your receipt of this letter. To date, All has not submitted a response to the March 29, 2013, NOV. Therefore, All remains in violation of Ohio's hazardous waste laws as outlined below.** In an attempt to streamline this letter, details concerning previously abated violations or general concerns which have been addressed in previous correspondence have been omitted. **Please submit the required information within 14 days of receipt of this letter.**

Violations:

1. Ohio Administrative Code (OAC) Rule 3745-52-11, Hazardous Waste Determination:

"Any person who generates a waste, as defined in rule 3745-51-02 of the Administrative Code, must determine if that waste is a hazardous waste..."

All failed to adequately evaluate the waste streams listed below to determine if they were a hazardous waste in accordance with OAC Rule 3745-52-11.

- a. Spent lamps-All failed to have waste evaluation documentation or an established recycling plan in place for spent lamps generated at the facility.

All must immediately cease disposing of the spent lamps as non-hazardous waste until a proper waste evaluation has been completed. Spent lamps can contain mercury and other heavy metals which could make them a hazardous waste. Hazardous waste lamps are considered "spent materials" and remain hazardous waste even when recycled. Hazardous waste lamp generators have the option of handling their lamps as hazardous waste or as universal waste. Managing hazardous waste lamps under the universal waste rules eases certain regulations imposed on generators of spent lamps.

Within 14 days of receipt of this letter, All must choose one of the following options and submit to Ohio EPA the requested information as documentation to demonstrate how you plan to properly manage your spent lamps: **1)** If All decides to manage the lamps as a waste, then All will need to sample each type and brand of lamp at the facility using a Toxicity Characteristic Leaching Procedure (TCLP) test for Resource Conservation and Recovery Act (RCRA) metals. All must then submit all analytical results to Ohio EPA along with a summary describing whether the spent lamps are a hazardous waste or non-hazardous waste and how the spent lamps will be managed. **2)** The other alternative is that All can begin to manage all spent lamps as universal waste. If All chooses this option, then All must submit a summary that outlines how the spent lamps will be managed as universal waste and where they will be shipped. All must also submit photographic documentation that any spent lamps on site are properly contained in closed containers and have the proper labels and accumulation start dates located on them. If no spent lamps are currently on site, please state this. Ohio EPA recommends that spent lamps be managed as a universal waste and recycled.

It should also be noted that even though green tipped lamps or "environmentally friendly" lamps are sometimes guaranteed by the manufacturers to pass a TCLP test, more information is needed to dispose of these lamps as solid waste. Most manufacturers base this guarantee on the amount of mercury contained in the lamp. Without analytical results showing a representative sample of these lamps passing the TCLP test for ALL RCRA metals (mercury, cadmium, lead, etc.), these lamps cannot be disposed of as solid waste. Spent lamps can contain other RCRA metals such as cadmium and lead which could be above the hazardous waste limits.

- b. Used oil absorbent-All uses a kitty litter type absorbent to clean up used oil spills around the facility. The same used oil absorbent is used repeatedly for different spills until it becomes saturated and no longer absorbs the spilled oil.

The waste used oil absorbent is then disposed of as a non-hazardous waste through Petro-Chem Processing Group or is thrown into the trash. All generates approximately 10 gallons of this waste stream every 6 months. Documents show that 165 gallons of this waste was disposed of in 2010 through Petro-Chem Processing Group as a non-hazardous waste.

- c. Plasma arc cutting torch bag house dust-All has an air pollution control device attached to the plasma arc cutting torch. This device removes smoke and steel particulates from the air near the torch via a Torit filter system. Bag house dust is collected from the filter system in an approximately 100 gallon hopper. Once the hopper is full, the bag house dust is disposed of in the trash. All generates 200-300 gallons of this waste per year.
- d. Plasma arc cutting torch bag house filters-The filter system for the air pollution control device on the plasma cutting torch includes 4 paper filters. These filters are changed once every 6-12 months and are disposed of in the trash.
- e. Overspray/floor sweepings-Some of the steel at All is painted prior to being shipped off-site. Prior to painting, the steel is sanded by hand to remove rust. Very fine bits of steel and rust are generated during the sanding process and fall to the floor. All does not have a paint booth; steel is painted in the same area as the steel that is being sanded. Overspray from the painting operation also falls to the floor and mixes with the steel generated from the hand sanding operation. Approximately 4 times a year, this overspray/floor sweeping waste is cleaned up. The waste is swept up and thrown into the trash. All generates approximately 100 pounds of this waste during the clean-up of the area.

In order for All to determine whether the wastes listed in b. through e. exhibit any hazardous waste characteristics, All must obtain a chemical analysis of a representative sample of the wastes. All will need to contract the services of an environmental laboratory to analyze these materials.

For the used oil absorbent, plasma arc cutting torch bag house dust, and plasma arc cutting torch bag house filters, All must determine the concentrations of TCLP RCRA metals of the wastes. For the overspray/floor sweepings All must determine the concentrations of TCLP RCRA metals and TCLP volatile organic compounds (VOCs) of the waste. If any of the wastes can be considered a liquid, then All must also determine the flashpoint and pH of the wastes.

Please note that the used oil absorbent should not be sampled and analyzed until the absorbent no longer absorbs oil and All considers the material to be a waste. If All does not have enough of this waste to sample and analyze at this time, please estimate when All will generate enough waste to sample and analyze.

To abate these violations All shall submit the analytical results indicating the proper evaluation of the wastes for Ohio EPA's review. The results must document if the waste is hazardous or not and, if hazardous, whether it is restricted from land disposal. If the waste is hazardous, All must also submit information as to what treatment, storage, or disposal facility the waste will be sent to.

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Once Ohio EPA acknowledges All's proper characterization of the wastes, All must dispose of the wastes at a proper disposal facility. All must then submit the appropriate manifest documents or shipping papers indicating proper disposal of the wastes to Ohio EPA.

Please notify me at least five days prior to sampling so that I may be present.

If the waste is hazardous, I will determine the status of your compliance with other hazardous waste laws and notify you of my findings in a separate letter.

2. **OAC Rule 3745-279-22 (C)(1)**-This violation was abated on March 13, 2013.

Failure to respond to this letter may result in All being referred to Ohio EPA's Central Office for consideration of escalated enforcement. Please contact me at 419-373-3065 to discuss the outstanding violations.

All needs to immediately take the necessary measures to return to compliance with Ohio's environmental laws. Within 14 days of receipt of this letter, All 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 kara.reynolds@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. If circumstances delay the abatement of violations, All is requested to submit written correspondence of the steps that will be taken by date certain to attain compliance.

Please send all correspondence **within 14 days of receipt of this letter**, to Ohio EPA, Northwest District Office, Attn: Kara Reynolds, 347 North Dunbridge Road, Bowling Green, Ohio 43402.

Sincerely,



Kara Reynolds
Environmental Specialist
Division of Materials and Waste Management

/cg

pc: Colleen Weaver, DMWM, NWDO; Kara Reynolds, DMWM, NWDO and Lisa Gifford, DMWM, NWDO

ec: Colleen Weaver, DMWM, NWDO and Joseph Stose, Art Iron, Inc.

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.