



State of Ohio Environmental Protection Agency

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

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

Re: **Complaint #2794**
IPS West
Auglaize County
Hazardous Waste
OHR 000 108 779
Notice of Violation

August 20, 2008

Mr. Rich Libby, Owner
IPS West
1000 Commerce Court
Waynesfield, Ohio 45896

Dear Mr. Libby:

On July 30, 2008, Wendy Miller and I conducted a compliance evaluation inspection and complaint investigation at IPS West (IPS) located at 1000 Commerce Court in Waynesfield, Ohio. We inspected IPS 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). The Ohio Environmental Protection Agency (Ohio EPA) received a complaint regarding the waste paint dust from your electro deposition line that you dispose of in the solid waste dumpster. Mr. Troy Anderson, Auglaize County Emergency Management Agency, reported that when the waste management hauler picked the dumpster up to put it in the back of the truck, the dumpster ignited and caused a fire ball to engulf the truck cab. This letter will explain the validity of the complaint, the violations found as a result of our inspection, and what you need to do to respond to these violations.

During our visit we spoke with Frank Gillette, Production Supervisor, toured your facility, observed your operations and reviewed paperwork. IPS specializes in the custom coating of parts for mainly the automotive and farm equipment industries. IPS operates a 12-stage, fully automated, electrocoat system. The powder coating system was not operational at the time of our inspection and only runs two days a week. IPS generates fluorescent bulbs which are managed as universal waste. Shop rags and gloves are picked up and laundered by Cintas. At the time of our investigation, IPS was operating as a non-generator of hazardous waste.

We 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 30 days of your receipt of this letter:

1. **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".

IPS did not have their spent fluorescent bulbs properly labeled.

To abate this violation, IPS must submit to Ohio EPA, NWDO, a photograph documenting that the lamps or containers in which they are stored have been properly labeled with the words "Universal Waste - Lamps", "Waste Lamps" or "Used Lamps".

2. **OAC Rule 3745-273-15(A): Universal Waste: Accumulation Time Limits:** 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.

IPS has two containers of universal waste lamps that have been on-site for longer than one year. I spoke with Mr. Frank Gilette on August 5, 2008, and he stated that no bulbs have been shipped off-site since my last inspection which took place on October 23, 2006.

To abate this violation, IPS must immediately ship the spent fluorescent bulbs, that have been on-site for greater than one year, off-site for proper disposal. IPS must submit documentation to demonstrate that the universal waste bulbs were properly shipped off-site for recycling.

3. **OAC Rule 3745-273-15(C): Universal Waste: Accumulation Time Limits:** A small quantity handler of universal waste who accumulates 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.

IPS did not have any procedure in place to track the accumulation time for the spent fluorescent bulbs that were stored on-site.

To abate this violation, IPS must submit a copy of an internal policy that outlines how the accumulation time for the spent fluorescent bulbs will be tracked in the future.

4. **OAC Rule 3745-273-16: Universal Waste: Employee Training:** A small quantity handler of universal waste shall inform all employees who handle or have responsibility for managing universal waste. The information shall describe proper handling and emergency procedures appropriate to the type(s) of universal waste handled at the facility.

Frank Gilette stated during our inspection that employees receive training on universal waste. Given the violations cited above for failure to properly label the universal waste containers and the storage time of greater than one year, IPS has not done an adequate job of training employees.

IPS must submit documentation to show employees have been trained on how to properly manage universal waste. The submitted information should include what information was covered during the training and the names of the employees who attended.

IPS has placed cardboard boxes of the waste paint dust in the solid waste dumpster for the past seven years. Neither Fetter Finishing or IPS has experienced a fire related to this practice. According to the information gathered during my visit, the dumpster contents caught on fire when the driver added it to his load. The Waste Management driver called IPS using his cell phone to alert them that his load was on fire. IPS employees contacted the fire department and then proceeded outside with fire extinguishers to assist the driver. The driver operated the compactor to move the contents of the garbage compartment around while IPS employees sprayed fire extinguishers. When the fire department arrived they directed the driver to drive slowly and dump the load of garbage on to the ground where it was then extinguished.

It appears that some sort of ignition source was in or around the waste management truck when the IPS dumpster was added to the garbage. IPS may want to consider placing the waste paint dust into sealed bags before placing it in the solid waste dumpster. On August 11, 2008, I spoke with Cathy Hardy, Waste Management, who was going to resume your waste disposal service based upon the information gathered during our complaint investigation.

Mr. Rich Libby
August 20, 2008
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Ohio EPA has helpful information about compliance assistance and pollution prevention at the following web address: <http://www.epa.state.oh.us/ocapp/ocapp.html>. IPS may want to look into ways to collect and re-use the powdercoat paint that collects at the bottom of the spray booth area on the electrodeposition line. Non-regulatory compliance assistance is available from our Northwest District Office by calling Mr. Ron Nabors at 419-373-3147.

The Division of Hazardous Waste Management has created an electronic news service to provide you with quick and timely updates on events and news related to hazardous waste activities in Ohio. If you haven't already, we encourage you to sign up for this free service. You can find more information at the following Web link <http://www.epa.state.oh.us/dhwm/listserv.html>. Please feel free to share this information with your colleagues.

Enclosed you will find a copy of the checklist that I completed during the inspection. In addition, 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 did not find any evidence to substantiate the alleged complaint. Therefore, Ohio EPA considers this complaint to be closed.

If you have any questions or I can be of assistance, please contact me at (419) 373-3066.

Sincerely,



Melissa L. Boyers
Division of Hazardous Waste Management

/cs

Enclosures

pc: Cindy Lohrbach, DHWM, NWDO
Colleen Weaver, DHWM, NWDO
Troy Anderson, Auglaize Co. EMA
Cathy Hardy, Waste Management
~~DHWM, NWDO-IPS-West-File~~

ec: Melissa Boyers, 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.

E-mail this completed form to tammy.mcconnell@pa.state.oh.us or mail it to Tammy McConnell, Central Office	Ohio Environmental Protection Agency RCRA SUBTITLE C SITE IDENTIFICATION/VERIFICATION FORM		For Ohio EPA use only																		
2. Site EPA ID No.	EPA ID Number: OHR 000 108 779																				
3. Site Name	Name: IPS West, LLC (fka Fetter Finishing LLC)		Website (optional):																		
4. Site Location Information	Street Address: 1000 Commerce Ct.																				
	City, Town, or Village: Waynesfield		State: OH																		
	County Name: Auglaize		Zip Code: 45896																		
5. Site Land Type (check only one)	<table border="1"> <tr> <td>Private</td> <td>County</td> <td>District</td> <td>Federal</td> <td>Indian</td> <td>Municipal</td> <td>State</td> <td>Other</td> </tr> <tr> <td>X</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table>				Private	County	District	Federal	Indian	Municipal	State	Other	X								
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X																					
6. NAICS code(s) www.census.gov/epcd/www/naics.html	A.		B.																		
	C.		D.																		
7. Facility Representative: Additional names can be recorded in number 12. Only provide address information if it is different than the site address.	First Name: Rich		MI:	Last Name: Libby																	
	Phone Number: 419-568-2222		Phone Number Extension:																		
	E-Mail Address:																				
	Fax Number:		Fax Number Extension:																		
	Street or P.O. Box:																				
	City, Town or Village:																				
	State:		Country:		Zip Code:																
8. Legal Owner and Operator of the Site List Additional Owners and/or Operators in the Comment Section or on another copy of this form page.	A. Name of Site's Legal Owner:		Date Became Owner (mm/dd/yyyy):																		
	Owner Type: Mark with an X	<table border="1"> <tr> <td>Private</td> <td>County</td> <td>District</td> <td>Federal</td> <td>Indian</td> <td>Municipal</td> <td>State</td> <td>Other</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table>				Private	County	District	Federal	Indian	Municipal	State	Other								
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	City, Town, or Village:		Owner Phone #:																		
	State:		Country:		Zip Code:																
	B. Name of Site's Operator:		Date Became Operator (mm/dd/yyyy):																		
	Operator Type: Mark with an X	<table border="1"> <tr> <td>Private</td> <td>County</td> <td>District</td> <td>Federal</td> <td>Indian</td> <td>Municipal</td> <td>State</td> <td>Other</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table>				Private	County	District	Federal	Indian	Municipal	State	Other								
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	Street or P.O. Box:																				
	City, Town, or Village:		Operator Phone #:																		
	State:		Country:		Zip Code:																
9. Violations Cited?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No																			
10. Type of Regulated Waste Activity (Mark "X" in all of the appropriate boxes.)	<input type="checkbox"/> Not Regulated																				

10. Type of Regulated Waste Activity (Mark in all of the appropriate boxes.)

A. Hazardous Waste Activities	
(choose only one of the following categories)	<input type="checkbox"/> 3. Treater, Storer or Disposer of Hazardous Waste
<input type="checkbox"/> UNKNOWN: Cited for violation of 3745-52-11	<input type="checkbox"/> 4. Recycler of Hazardous Waste
<input type="checkbox"/> a. Large Quantity Generator (LQG):	<input type="checkbox"/> 5. Exempt Boiler and/or Industrial Furnace
<input type="checkbox"/> b. Small Quantity Generator (SQG)	<input type="checkbox"/> a. Small Quantity On-site Burner Exemption
<input type="checkbox"/> c. Conditionally Exempt Small Quantity Generator	<input type="checkbox"/> b. Smelting, Melting, Refining Furnace Exemption
<input type="checkbox"/> d. United States Importer of Hazardous Waste	<input type="checkbox"/> 6. Underground Injection Control Facility
<input type="checkbox"/> e. Mixed Waste (hazardous and radioactive) Generator	

B. Universal Waste Activities	C. Used Oil Activities
<input checked="" type="checkbox"/> 1. Small Quantity Handler of Universal Waste (Indicate types of universal waste generated and/or accumulated (check all boxes that apply):	<input type="checkbox"/> 1. Used Oil Generator
<input type="checkbox"/> 2. Large Quantity Handler of Universal Waste (accumulates 5,000 kg or more).	<input type="checkbox"/> 2. Used Oil Transporter Indicate Type(s) of Activity(ies)
<input type="checkbox"/> 3. Destination Facility for Universal Waste (Check all boxes below that apply for each of the three types of facilities above.)	<input type="checkbox"/> Transporter
	<input type="checkbox"/> Transfer Facility
	<input type="checkbox"/> 3. Used Oil Processor and/or Re-refiner Indicate Type(s) of Activity(ies)
	<input type="checkbox"/> Processor
	<input type="checkbox"/> Re-refiner
	<input type="checkbox"/> 4. Off-Specification Used Oil Burner
	<input type="checkbox"/> 5. Used Oil Fuel Marketer - Indicate Type(s) of Activity(ies)
	<input type="checkbox"/> a. Marketer Who Directs Shipment of Off-Specification Oil
	<input type="checkbox"/> b. Used Oil to Off-Specification Used Oil Burner

	Generated	Accumulated
A. Batteries	<input type="checkbox"/>	<input type="checkbox"/>
B. Pesticides	<input type="checkbox"/>	<input type="checkbox"/>
C. Thermostats	<input type="checkbox"/>	<input type="checkbox"/>
D. Lamps	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

11. Waste Codes for Federally Regulated Hazardous Wastes. Please list the codes for the federally regulated hazardous waste handled at your site. List them in the order they are presented in the regulations (e.g., D001, D003, F007, U112). Use an additional page if more space is needed. If there are more than 7 waste codes and they are the same as listed in the most recent RCRAInfo source record, you do not need to list them all. Instead just indicate the date of the most recent source record.

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12. Comments: Use this area to describe whether the inspection was announced, whether the waste is stored in tanks or containers, etc.

N	Announced ?	Additional Facility Representatives:	
N	Tanks?	Other comments: Waste stream generated does not meet the listing for F019. The facility does not generate any hazardous waste.	
N	Containers?		

13. Name of Inspector(s) Name of Inspector(s) Date of Inspection/ Time (mm-dd-yyyy) (HH:MM)

Melissa Boyers	Wendy Miller	7/30/08 11:20am
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14. OPTIONAL CERTIFICATION. I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature of owner, operator, or an authorized representative	Name and Title (Print)	Date (mm-dd-yyyy)

PROCESS DESCRIPTION/WASTE ACTIVITIES SUMMARY

Facility Name: IPS West, LLC

Facility Type: LQG/SQG/CESQG/TSD

EPA ID#: OHR000108779

Description of Waste				On-Site Management			Off-Site Management
Process/Activity Generating Waste (e.g. plating bath, machining, baghouse, painting, etc)	Waste Generated (e.g. sludge, spent solvent, ash, etc)	EPA Waste Code	QTY Generated per Month	Type of Accumulation/Storage (e.g. container, tank, etc)	Type of On-Site Treatment (recycle, wwt, etc)	Waste Location (Include map if possible)	Name, state, and type of activity occurring at the facility.
1	General Operations	Shop Rags				container in the shop	laundered at Cintas
2	Lighting	Spent Fluorescent Bulbs					Managed as Universal Waste, no shipment to date.
3	Electrocoat System	paint dust	non-haz.		Poly Drums and cardboard boxes	next to e-coat line	Managed as solid waste
4	Waste Water Treatment System	Filter Cake	non-haz.		Roll-Off	Outside behind the shop building	Picked up by Enviroserve
5							

**SMALL QUANTITY UNIVERSAL WASTE HANDLER REQUIREMENTS
BATTERIES AND LAMPS**

Large Quantity Universal Waste Handler (LQUWH) = 5,000 Kg (11,023 lbs) or more
Small Quantity Universal Waste Handler (SQUWH) = 5,000 Kg (11,023 lbs) or less

PROHIBITIONS

1. Did the SQUWH dispose of universal waste? [3745-273-11(A)] Yes No N/A RMK#
2. Did the SQUWH dilute or treat universal waste, except when responding to releases as provided in 3745-273-17 or managing specific wastes as provided in 3745-273-13? [3745-273-11(B)] Yes No N/A RMK#

UNIVERSAL WASTE BATTERIES

3. Are battery(ies) that show evidence of leakage, spillage or damage that could cause leaks contained? [3745-273-13(A)(1)] Yes No N/A RMK#
4. If batteries are contained, are the containers closed and structurally sound, compatible with the contents of the battery and lack evidence of leakage, spillage or damage that could cause leakage? [3745-273-13(A)(1)] **No Batteries Generated** Yes No N/A RMK#
5. Does the SQUWH conduct any of the following activities:
- a. Sort batteries by type? Yes No N/A RMK#
 - b. Mix battery types in one container? Yes No N/A RMK#
 - c. Discharge batteries to remove the electric charge? Yes No N/A RMK#
 - d. Regenerated used batteries? Yes No N/A RMK#
 - e. Disassemble them into individual batteries or cells? Yes No N/A RMK#
 - f. Remove batteries from consumer products? Yes No N/A RMK#
 - g. Remove the electrolyte from the battery? Yes No N/A RMK#
- If so, are the casings of the batteries breached, not intact, or open (except to remove the electrolyte)? [3745-273-13(A)(2)] Yes No N/A RMK#
6. If the electrolyte is removed or other waste generated, has it been determined whether it is a hazardous waste? [3745-273-13(A)(3)] Yes No N/A RMK#
- a. If the electrolyte or other waste is characteristic, is it managed in compliance with 3745-50 through 3745-69? [3745-273-13(A)(3)(a)] Yes No N/A RMK#
 - b. If the electrolyte or other waste is not hazardous, is it managed in compliance with applicable law? [3745-273-13(A)(3)(b)] Yes No N/A RMK#
7. Are the battery(ies) of container(s) of batteries labeled with the words "Universal Waste - Batteries" or "Waste Battery(ies)" or "Used Battery(ies)"? [3745-273-14(A)] Yes No N/A RMK#

UNIVERSAL WASTE LAMPS

8. Does the SQGUHW contain lamps in containers or packages that are structurally sound, adequate to prevent breakage, and are compatible with contents of the lamps? Are containers or packages closed and do they lack evidence of leakage, spillage or damage that could cause leakage? [3745-273-13(D)(1)] Yes No N/A ___ RMK# ___
9. Are lamps that show evidence of breakage, leakage or damage that could cause a release of mercury or hazardous constituents into the environment immediately cleaned up? Are they placed into a container that is closed, structurally sound, compatible with the contents of the lamps, and lack evidence of leakage spillage or damage that could cause leakage or releases of mercury or hazardous waste constituents to the environment? [3745-273-13(D)(2)] Yes No N/A ___ RMK# ___
10. Are the lamps or containers or packages of lamps labeled with the words "Universal Waste - Lamp(s)" or "Waste Lamp(s)" or "Used Lamp(s)" [3745-273-14(E)] Yes ___ No N/A ___ RMK# ___

NOTE: Treatment (such as crushing) by a UWH is prohibited under this rule unless the facility is permitted for such activities [3745-273-31(B)]. A generator crushing lamps must manage lamps according to hazardous waste rules (OAC Chapter 3745-52). Lamp crushing is a form of generator treatment (OAC 3745-52-34). Crushed lamps must be transported by a registered hazardous waste transporter to a permitted hazardous waste facility under a hazardous waste manifest.

ACCUMULATION TIME

11. Is the waste accumulated for less than one year? [3745-273-15(A)] If not: Yes ___ No N/A ___ RMK# ___
- a. Was the waste accumulated over one year in order to facilitate proper recovery, treatment or disposal? (Burden of proof is on the handler to demonstrate) [3745-273-15(B)] Yes ___ No N/A ___ RMK# ___

NOTE: Accumulation is defined as date generated or date received from another handler.

12. Is the length of time the universal waste is stored documented by one of the following: [3745-273-15(C)] Yes ___ No N/A ___ RMK# ___
- a. Marking or labeling the container with the earliest date when the universal waste became a waste or was received? [3745-273-15(C)(1)] Yes ___ No ___ N/A RMK# ___
- b. Marking or labeling individual item(s) of universal waste with the earliest date that it became a waste or was received? [3745-273-15(C)(2)] Yes ___ No ___ N/A RMK# ___
- c. Maintaining an inventory system on-site that identifies the date the universal waste became a waste or was received? [3745-273-15(C)(3)] Yes ___ No ___ N/A RMK# ___
- d. Maintaining an inventory system on-site that identifies the earliest date that any universal waste in a group of universal waste items or a group of containers became a universal waste or was received? [3745-273-15(C)(4)] Yes ___ No ___ N/A RMK# ___

e. Placing the universal waste in a specific accumulation area and identifying the earliest start date or date received? [3745-273-15(C)(5)]

Yes ___ No ___ N/A RMK# ___

f. Any other method, which clearly demonstrates, the length of time the universal waste has been accumulated from the date it became a waste or was received? [3745-273-15(C)(6)]

Yes ___ No ___ N/A RMK# ___

EMPLOYEE TRAINING

13. Are employees who handle or have the responsibility for managing universal waste informed of waste handling/emergency procedures, relative to their responsibilities? [3745-273-16]

Yes ___ No N/A ___ RMK# ___

RESPONSE TO RELEASES

14. Are releases of universal waste and other residues immediately contained? [3745-273-17(A)] No releases to date.

Yes ___ No N/A RMK# ___

15. Is the material released characterized? [3745-273-17(B)]

Yes ___ No N/A RMK# ___

16. If the material released is a hazardous waste, is it managed as required in OAC Chapters 3745-50 through 3745-69? (If the waste is hazardous, the handler is considered the generator of the waste and is subject to Chapter 3745-52) [3745-273-17 (B)]

Yes ___ No N/A RMK# ___

OFF-SITE SHIPMENTS

NOTE: If a SQUWH self-transport waste, then they must comply with the Universal Waste transporter requirements.

17. Are universal wastes sent to either another handler, destination facility or foreign destination? [3745-273-18(A)] No shipments to date.

Yes ___ No N/A RMK# ___

NOTE: SQUWHs are prohibited to send waste to any other facility.

18. If the universal waste meets the definition of hazardous material under 49 CFR 171-180, are DOT requirements met with regard to package, labels, placards and shipping papers? [3745-273-18(C)]

Yes ___ No N/A RMK# ___

19. Prior to shipping universal waste off-site, does the receiver agree to receive the shipment? [3745-273-18(D)]

Yes ___ No N/A RMK# ___

20. If the universal waste shipped off-site is rejected by another handler or destination facility does the originating handler do one of the following:

a. Receive the waste back? [3745-273-18(E)(1)]

Yes ___ No ___ N/A RMK# ___

b. Agree to where the shipment will be sent? [3745-273-18(E)(2)]

Yes ___ No ___ N/A RMK# ___

21. If a handler rejects a partial or full load from another handler, does the receiving handler contact the originating handler and discuss one of the following:

Yes ___ No N/A RMK# ___

a. Sending the waste back to the originating handler? [3745-273-18(F)(1)]

Yes ___ No ___ N/A RMK# ___

b. Sending the shipment to a destination facility? (If both the originating and receiving handler agree) [3745-273-18(F)(2)]

Yes ___ No ___ N/A RMK# ___

22. If the handler received a shipment of hazardous waste that was not universal waste, did the SQUWH immediately notify Ohio EPA? [3745-273-18(G)]

Yes ___ No N/A RMK# ___

23. If the handler received a shipment of nonhazardous, non-universal waste, was the waste managed in accordance with applicable law? [3745-273-18(H)]

Yes ___ No N/A RMK# ___

EXPORTS

24. Is waste being sent to a foreign destination? If so:

Yes ___ No N/A ___ RMK# ___

a. Does the small quantity handler comply with primary exporter requirements in OAC 3745-52-53, 3745-52-56, and 3745-52-57? [3745-273-20(A)]

Yes ___ No N/A RMK# ___

b. Is waste exported only upon consent of the receiving country and in conformance with U.S. EPA's "Acknowledgment of Consent" as defined in 3745-52-50 to -52-57? [3745-273-20(B)]

Yes ___ No N/A RMK# ___

c. Is a copy of U.S. EPA's "Acknowledgment of Consent" provided to the transporter? [3745-273-20(C)]

Yes ___ No N/A RMK# ___

REMARKS