west virginia department of environmental protection

Environmental Enforcement
601 57th Street SE
Charleston, WV 25304
Telephone: (304) 926-0470 Fax: (304) 926-0488

Earl Ray Tomblin, Governor
Randy C. Huffman, Cabinet Secretary
www.dep.wv.gov

January 4, 2012

AL Solutions, Inc.
Attn: Frank Roberts
P.O. Box 1224
New Cumberland, WV 26047

91 7199 9991 7030 8755 8630
CERTIFIED RETURN RECEIPT REQUESTED

Dear Mr. Roberts:

Enclosed is Order No. HW-12-001 dated January 4, 2012. This Order is issued to AL Solutions, Inc. by the director of the Division of Water and Waste Management under the authority of Chapter 22, Article 18, Section 15 of the Code of West Virginia. This Order contains notification of the right of appeal under the provisions of Chapter 22, Article 18, Section 20.

Michael A. Zeto
Chief Inspector

cc: Scott G. Mandirola, Director, DWWM (via e-mail)
Yogesh Patel, Asst. Director, DWWM/Permits
Joseph Sizemore, Assistant Chief Inspector, EE/HW&UST (via e-mail)
Jeremy Bandy, Assistant Chief Inspector, EE (via e-mail)
David C. Simmons, Enforcement Hearing Officer, EE (via e-mail)
Laura McGee, Environmental Resources Specialist, EE (via e-mail)
Jamie Fenske, Environmental Inspector Supervisor, EE/WW (via e-mail)
Mike Wade, Environmental Inspector, EE/WW (via e-mail)
Shyrel Moellendick, MSSS, EE (via e-mail)
Lisa Trakis, US EPA, Region III (via Waterscape)

revised September 2011

west virginia department of environmental protection

Division of Water and Waste Management
601 57th Street SE
Charleston, WV 25304
Phone: (304) 926-0495
Fax: (304) 926-0463

Earl Ray Tomblin, Governor
Randy C. Huffman, Cabinet Secretary
www.dep.wv.gov

ORDER
ISSUED UNDER THE
HAZARDOUS WASTE MANAGEMENT ACT
WEST VIRGINIA CODE, CHAPTER 22, ARTICLE 18

TO: AL Solutions, Inc.
P.O. Box 1224
New Cumberland, WV 26047

DATE: January 4, 2012

ORDER NO.: HW-12-001

INTRODUCTION

The following findings are made and Order issued to AL Solutions, Inc. (hereinafter, "AL Solutions") pursuant to the authority vested in the Director of the Division of Water and Waste Management under Chapter 22, Article 18, Section 1 et seq. of the Code of West Virginia.

FINDINGS OF FACT

In support of this Order, the Director hereby finds the following:

1. AL Solutions, located on South Chester Street, New Cumberland, WV, is a recycler of titanium and zirconium swarf. Swarf is fine metallic shavings generated as a by-product of grinding and cutting. The recycling of titanium and zirconium swarf involves cleaning, removing impurities, drying, blending, and compressing the swarf into compacts. Incoming swarf is stored on-site, in 55-gallon drums, under water or oil to minimize the chance of spontaneous combustion. Reclaimed by-products are not considered solid wastes unless they are accumulated speculatively. A facility is engaged in speculative accumulation if it cannot demonstrate that, during the calendar year, the amount of material that is recycled, or transferred to a different site for recycling, is at least 75 percent by weight or volume of the amount of material accumulated at the beginning of the period. If this swarf becomes a solid waste, it is considered a characteristic hazardous waste, because it is both ignitable (D001) and reactive (D003).

2. On October 28, 2010, West Virginia Department of Environmental Protection (WVDEP) personnel conducted a Compliance Evaluation Inspection (CEI) of AL Solutions, and the following observations were documented:

a. Thousands of drums of unprocessed swarf were observed both at the facility's New Cumberland location and at a warehouse owned by Starvaggi Industries Half Moon Industrial Park property located in Weirton, WV.
b. AL Solutions was advised of WVDEP's concerns regarding speculative accumulation. Facility representatives informed WVDEP personnel that at least seventy-five (75) percent of unprocessed swarf would be recycled.

3. On December 9, 2010, an explosion and fire occurred at AL Solutions, resulting in a cessation of recycling operations. The incident resulted in investigations by the Occupational Safety and Health Administration (OSHA), the Chemical Safety Board (CSB), and the United States Environmental Protection Agency (EPA). Completed and ongoing investigations documented a series of fires and incidents at the facility.

4. On October 7, 2011, WVDEP personnel conducted a CEI of AL Solutions. The facility was not operational, and no drums of swarf had been recycled. Drums of unprocessed swarf were stored in such a manner that aisle space did not exist. Lack of aisle space prevents inspections of drums for deterioration, container integrity, lid gasket condition, bulging containers, and leaking containers. Furthermore, lack of aisle space prevents a response action in the event of a release, fire, or explosion. Speculatively accumulating the un-recycled swarf renders Al Solutions, Inc. subject to the "Hazardous Waste Large Quantity Generator Regulations" of the Code of Federal Regulations (40CFR262). A Notice of Violation for speculative accumulation of swarf was issued to AL Solutions.

ORDER FOR COMPLIANCE

And now, this day of January 4, 2012, AL Solutions, Inc. is hereby ORDERED by the Director as follows:

1. AL Solutions, Inc. shall immediately take measures to initiate compliance with all terms and conditions of this Order.

2. Within thirty (30) days of the effective date of this Order, AL Solutions, Inc. shall submit for approval a proposed plan of corrective action and schedule, outlining action items and completion dates for how and when the facility will achieve compliance with all pertinent laws and rules. The plan of corrective action shall be submitted to:

Environmental Inspector Supervisor
WVDEP/DWWM/HW
131A Peninsula Street
Wheeling, WV 26003

A copy of this plan shall be submitted to:

Chief Inspector
Environmental Enforcement - Mail Code #031328
WVDEP
601 57th Street SE
Charleston, WV 25304

Upon approval, the plan of corrective action and schedule shall be incorporated into and become part of this Order, as if fully set forth herein. Failure to submit an approvable plan of corrective action and schedule or failure to adhere to the approved schedule is a violation of this Order.

OTHER PROVISIONS

1. Compliance with the terms and conditions of this Order shall not in any way be construed as relieving AL Solutions of the obligation to comply with any applicable law, permit, other order, or any other requirement otherwise applicable. Violations of the terms and conditions of this Order may subject AL Solutions to additional enforcement action in accordance with the applicable law.

2. The provisions of this Order are severable and should a court or board of competent jurisdiction declare any provisions to be invalid or unenforceable, all other provisions shall remain in full force and effect.

3. This Order is binding on AL Solutions, its successors and assigns.

4. This Order shall terminate upon AL Solutions' notification of full compliance with the "Order for Compliance" and verification of this notification by WVDEP.

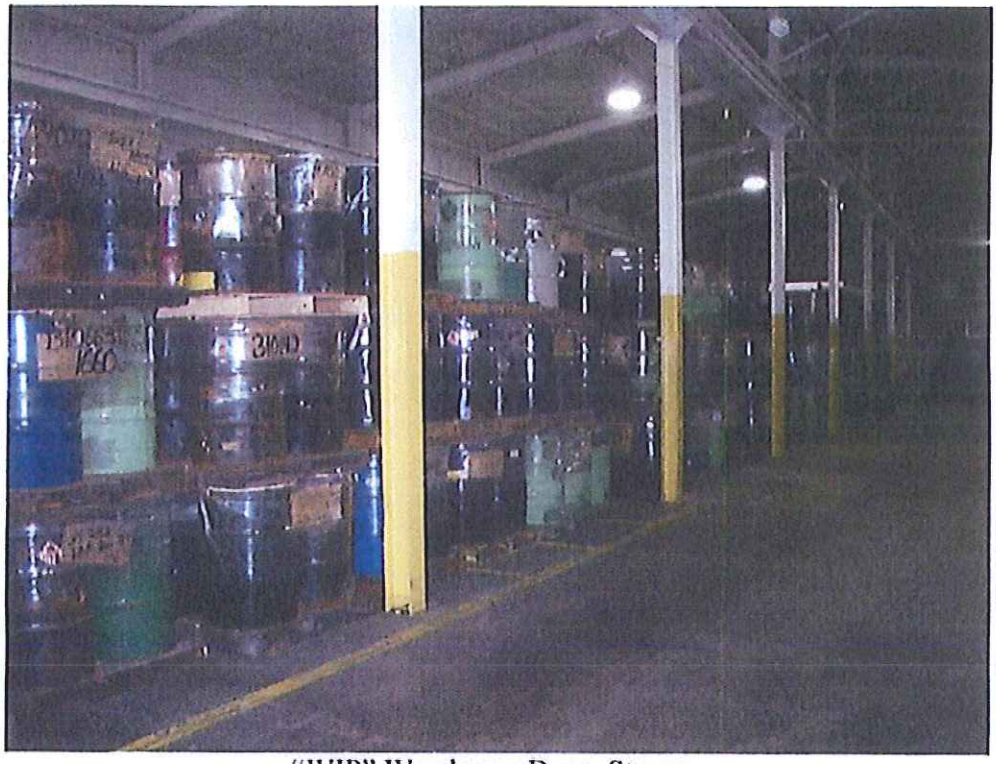
RIGHT OF APPEAL

Notice is hereby given of your right to appeal the terms and conditions of this Order which you are aggrieved to the Environmental Quality Board by filing a NOTICE of APPEAL on the form prescribed by such Board, in accordance with the provisions of Chapter 22, Article 18, Section 20 of the Code of West Virginia within thirty (30) days after receipt of this Order.

This Order shall become effective upon receipt.

Scott G. Mandirola, Director
Division of Water and Waste Management

revised September 2011



"WIP" Warehouse Drum Storage

Lab / Office Warehouse Drum Storage

North Drum Yard

North Drum Yard

North Drum Yard

Weirton Warehouse (Starvggi) Drum Storage

SHEWCZYK Susan

om: Minor, Paul [pminor@pa.gov]
Sent: Friday, March 30, 2012 12:13 PM
To: Tarka, Michelle; SHEWCZYK Susan; schanilec.kevin@epamail.epa.gov
Cc: Popotnik, Frank
Subject: RE: WV and AL Solutions information
Attachments: 3154_001.pdf

2011 ATI Rochester Shipment to OR.

Paul J. Minor | Field Operations Supervisor
Department of Environmental Protection
Southwest Regional Office
400 Waterfront Dr | Pittsburgh, PA 15222
Phone:412.442.4147 | Fax: 412.442.4194
www.depweb.state.pa.us

From: Tarka, Michelle [mailto:Michelle.Tarka@epa.state.oh.us]
Sent: Friday, March 30, 2012 12:43 PM
To: Minor, Paul; SHEWCZYK Susan; schanilec.kevin@epamail.epa.gov
Cc: Popotnik, Frank
Subject: WV and AL Solutions information

Hello all. I managed to make contact with West Virginia DEP and obtained the attached Order in regards to AL Solutions. This document is from James Fenske.

James Fenske indicated that US EPA Region 3, Kevin Daniel, was working on a USEPA action against AL Solutions.

There are photos attached. One photo clearly shows a stack of black drums with pink bands.