



State of Ohio Environmental Protection Agency

FILE COPY

STREET ADDRESS:

Central District Office

MAILING ADDRESS:

Lazarus Government Center
50 W. Town St., Suite 700
Columbus, Ohio 43215

TELE: (614) 728-3778 FAX: (614) 728-3898
www.epa.state.oh.us

P.O. Box 1049
Columbus, OH 43216-1049

February 25, 2008

Mr. Jim Osteen
Luvata Ohio, Inc.
801 Pittsburgh Drive
Delaware, OH 43015

Re: Luvata Ohio, Inc.
Large Quantity Generator
OHD004286043
Delaware County, CDO
NOV

Dear Mr. Osteen:

Thank you for accompanying me during Ohio EPA's February 14, 2008 inspection of Luvata Ohio, Inc.'s (Luvata's) Rolled Products facility in Delaware, Ohio. We inspected Luvata 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). At the time of the inspection, Luvata was operating as a large quantity generator (LQG) of hazardous waste, a small quantity handler of universal waste, and a used oil generator.

We found the following violations of Ohio's hazardous waste rules. 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 3745-52-34, Accumulation time of hazardous waste and generator treatment:** A generator may, for 90 days or less, accumulate and/or conduct treatment of hazardous waste that is generated on-site without a permit, provided that the waste is placed in containers and the generator complies with the applicable requirements in OAC Rules 3745-66-70 to 3745-66-77; each container must be marked with the date each period of accumulation and/or treatment begins; each container is labeled or marked clearly with the words "Hazardous Waste;" and the generator complies with the requirements for owners or operators in OAC Rules 3745-270-07(A)(5) [Waste Analysis Plan], 3745-65-16, 3745-30 to 3745-65-37, and 3745-65-50 to 3745-65-56.

Luvata has violated the appropriate rules as follows:

(a) **OAC Rule 3745-66-73(a)** – A container holding hazardous waste shall always be closed during storage, except when it is necessary to add or remove waste. At the time of my inspection, Luvata was dewatering filter socks (F006) in a Gaylord in its hazardous waste accumulation area that was not closed. In addition, Luvata was accumulating/treating corrosive tin sludge (D002) in an open metal drum.

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

(b) **OAC Rule 3745-66-74** – The owner or operator must inspect areas where containers are stored, at least weekly, looking for leaks and for deterioration caused by corrosion or other factors. The owner or operator must record inspections in an inspection log or summary. Luvata has not documented weekly inspections of the Gaylord or the drum of tin sludge noted above.

(c) **OAC Rule 3745-52-34(A)(2)** – Luvata has neither labeled the Gaylord nor the drum of tin sludge noted above with the date upon which each period of accumulation/treatment began.

(d) **OAC Rule 3745-52-34(A)(3)** – Luvata has neither labeled the Gaylord nor the drum of tin sludge noted above with the words "Hazardous Waste."

(e) **OAC Rule 3745-270-07(A)(5)** – If a generator is managing and treating prohibited waste in containers, the generator must develop and follow a written waste analysis plan which describes the procedures he will carry out to comply with the treatment standards. The plan must be kept on site in the generator's records and meet the requirements of OAC Rule 3745-270-07(A)(5). Luvata does not have a waste analysis plan for rendering the corrosive tin sludge (D002) nonhazardous.

In order to return to compliance, Luvata must immediately cease drying the F006 filter socks in an open top Gaylord or change this process to comply with the requirements of OAC Rule 3745-52-34. Luvata may continue to dry the filter socks, but they will have to be placed in a closed container that is labeled and marked with the words "Hazardous Waste" and the treatment/accumulation start date. Please note if the filter socks are moved from one drum to another during the dewatering process, the 90-day treatment/accumulation start date does NOT start over. Another option would be to dewater the filter socks as much as possible in the reclamation process and then move them into a drum for 180-day accumulation in accordance with OAC Rule 3745-52-34(G). The F006 180-day accumulation rule does not apply to treatment.

With regard to the corrosive tin sludge, Luvata must change the process it is currently using to render the sludge nonhazardous to comply with OAC Rule 3745-52-34. The process must take place in a closed container that is that is labeled and marked with the words "Hazardous Waste" and the treatment/accumulation start date. Another option would be to add an absorbent to the sludge to solidify it immediately. Luvata is also required to develop and maintain a waste analysis plan for this treatment process in accordance with OAC Rule 3745-270-07(A)(5). Please develop and submit a waste analysis plan that meets the requirements of OAC Rule 3745-270-07(A)(5) to me **within 30 days** of your receipt of this letter. Please also note that you must comply with the notification requirements in OAC Rule 3745-270-07(A)(3) for deactivated tin sludge shipped off site.

- OAC Rule 3745-270-09(D), Special rules regarding wastes that exhibit a characteristic:** Wastes that exhibit a characteristic are also subject to requirements of rule 3745-270-07 of the Administrative Code, except that once the waste is no longer hazardous, a one-time notification and certification must be placed in the generator's or treater's files and sent to the director. The notification and certification must include the information specified in OAC Rule 3745-270-09(D)(1) and (2).

Luvata did not place a one-time notification and certification in its files or send a notification and certification to the director for rendering the corrosive tin sludge nonhazardous.

- With regard to rendering the corrosive tin sludge nonhazardous, Luvata must prepare and submit a notification and certification to the director and also place a copy in its files. The notification must be prepared in accordance with OAC Rule 3745-270-09(D). Please submit a copy of the notification to me **within 30 days** of your receipt of this letter.

3. **OAC Rule 3745-279-22(C)(1), Used oil storage requirements for generators:** Containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words "Used Oil."

At the time of my inspection, Luvata was storing approximately 10 drums of used oil that were labeled incorrectly as "Waste Oil."

- Luvata must immediately label or mark its used oil drums with the words "Used Oil" and send photographic documentation to me to demonstrate compliance with this rule **within 30 days** of receipt of this letter.

4. **OAC Rule 3745-52-34(C)(1), Satellite Accumulation Area Requirements:** A generator may accumulate as much as fifty-five gallons of hazardous waste in containers at or near any point of generation where wastes initially accumulate, which is under the control of the operator of the process generating the waste, provided he complies with OAC Rules 3745-66-71, 3745-66-72, and 3745-66-73(A) and marks his containers either with the words "Hazardous Waste" or with other words that identify the contents of the containers.

At the time of my inspection, the satellite accumulation drum for the F006 sludge from the tinning line wastewater treatment system was not closed and was not marked either with the words "Hazardous Waste" or with other words that identified the contents of the container.

- To return to compliance, Luvata must immediately mark this satellite accumulation drum with the words "Hazardous Waste" or with other words that identify the contents of the container and ensure that it is closed, except when it is necessary to add or remove waste. Please send photographic documentation to me to demonstrate compliance with this rule **within 30 days** of your receipt of this letter.

5. **OAC Rules 3745-52-34(A)(1)(a) and 3745-66-74, Inspections of Containers:** A generator that accumulates waste on site in containers must comply with the applicable requirements in OAC Rules 3745-66-70 to 3745-66-77. OAC Rule 3745-66-74 requires the owner or operator to inspect areas where containers are stored, at least weekly, looking for leaks and for deterioration caused by corrosion or other factors. The owner or operator must record inspections in an inspection log or summary.

At the time of my inspection, Luvata did not have any documentation demonstrating that the required weekly inspections of hazardous waste containers were being completed in accordance with OAC Rule 3745-66-74.

- To return to compliance, Luvata must record weekly inspections of containers in an inspection log or summary. One option would be to add this inspection item to the facility's chemical inspection list that is already being completed weekly. Please either create a new

inspection log or amend the existing chemical checklist and send a copy to me **within 30 days** of your receipt of this letter. In addition, please submit a month's worth of completed checklists to me **within 60 days** of your receipt of this letter.

6. **OAC Rule 3745-273-13(D)(1), Waste management standards for small quantity handlers of universal waste:** A small quantity handler of universal waste must contain any lamp in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

At the time of my inspection, Luvata was not accumulating universal waste lamps in containers or packages that were closed.

- To return to compliance, Luvata must immediately begin accumulating its universal waste lamps in containers or packages that are closed and send photographic documentation to me to demonstrate compliance with this rule **within 30 days** of receipt of this letter.

7. **OAC Rule 3745-273-14(E), Labeling/marking standards for small quantity handlers of universal waste:** Each universal waste lamp or a container or package in which such lamps are contained must be labeled or marked clearly with one of the following phrases: "Universal Waste-Lamp(s)," or "Waste Lamp(s)," or "Used Lamp(s)."

At the time of my inspection, none of Luvata's universal waste lamps or containers in which the lamps were being contained were labeled or marked clearly with one of the following phrases: "Universal Waste-Lamp(s)," or "Waste Lamp(s)," or "Used Lamp(s)."

- To return to compliance, Luvata must label or mark each universal waste lamp or a container or package in which such lamps are contained with one of the following phrases: "Universal Waste-Lamp(s)," or "Waste Lamp(s)," or "Used Lamp(s)" and send photographic documentation to me to demonstrate compliance with this rule **within 30 days** of receipt of this letter.

8. **OAC Rule 3745-65-54(C), Amendment of contingency plan:** The contingency plan must be reviewed, and immediately amended, if necessary, whenever the facility changes- in its design, construction, operation, maintenance, or other circumstances- in a way that materially increases the potential for fires, explosion, or releases of hazardous waste or hazardous constituents, or changes the response necessary in an emergency.

In 2002, Luvata installed a Micromill to finish certain copper products. This part of the plant consists of a rolling mill, an annealing furnace, and a tin-plating line. Luvata uses an evaporator system to reclaim the wastewater from the plating line and generates F006. The company also generates a corrosive tin sludge that is accumulated on site. Based on discussions during my inspections, the contingency plan has not been updated to include either the Micromill area or the F006/D002 hazardous waste accumulation area.

- To return to compliance, Luvata must update its contingency plan to ensure that it accurately reflects current facility operations and complies with OAC Rules 3745-65-50 to 3745-65-56. Also, please note that OAC Rule 3745-65-53 requires you to maintain a copy of the

contingency plan and all revisions at the facility and also submit a copy to all local police departments, fire departments, hospitals, and Ohio EPA and local emergency response teams, that may be requested to provide emergency services. Please update the facility's contingency plan and send a copy to me to demonstrate compliance with this rule **within 30 days** of receipt of this letter.

General Comments

1. As discussed during my inspection, a LQG of hazardous waste must comply with the personnel training requirements in OAC Rule 3745-65-16. Facility personnel must successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance with the hazardous waste rules. However, during the inspection, you could not contact Human Resources in order to obtain Luvata's personnel training records. As such, please submit the following documentation to me **within 30 days** of your receipt of this letter.
 - (a) A summary what Luvata's personnel training program includes.
 - (b) The job title for each position at the facility related to hazardous waste management, the name of the employee filling each job, a written job description for each position, and the type of training given for each position.
 - (c) Records that document that new facility personnel have successfully completed the program within six months of their start of employment, or assignment to the facility, or to a new position at the facility, whichever is later.
 - (d) Records that document that facility personnel take part in an annual review of the initial training.

After receiving this documentation, we will determine the status of your company's compliance with the personnel training requirements in OAC Rule 3745-65-16 and notify you of our findings in a separate letter.

2. As discussed during my inspection, all facility communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, where required, must be tested and maintained as necessary to assure its proper operation in time of emergency. The owner or operator must record the inspections in a log or summary (OAC Rule 3745-65-33). Although Luvata has not had to use its spill control equipment (spill carts) recently, you may want to check to make sure that all of the necessary equipment is contained in the spill cart so that it can be used in an emergency and document this inspection in a log to ensure compliance with OAC Rule 3745-65-53.

If you would like a free, non-regulatory on-site pollution prevention assessment or if you would like more information about pollution prevention, please contact Ohio EPA's Office of Compliance Assistance and Pollution Prevention at (800) 329-7518 or visit <http://www.epa.state.oh.us/ocapp/ocapp.html>.

Mr. Jim Osteen
Luvata Ohio, Inc.
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Enclosed you will find a copy of the checklists that I completed as a result of the inspection. Should you have any questions, please feel free to call me at (614) 728-3887. You can find copies of the rules and other information on the division's web page at: <http://www.epa.state.oh.us/dhwm/>.

Sincerely,



Melissa Musko
Environmental Specialist
Division of Hazardous Waste Management
Central District Office

Enclosure

c: Tammy McConnell, DHWM/CO
CDO File

MM/nsm Levata NOVletter 021408

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.

Ohio Environmental Protection Agency
**RCRA SUBTITLE C SITE
IDENTIFICATION/VERIFICATION FORM**

For Ohio EPA use only

E-mail this completed form to
tammy.mcconnell@epa.state.oh.us or mail it to Tammy
McConnell, Central Office

2. Site EPA ID No.	EPA ID Number: OHD004286043								
3. Site Name	Name: Luvata Ohio, Inc.				Website: www.luvata.com (Optional)				
4. Site Location Information	Street Address: 801 Pittsburgh Drive								
	City, Town, or Village: Delaware				State: OH				
	County Name: Delaware				Zip Code: 43015				
5. Site Land Type (check only one)	Private <input checked="" type="checkbox"/>	County <input type="checkbox"/>	District <input type="checkbox"/>	Federal <input type="checkbox"/>	Indian <input type="checkbox"/>	Municipal <input type="checkbox"/>	State <input type="checkbox"/>	Other <input type="checkbox"/>	
6. NAICS code(s) www.census.gov/epcd/www/naics.html	331421								
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: James			MI:	Last Name: Osteen				
	Phone Number: 740-368-4301				Phone Number Extension:				
	E-Mail Address: jim.osteen@luvata.com								
	Fax Number: 740-363-3847				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	Name of Site's Legal Owner: Luvata Ohio, Inc.				Date Became Owner (mm/dd/yyyy):				
	Owner Type:	Private <input checked="" type="checkbox"/>	County <input type="checkbox"/>	District <input type="checkbox"/>	Federal <input type="checkbox"/>	Indian <input type="checkbox"/>	Municipal <input type="checkbox"/>	State <input type="checkbox"/>	Other <input type="checkbox"/>
	Street or P.O. Box: 801 Pittsburgh Drive								
	City, Town or Village: Delaware				Owner Phone #: 740-363-1981				
	State: Ohio				Country: USA		Zip Code: 43015		
	Name of Site's Operator: Luvata Ohio, Inc.				Date Became Operator (mm/dd/yyyy):				
	Owner Type:	Private <input checked="" type="checkbox"/>	County <input type="checkbox"/>	District <input type="checkbox"/>	Federal <input type="checkbox"/>	Indian <input type="checkbox"/>	Municipal <input type="checkbox"/>	State <input type="checkbox"/>	Other <input type="checkbox"/>
	Street or P.O. Box: 801 Pittsburgh Drive								
	City, Town or Village: Delaware				Operator Phone #:				
	State: Ohio				Country: USA		Zip Code: 43015		
9. Violations Cited?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No								
10A. Type of Regulated Waste Activity (Mark "X" in all of the appropriate boxes)									
<input type="checkbox"/> Not Regulated				<input type="checkbox"/> Conditionally Exempt Small Quantity Generator					
<input type="checkbox"/> UNKNOWN: Cited for violation of 3745-52-11				<input type="checkbox"/> United States Importer of Hazardous Waste					
<input checked="" type="checkbox"/> Large Quantity Generator (LQG)				<input type="checkbox"/> Mixed Waste (Hazardous and Radioactive) Generator					
<input type="checkbox"/> Small Quantity Generator (SQG)									
<input type="checkbox"/> Hazardous Waste Transporter				<input type="checkbox"/> Exempt Boiler and/or Industrial Furnace					
<input type="checkbox"/> Treater, Storer or Disposer of Hazardous Waste				<input type="checkbox"/> Small Quantity On-Site Burner Exemption					
<input type="checkbox"/> Recycler of Hazardous Waste				<input type="checkbox"/> Smelting, Melting, Refining Furnace Exemption					
<input type="checkbox"/> Underground Injection Control Facility									

**LARGE QUANTITY GENERATOR REQUIREMENTS
COMPLETE AND ATTACH A PROCESS DESCRIPTION SUMMARY**

CESQG: ≤100Kg. (Approximately 25-30 gallons) of waste in a calendar month or < 1 Kg. of acutely hazardous waste.

SQG: Between 100 and 1,000 Kg. (About 25 to under 300 gallons) of waste in a calendar month.

LQG: ≥1,000 Kg. (~300 gallons) of waste in a calendar month or ≥1 Kg. of acutely hazardous waste in a calendar month.

NOTE: To convert from gallons to pounds: Amount in gallons x Specific Gravity x 8.345 = Amounts in pounds.

Safety Equipment Used:

GENERAL REQUIREMENTS

- | | | | | | | |
|---|-----|-------------------------------------|----|-------------------------------------|-----|--------------------------|
| 1. Have all wastes generated at the facility been adequately evaluated? [3745-52-11] | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> | N/A | <input type="checkbox"/> |
| 2. Are records of waste determination being kept for at least 3 years?[3745-52-40(C)] | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> | N/A | <input type="checkbox"/> |
| 3. Has the generator obtained a U.S. EPA identification number? [3745-52-12] | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> | N/A | <input type="checkbox"/> |
| 4. Were annual reports filed with Ohio EPA on or before March 1 st ? [3745-52-41(A)] | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> | N/A | <input type="checkbox"/> |
| 5. Are annual reports kept on file for at least 3 years?[3745-52-40(B)] | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> | N/A | <input type="checkbox"/> |
| 6. Has the generator transported or caused to be transported hazardous waste to other than a facility authorized to manage the hazardous waste? [ORC 3734.02(F)] | Yes | <input type="checkbox"/> | No | <input checked="" type="checkbox"/> | N/A | <input type="checkbox"/> |
| 7. Has the generator disposed of hazardous waste on-site without a permit or at another facility other than a facility authorized to dispose of the hazardous waste? [ORC 3734.02(E) & (F)] | Yes | <input type="checkbox"/> | No | <input checked="" type="checkbox"/> | N/A | <input type="checkbox"/> |
| 8. Does the generator accumulate hazardous waste? | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> | N/A | <input type="checkbox"/> |

NOTE: If the LQG does not accumulate or treat hazardous waste, it is not subject to 52-34 standards. All other requirements still apply, e.g., annual reports, manifest, marking, record keeping, LDR, etc.

- | | | | | | | |
|--|-----|--------------------------|----|-------------------------------------|-----|--------------------------|
| 9. Has the generator accumulated hazardous waste on-site in excess of 90 days without a permit or an extension from the director ORC §3734.02 (E) & (F)? | Yes | <input type="checkbox"/> | No | <input checked="" type="checkbox"/> | N/A | <input type="checkbox"/> |
|--|-----|--------------------------|----|-------------------------------------|-----|--------------------------|

NOTE: If F006 waste is generated and accumulated for > 90 days and is recycled see 3745-52-34(G) & (H).

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|---|-----|-------------------------------------|----|--------------------------|-----|-------------------------------------|
| 10. Does the generator treat hazardous waste in a: [ORC 3734.02(E)&(F)] | | | | | | |
| a. Container that meets 3745-66-70 to 3745-66-77? | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> | N/A | <input type="checkbox"/> |
| b. Tank that meets 3745-66-90 to 3745-66-101 except 3745-66-97 (C)? | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A | <input checked="" type="checkbox"/> |
| c. Drip pads that meet 3745-69-40 to 3745-69-45? | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A | <input checked="" type="checkbox"/> |
| d. Containment building that meets 3745-256-100 to 3745-256-102? | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A | <input checked="" type="checkbox"/> |

NOTE: Complete appropriate checklist for each unit.

NOTE: If waste is treated to meet LDRs, use LDR checklist.

- | | | | | | | |
|---|-----|--------------------------|----|-------------------------------------|-----|-------------------------------------|
| 11. Does the generator export hazardous waste? If so: | Yes | <input type="checkbox"/> | No | <input checked="" type="checkbox"/> | N/A | <input type="checkbox"/> |
| a. Has the generator notified U.S. EPA of export activity? [3745-52-53(A)] | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A | <input checked="" type="checkbox"/> |
| b. Has the generator complied with special manifest requirements? [3745-52-54] | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A | <input checked="" type="checkbox"/> |
| c. For manifests that have not been returned to the generator: has an exception report been filed? [3745-52-55] | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A | <input checked="" type="checkbox"/> |
| d. Has an annual report been submitted to U.S. EPA? [3745-52-56] | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A | <input checked="" type="checkbox"/> |
| e. Are export related documents being maintained on-site? [3745-52-57(A)] | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A | <input checked="" type="checkbox"/> |

MANIFEST REQUIREMENTS

- | | | | | | | |
|--|-----|-------------------------------------|----|--------------------------|-----|--------------------------|
| 12. Have all hazardous wastes shipped off-site been accompanied by a manifest? (U.S. EPA Form 8700-22) [3745-52-20(A)] | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> | N/A | <input type="checkbox"/> |
| 13. Have items (1) through (20) of each manifest been completed? [3745-52-20(A)] | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> | N/A | <input type="checkbox"/> |

NOTE: U.S. EPA Form 8700-22(A) (the continuation form) may be needed in addition to Form 8700-22. In these situations items (21) through (35) must also be completed. [3745-52-20(A)]

- | | | | | | | |
|--|-----|-------------------------------------|----|--------------------------|-----|--------------------------|
| 14. Does each manifest designate at least one facility which is permitted to handle the waste? [3745-52-20(B)] | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> | N/A | <input type="checkbox"/> |
|--|-----|-------------------------------------|----|--------------------------|-----|--------------------------|

NOTE: The generator may designate on the manifest one alternate facility to handle the waste in the event of an emergency which prevents the delivery of waste to the primary designated facility. [3745-52-20(C)].

- | | | | | | | |
|---|-----|--------------------------|----|--------------------------|-----|-------------------------------------|
| 15. If the transporter was unable to deliver a shipment of hazardous waste to the designated facility did the generator designate an alternate TSD facility or give the transporter instructions to return the waste? [3745-52-20(D)] | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A | <input checked="" type="checkbox"/> |
|---|-----|--------------------------|----|--------------------------|-----|-------------------------------------|

- | | | | | | | |
|---|-----|-------------------------------------|----|--------------------------|-----|--------------------------|
| 16. Have the manifests been signed by the generator and initial transporter? [3745-52-23(A)(1) & (2)] | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> | N/A | <input type="checkbox"/> |
|---|-----|-------------------------------------|----|--------------------------|-----|--------------------------|

27. Does the owner/operator have a contingency plan to minimize hazards to human health or the environment from fires, explosions or any unplanned release of hazardous waste? [3745-65-51(A)] Yes No N/A

In 2002, Luvata installed a Micromill to finish certain copper products. This part of the plant consists of a rolling mill, an annealing furnace, and a tin-plating line. Luvata uses an evaporator system to reclaim the wastewater from the plating line and generates F006. The company also generates a corrosive tin sludge that is accumulated on site. Based on discussions during my inspections, the contingency plan has not been updated to include either the Micromill area or the F006/D002 hazardous waste accumulation area. Luvata must update its contingency plan to ensure that it accurately reflects current facility operations and complies with OAC Rules 3745-65-50 to 3745-65-56. Luvata is to submit an updated plan to me in order to determine compliance.

28. Does the plan describe the following:
- a. Actions to be taken in response to fires, explosions or any unplanned release of hazardous waste [3745-65-52(A)]? Yes No N/A
- b. Arrangements with emergency authorities [3745-65-52(C)]. Yes No N/A
- c. A current list of names, addresses and telephone numbers (office and home) of all persons qualified to act as emergency coordinator? [3745-65-52(D)] Yes No N/A
- d. A list of all emergency equipment, including: location, a physical description and brief outline of capabilities? [3745-65-52(E)] Yes No N/A
- e. An evacuation plan for facility personnel where there is possibility that evacuation may be necessary? [3745-65-52(F)] Yes No N/A

NOTE: If the facility already has a "Spill Prevention, Control and Counter measures Plan" under CFR Part 112 or 40 CFR Part 1510, or some other emergency plan, the facility can amend that plan to incorporate hazardous waste management provisions that are sufficient to comply with OAC requirements. [3745-65-52(B)]

29. Is a copy of the plan (plus revisions) kept on-site and been given to all emergency authorities that may be requested to provide emergency services? [3745-65-53 (A) & (B)] Yes No N/A
30. Has the generator revised the plan in response to rule changes, facility, equipment and personnel changes, or failure of the plan? [3745-65-54] Yes No N/A
31. Is an emergency coordinator available at all times (on-site or on-call)? [3745-65-55] Yes No N/A

NOTE: The emergency coordinator shall be thoroughly familiar with: (a) all aspects of the facility's contingency plan; (b) all operations and activities at the facility; (c) the location and characteristics of waste handled; (d) the location of all records within the facility; (e) facility layout; and (f) shall have the authority to commit the resources needed to implement provisions of the contingency plan.

EMERGENCY PROCEDURES

32. Has there been a fire, explosion or release of hazardous waste or hazardous waste constituents since the last inspection? If so: Yes No N/A
- a. Was the contingency plan implemented? [3745-65-51(B)] Yes No N/A
- b. Did the facility follow the emergency procedures in 3745-65-56(A) through (H)? Yes No N/A
- c. Did the facility submit a report to the Director within 15 days of the incident as required by 3745-65-56(J)? Yes No N/A

NOTE: OAC 3745-65-51(b) requires that the contingency plan be implemented immediately whenever there is a fire, explosion, or release of hazardous waste or hazardous waste constituents, which could threaten human health and the environment.

PREPAREDNESS AND PREVENTION

33. Is the facility operated to minimize the possibility of fire, explosion, or any unplanned release of hazardous waste? [3745-65-31] Yes No N/A
34. Does the generator have the following equipment at the facility, if it is required due to actual hazards associated with the waste:
- a. Internal communications or alarm system? [3745-65-32(A)] Yes No N/A
- b. Emergency communication device? [3745-65-32(B)] Yes No N/A
- c. Portable fire control, spill control and decon equipment? [3745-65-32(C)] Yes No N/A
- d. Water of adequate volume/pressure per documentation or facility rep? [3745-65-32(D)] Yes No N/A

NOTE: Verify that the equipment is listed in the contingency plan.

- a. Closed (except when adding/removing wastes)? [3745-66-73(A)] Yes No N/A
At the time of my inspection, Luvata was dewatering filter socks (F006) in a Gaylord in its hazardous waste accumulation area that was not closed. In addition, Luvata was accumulating/treating corrosive tin sludge (D002) in an open metal drum.
- b. In good condition? [3745-66-71] Yes No N/A
- c. Compatible with wastes stored in them? [3745-66-72] Yes No N/A
- d. Handled in a manner which prevents rupture/leakage? [3745-66-73(B)] Yes No N/A

NOTE: Record location on process summary sheets, photograph the area, and record on facility map.

47. Is the container accumulation areas(s) inspected weekly? [3745-66-74] Per ORC§1.44(A) Yes No N/A
 "Week" means 7 consecutive days.

At the time of my inspection, Luvata did not have any documentation demonstrating that the required weekly inspections of hazardous waste containers were being completed in accordance with OAC Rule 3745-66-74.

- a. Are inspections recorded in a log or summary? [3745-66-74] Yes No N/A
48. Are containers of ignitable or reactive wastes located at least 50 feet (15 meters) from the facility's property line? [3745-66-76] Yes No N/A
49. Are containers of incompatible wastes stored separately from each other by means of a dike, berm, wall or other device? [3745-66-77(C)] Yes No N/A
50. If the generator places incompatible wastes, or incompatible wastes and materials in the same container, is it done in accordance with 3745-65-17(B)? [3745-66-77(A)] Yes No N/A
51. If the generator places hazardous waste in an unwashed container that previously held an incompatible waste, is it done in accordance with 3745-65-17(B)? [3745-66-77(B)] Yes No N/A

NOTE: OAC 3745-65-17(B) requires that the generator treat, store, or dispose of ignitable or reactive waste, and the mixture or commingling of incompatible wastes, or incompatible wastes and materials so that it does not create undesirable conditions or threaten human health or the environment.

52. If the generator has closed a <90 day accumulation area does the closure appear to have met the closure performance standard of 3745-66-11? [3745-52-34(A)(1)] Yes No N/A

NOTE: Please provide a description of the unit and documentation provided by the generator for the file to demonstrate that closure was completed in accordance with the closure performance standards. If the generator has closed a <90 day tank, closure must also be completed in accordance with OAC 3745-66-97 (except for paragraph C of this rule). [3745-52-34]

PRE-TRANSPORT REQUIREMENTS

53. Does the generator package/label its hazardous waste in accordance with the applicable DOT regulations? [3745-52-30, 3745-52-31 and 3745-52-32(A)] Yes No N/A
54. Does each container <110 gallons have a completed hazardous waste label? [3745-52-32(B)] Yes No N/A
55. Before off-site transportation, does the generator placard or offer the appropriate DOT placards to the initial transporter? [3745-52-33] Yes No N/A

LDR CHECKLIST

GENERAL LDR REQUIREMENTS

1. Has the generator adequately evaluated all wastes to determine if they are restricted from land disposal? [3745-270-07(A)(1)] If so: Yes No N/A RMK#
- a. For determinations based solely on knowledge of the waste: Is supporting data retained on-site? [3745-270-07(A)(6)] Yes No N/A RMK#
- b. For determinations based upon analytical testing: Is waste analysis data retained on-site? [3745-270-07(A)(6)] Yes No N/A RMK#
2. Has the generator determined each EPA hazardous waste code applicable to the waste? [3745-270-07(A)(2) see Table 1] Yes No N/A RMK#
3. Has the generator determined the correct "treatability group(s)" (e.g., wastewater, non-wastewater, etc.)? [3745-270-07(A), Table 1] Yes No N/A RMK#
4. Does the generator generate a characteristic hazardous waste? If so: Yes No N/A RMK#
- a. Have all underlying hazardous constituents (UHCs) been identified? [3745-270-09(A)] Yes No N/A RMK#

NOTE: *If the waste is D001 non-wastewater treated by CMBST, RORGS, POLYM in Table 1 of Rule 3745-270-42 UHCs do not need to be identified.*

5. Does the generator generate listed waste(s) which also exhibit hazardous characteristics? [3745-270-09] If so: Yes No N/A RMK#
- a. Has the generator also identified the appropriate treatment standard(s) for the constituent(s) which cause the waste to exhibit a characteristic? [3745-270-09(A)] Yes No N/A RMK#

NOTE: *The generator is not required to identify the treatment standard for the characteristic if the listing covers the associated characteristic (e.g., a F019/D007 hazardous waste - F019 being listed due to chromium content and D007 being the characteristic waste code for chromium). [See OAC Rule 3745-270-09(B)]*

6. Has the generator correctly determined if restricted wastes meet or do not meet treatment standards? [3745-270-07(A)(1)] Yes No N/A RMK#

12. Does the facility treat wastes that are otherwise prohibited from land disposal, in a surface impoundment?
If so:

Yes ___ No N/A ___ RMK# ___

a. Has the facility complied with 3745-270-04?

Yes ___ No N/A RMK# ___

REMARKS

NOTIFICATION AND CERTIFICATION REQUIREMENTS

13. If a generator's waste or contaminated soil does not meet the treatment standards, does the generator have the paperwork required in Column A of Table 1 of 3745-270-07? [3745-270-07(A)(2)]

Yes No N/A ___ RMK# ___

14. If a generators' waste or contaminated soil meets the treatment standard at the original point of generation, does the generator have the paperwork required in Column B of Table 1 of 3745-270-07? [3745-270-07(A)(3)]

Yes ___ No N/A RMK# ___

15. If a generators' waste is exempt (under 3745-270-05, 3745-270-06, national capacity or case-by-case variance, etc.) does the generator have the paperwork required in Column C of Table 1 of 3745-270-07? [3745-270-07(A)(4)]

Yes ___ No N/A RMK# ___

16. If a generator manages a lab pack containing hazardous waste using the alternative treatment standard in 3745-270-42, does the generator have the paperwork required in Column D of Table 1 of 3745-270-07? [3745-270-07(A)(9)]

Yes ___ No N/A RMK# ___

17. Does the generator produce a waste that is hazardous waste from the point of generation, but subsequently excluded from regulation under OAC 3745-51-02 through 3745-51-06? [3745-270-07(A)(7)] If so:

Yes ___ No N/A ___ RMK# ___

a. Is a one-time notice placed in the facility's file stating such generation, subsequent exclusion or exemption, and disposition of the wastes? [3745-270-07(A)(7)]

Yes ___ No N/A RMK# ___

NOTE: Examples include hazardous wastes discharged to a POTW or to a surface water under a NPDES permit.(See 270-07(A)(7))

18. Does the generator retain on-site a copy of all notices, certifications, demonstrations and waste analysis data for at least three years from the last shipment of waste sent off-site? [3745-270-07(A)(8)]

Yes No N/A ___ RMK# ___

REMARKS

9. Has the process/operation generating the waste or the solid waste landfill facility changed? If so: Yes ___ No N/A ___ RMK# ___
- a. Has the notification and certification been updated in the generators and treaters files? [3745-270-09(D)] Yes ___ No N/A RMK# ___
- b. Has the director been notified of such changes? [3745-270-09(D)] Yes ___ No N/A RMK# ___

NOTE: The director need only be notified on an annual basis but no later than December 31.

10. Is the facility treating contaminated soil using the alternative treatment standards in 3745-270-49? If so: Yes ___ No N/A ___ RMK# ___
- a. Has the facility treated the contaminated soil to less than 10 times the Universal Treatment Standards or has a 90% reduction in the total constituent concentrations occurred? [3745-270-49 (C)] Yes ___ No N/A RMK# ___
11. Does each notification/certification form completed, contain the information found in Table 1? [3745-270-07(A)(3)] Yes ___ No N/A RMK# ___

NOTE: If the waste will be treated and monitored for all constituents, there is no need to put them all on the LDR notice.

REMARKS

1. If a generator is managing and treating prohibited waste in containers, the generator must develop and follow a written waste analysis plan which describes the procedures he will carry out to comply with the treatment standards. The plan must be kept on site in the generator's records and meet the requirements of OAC Rule 3745-270-07(A)(5). Luvata does not have a waste analysis plan for rendering its corrosive tin sludge (D002) nonhazardous. The company must develop and submit a waste analysis plan that meets the requirements of OAC Rule 3745-270-07(A)(5) to me **within 30 days** of receipt of this letter. Luvata must also comply with the notification requirements in OAC Rule 3745-270-07(A)(3) for deactivated tin sludge shipped off site.

2. Luvata did not place a one-time notification and certification in its files or send a notification and certification to the director for rendering the corrosive tin sludge nonhazardous. Luvata must prepare and submit a notification and certification to the director and also place a copy in its files. The notification must be prepared in accordance with OAC Rule 3745-270-09(D).

HAZARDOUS DEBRIS - This section is N/A.

TREATING FACILITIES WHICH TREAT WASTE TO MEET LDR STANDARDS - This section is N/A.

**USED OIL INSPECTION CHECKLIST
GENERATORS, COLLECTION CENTERS AND AGGREGATION POINTS**

NOTE: A facility is subject to the federal SPCC regulations (40 CFR 112) if it is non-transportation related (e.g., fixed) and has an aggregate above ground storage capacity greater than 1,320 gallons or a total underground storage capacity greater than 42,000 gallons of oil (including used oil), and there is reasonable expectation of a discharge to navigable waters.

PROHIBITIONS

1. Does the generator manage used oil in a surface impoundment or waste pile? If yes: Yes No N/A
- a. Is the surface impoundment or waste pile regulated as a hazardous waste management unit? [3745-279-12(A)] Yes No N/A
2. Is used oil used as a dust suppressant? [3745-279-12(B)] Yes No N/A
3. Is off-specification used oil fuel burned for energy recovery in devices specified in 3745-279-12(C)? Yes No N/A

NOTE: Multiple used oil checklists may be applicable if used oil handler is performing multiple tasks (e.g., If generating used oil and shipping directly to a burner, complete generator and marketer checklists at a minimum).

GENERATOR STANDARDS

4. Does the generator mix hazardous waste with used oil? If so, Yes No N/A
- a. Is the mixture managed as specified in 3745-279-10(B)? [3745-279-21(A)] Yes No N/A

NOTE: Used Oil mixed with listed (3745-51-30 to 3745-51-35) or characteristic (3745-51-20 to 3745-51-24) hazardous waste are subject to regulation as a hazardous waste, unless the listed hazardous waste is listed solely because it exhibits a hazardous characteristic, and the resultant mixtures do not exhibit a characteristic. Mixtures of used oil and CESQG hazardous waste are subject to OAC Chapter 3745-279.

5. Does the generator of a used oil containing greater than 1,000 ppm total halogens manage the used oil as a hazardous waste unless the presumption is rebutted successfully? [3745-279-21(B)] Yes No N/A

NOTE: If used oil contains greater than 1000 ppm total halogens, it is presumed to be listed hazardous waste until the presumption is successfully rebutted.

6. Does the generator store used oil in tanks; or containers; or a unit(s) subject to regulation as a hazardous waste management unit? [3745-279-22(A)] Yes No N/A
7. Are containers and aboveground tanks used to store used oil in good condition with no visible leaks? [3745-279-22(B)] Yes No N/A
8. Are containers, above ground tanks, and fill pipes used for underground tanks clearly labeled or marked "Used Oil?" [3745-279-22(C)] Yes No N/A
- At the time of my inspection, Luvata was storing approximately 10 drums of used oil that were labeled incorrectly as "Waste Oil."**

SMALL QUANTITY UNIVERSAL WASTE HANDLER REQUIREMENTS - BATTERIES AND LAMPS

Large Quantity Universal Waste Handler (LQUWH) = 5,000 Kg or more

Small Quantity Universal Waste Handler (SQUWH) = 5,000 Kg 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#___

WASTE MANAGEMENT & LABELING/MARKING

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#_1_
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)] Yes ___ No N/A ___RMK#_1_
5. Does the SQUWH conduct any of the following activities:
- a. Sort batteries by type? Yes ___ No ___ N/A ___RMK#_1_
 - b. Mix battery types in one container? Yes ___ No ___ N/A ___RMK#_1_
 - c. Discharge batteries to remove the electric charge? Yes ___ No ___ N/A ___RMK#_1_
 - d. Regenerated used batteries? Yes ___ No ___ N/A ___RMK#_1_
 - e. Disassemble them into individual batteries or cells? Yes ___ No ___ N/A ___RMK#_1_
 - f. Remove batteries from consumer products? Yes ___ No ___ N/A ___RMK#_1_
 - g. Remove the electrolyte from the battery? Yes ___ No ___ N/A ___RMK#_1_
- 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#_1_

generator treatment (AC 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? Yes No N/A RMK#
[3745-273-15(A)] If not:
- 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

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

- At the time of my inspection, Luvata was not accumulating any universal waste batteries on site.
- At the time of my inspection, Luvata was not accumulating universal waste lamps in containers or packages that were closed.
- At the time of my inspection, none of Luvata's universal waste lamps or containers in which the lamps were being contained were labeled or marked clearly with one of the following phrases: "Universal Waste-Lamp(s)," or "Waste Lamp(s)," or "Used Lamp(s)."

