



State of Ohio Environmental Protection Agency

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

April 23, 2008

Mr. David Neely
Arboris, LLC
1780 Tamarack Road
Newark, OH 43055

Re: **Arboris, LLC**
SQG OHD 981526965
Licking County

Dear Mr. Neely:

Thank you for your assistance during my inspection at your Newark facility on March 20,, 2008. Ohio EPA periodically inspects generators of hazardous waste for compliance with applicable requirements. Ohio's laws under Chapter 3745 of the Ohio Administrative Code and Chapter 3734 of the Ohio Revised Code establish a system for safe and responsible management of hazardous waste and used oil. This letter summarizes my findings.

One violation was noted:

Accumulation Start Date Marking, OAC rule 3745-52-34(D)(4): Containers of hazardous waste that do not qualify as satellite accumulation areas, must be marked with the accumulation start date.

A 55-gallon drum of lab waste in the central accumulation area lacked an accumulation start date. It did not qualify as satellite accumulation area because there was another area in the lab with a container for this same waste, which did qualify as a satellite area. In addition, the location outside was not close enough to the point of generation to be under the control of the operator of the process generating the waste (in the lab).

Please provide proper marking of the container and send a photo showing that you have corrected this problem.

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

Mr. David Neely
Arboris, LLC.
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In addition to the above-noted violation, the following comments are also offered:

- ▶ Waste reduction and pollution prevention opportunities may exist with regard to the vacuum pump oil waste stream. The waste characterization profile of the spent vacuum pump oil may be overly conservative since it appears to allow for presence of waste constituents not normally expected in the waste unless accidental waste mixing by workers occurs. You had indicated the vacuum oil (Atlas Copco GA-FG oil) was a vegetable oil. Ohio rules do not provide for management of "vegetable oil" as used oil under OAC Rule 3745-279. However, a review of the copy you provided of the manufacturer's MSDS for the product actually indicates that it is considered a food grade "synthetic hydrocarbon" product. Ohio rules do allow for used synthetic oils to be managed as used oil under the rules mentioned above. Therefore, if this waste can be kept separate from the hazardous lab waste stream, it may be able to be managed as used oil. The presence of hexane in the used vacuum pump oil may not impede its management as used oil since we understand that the hexane has only entered the oil as a result of the vacuum pump operation (i.e. entered the pump as a vapor) and not as a result of any mixing with liquid spent solvent. In addition or as an alternative, Arboris may also be able to reduce the hexane content in the vacuum pump oil (thereby extending its useful life) by adding an additional condenser/trap to the upstream vacuum process lines.

Thanks again for your time and attention to the hazardous waste compliance issues. I look forward to receiving your response in 30 days with the above requested information. If you have any questions, do not hesitate to call me at (614) 728-3885.

Sincerely,



J. David Hohmann
Environmental Specialist
Division of Hazardous Waste Management
Central District Office

c: Tammy McConnell, DHWM/CO
CDO File

Notice: Ohio EPA's failure to list specific deficiencies/violations in this letter does not relieve your company from general obligations to comply with all applicable regulations.

PROCESS, WASTE, P2 SUMMARY SHEET

Facility Name: Arboris, LLC Type: SQG

Inspected on: 3/20/2008

EPAID#: OHD981526965

Waste Generated			On- or Off-Site Management		P2 Activities		
Process/Activity Generating Waste (e.g. plating bath, machining, baghouse, painting, general maintenance, etc)	Waste Description (e.g. sludge, solvent, ash, used oil, spent lamps, etc.) and EPA Waste Code, if applic.	Average quantity generated per Month, Type of Accumulation (container, tank, etc) & location of waste accumulation area	Type of On-Site Treatment (recycle, wwt, etc)	Name, state, and type of activity occurring at the off-site facility.	Current P2 Activities	P2 Opportunities	
1	QA/QC testing of raw material, intermediate and finished product samples	Laboratory waste (solvent and non-empty small glass containers) D001, D038, F003	1 drum per month, accumulated in satellite container in lab, and 55-gallon drum in outdoor central accumulation area.	n/a	Chemtron Corporation Avon, OH Hazardous waste fuels blending	n/a	Minimize QC sample sizes; Empty small glassware contents into larger containe
2	Vacuum solvent distillation pump maintenance	Waste oil contaminated with hexane (D001, F003, F005)	1-2 drums per month, accumulated in 55-gallon drums in outdoor central accumulation area	n/a	Chemtron Corporation Avon, OH Hazardous waste fuels blending (shipped via tanker truck)	n/a	Consider whether this waste could qualify as used oil, if kept segregated from lab solvent.
3	Hexane recovery system filter maintenance	Spent filters contaminated with hexane and other impurities	5 lbs. per month est. is added to the accumulation container for the QC lab waste	n/a	Chemtron Corporation Avon, OH Hazardous waste fuels blending	n/a	None noted
3	Lighting equipment maintenance	Universal waste lamps	50 lbs. per year est.	n/a	Wesco, Inc. (in Columbus, Grove City and Dublin OH)	Using lower mercury bulbs	None noted
4	Battery powered equipment maintenance	Universal waste batteries	10 lbs. per month est.	n/a	handling/recycling as universal waste	None noted	None noted

REMARKS-GENERAL INFO See narrative report for details. Additional P2 remarks and info: Would this facility be interested in a P2 assessment? No. *If yes, refer promptly to OCAPP., 1-800-329-7518 or p2mail@epa.state.oh.us or www.epa.state.oh.us/ocapp/ocapp.html



SMALL QUANTITY GENERATOR REQUIREMENTS

SQG: 100-1,000 Kg. (about 25 - 300 gallons) of waste in a calendar month

Safety Equipment Used: Hard hat, safety glasses, steel toed boots

GENERAL REQUIREMENTS

1. Have all wastes generated at the facility been adequately evaluated? [3745-52-11] Yes No N/A
2. Has the generator obtained a U.S. EPA I.D. number? [3745-52-12] Yes No N/A
3. 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 No N/A
4. Has the generator disposed of hazardous waste **on-site without a permit** or at another facility **other** than a facility authorized to dispose of hazardous waste? [ORC 3734.02 (E) & (F)] Yes No N/A
5. Does the generator accumulate hazardous waste? Yes No N/A
6. Has the generator accumulated hazardous wastes in excess of (180/270) days without a permit or an extension from the Director? [3745-52-34; ORC §3734-02(E)&(F)] Yes No N/A
7. Is the generator accumulating more than 6,000 kg on site? [3745-52-34(D)] Yes No N/A
8. Does the generator treat hazardous waste in a: [N/A, no treatment on site]

MANIFEST REQUIREMENTS

9. Are all hazardous wastes either reclaimed under a contractual agreement as defined in OAC rule 3745-52-20(E), or shipped off-site accompanied by a manifest (U.S. EPA Form 8700-22)? [3745-52-20(A)] Yes No N/A
10. Are wastes reclaimed under a contractual agreement? If so: [3745-52-20(E)] [a-c = N/A] Yes No N/A
11. Have items 1 through 20 of each manifest been completed? [3745-52-20(A)] Yes No N/A
12. Does each manifest designate at least one facility which is permitted to handle the waste? [3745-52-20(B)] Yes No N/A
13. If the transporter was unable to deliver a shipment of hazardous waste to the designated facility did the generator designate an alternative TSD facility or give the transporter instructions to return the waste? [3745-52-20(D)] Yes No N/A
14. Have the manifests been signed by the generator and initial transporter? [3745-52-23 (A) (1) and (2)] Yes No N/A
15. If the generator did not receive a return copy of each completed manifest within 60 days of being accepted by the transporter did the generator submit to Ohio EPA, a copy of the manifest with some indication that the generator has not received confirmation of delivery? [3745-52-42(B)] Yes No N/A
16. Are signed copies of all manifests being retained for at least three years? [3745-52-40] Yes No N/A

PREPAREDNESS AND PREVENTION

17. Is an emergency coordinator available at all times (on-site or on-call)? [3745-52-34(D)(5)(a)] Yes No N/A
18. Has the following been posted by the telephone: [3745-52-34(D)(5)(b)]
 - a. Name and telephone number of emergency coordinator? Yes No N/A
 - b. Location of fire and spill control equipment, and, if present, fire alarm(s) Yes No N/A
 - c. Telephone number of local fire department? Yes No N/A
19. Are employees familiar with waste handling and emergency procedures [3745-52-34(D)(5)(c)] Yes No N/A
20. Has the facility properly responded to all fires and spills? [3745-52-34(D)(5)(d)] Yes No N/A

21. Is the facility operated to minimize the possibility of fire, explosion, or any unplanned sudden or nonsudden release of hazardous waste? [3745-65-31] Yes No N/A
22. Does the generator have the following equipment on site if required due to actual hazards associated with the waste:
- a. Internal Alarm system? [3745-65-32(A)] *RMK: air horn, PA and word of mouth* Yes No N/A
- b. Emergency communication device? [3745-65-32(B)] *RMK: PA and word of mouth* 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)] *RMK: The building is sprinkled, but the waste is outside.* Yes No N/A
23. Is emergency equipment tested (inspected) as necessary to ensure its proper operation in time of emergency? [3745-65-33] Yes No N/A
- a. Are inspections recorded in a log or summary? [3745-65-33] Yes No N/A
24. Do personnel have immediate access to an internal alarm or emergency communication device when handling hazardous waste (*unless the device is not required under OAC 3745-65-32*)? [3745-65-34(A)] *RMK: Radios also are used.* Yes No N/A
25. If there is only one employee on the premises is there immediate access to a device (ex. phone, hand-held two-way radio) capable of summoning external emergency assistance? (Unless not required under 3745-65-32?) [3745-65-34(B)] Yes No N/A
26. Is adequate aisle space provided for unobstructed movement of emergency or spill control equipment? [3745-65-35] Yes No N/A
27. Has the generator attempted to familiarize emergency authorities with possible hazards and facility layout? [3745-65-37(A)] Yes No N/A
28. Where authorities have declined to enter into arrangements or agreements, has the generator documented such a refusal? [3745-65-37(B)] Yes No N/A

SATELLITE ACCUMULATION AREA REQUIREMENTS

29. Does the generator ensure that satellite accumulation area(s): *Cited 52-34(D)(4) in NGV*
- a. Are at or near a point of generation? [3745-52-34(C)(1)] *An outside drum for solids from the lab and process is not close enough to point of generation, to be Satellite Accumulation Area.* Yes No N/A
- b. Are under the control of the operator of the process generating the waste? [3745-52-34(C)(1)] *See above, lab personnel were in another area.* Yes No N/A
- c. Do not exceed a total of 55 gallons of hazardous waste per waste stream? [3745-52-34(C)(1)] *See above, the 55 gallon drum outside was in addition to container(s) for this waste in the lab itself.* Yes No N/A
- d. Do not exceed one quart of acutely hazardous waste at any one time? [3745-52-34(C)(1)] Yes No N/A
- e. Containers are closed, in good condition and compatible with wastes stored in them? [3745-52-34(C)(1)(a)]. Yes No N/A
- f. Containers are marked with the words "Hazardous Waste" or other words identifying the contents? [3745-52-34(C)(1)(b)] Yes No N/A
30. Is the generator accumulating hazardous waste(s) in excess of the amounts listed in the preceding question? If so: [N/A] Yes No N/A

USE AND MANAGEMENT OF CONTAINERS

31. Has the generator marked containers with the words "Hazardous Waste" [3745-52-34(D)(4)] Yes No N/A
32. Is the accumulation date on each container? [3745-52-34(D)(4)] *RMK: The date was not marked on the drum of lab waste outside which did not qualify as satellite accumulation (above).* Yes No N/A
33. Are hazardous wastes stored in containers which are:
- a. Closed (except when adding/removing wastes)? [3745-66-73(A)] Yes No N/A

- 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
34. Is the container accumulation area(s) inspected at least weekly? [3745-66-74] *Per ORC§1.44(A), "week" means seven (7) consecutive days.* Yes No N/A
- a. Are inspections recorded in a log or summary? [3745-66-74] Yes No N/A
35. 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
36. 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
37. 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

PRE-TRANSPORT REQUIREMENTS

38. Does each 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
39. Does each container ≤100 gallons have a completed hazardous waste label? [3745-52-32(B)] Yes No N/A
40. 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 <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
	a. For determinations based solely on knowledge of the waste, is supporting data retained on-site? [3745-270-07(A)(6)]	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
	b. For determinations based upon analytical testing, is waste analysis data retained on-site? [3745-270-07(A)(6)]	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
2.	Has the generator determined each EPA hazardous waste code applicable to the waste? [3745-270-07(A)(2) see Table 1]	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
3.	Has the generator determined the correct "treatability group(s)" (e.g., wastewater, non-wastewater, etc.)? [3745-270-07(A), Table 1]	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
4.	Does the generator generate a characteristic hazardous waste? If so:	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
	a. Have all underlying hazardous constituents (UHCs) been identified? [3745-270-09(A)]	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
<i>If 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.</i>				
5.	Does the generator generate listed waste(s) which also exhibit hazardous characteristics? [3745-270-09] If so:	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
	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 <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
<i>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)]</i>				
6.	Has the generator correctly determined if restricted wastes meet or do not meet treatment standards? [3745-270-07(A)(1)]	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>

7.	Does the owner/operator ensure that restricted wastes or treatment residues are not diluted as a method of achieving/circumventing LDR treatment standards? [3745-270-03]	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
8.	Is combustion of any of the wastes identified in the Appendix to Rule 3745-270-03 occurring without meeting one or more of the criteria under Rule 3745-270-03(C) upon generation or after treatment? [3745-270-03(C)]	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
9.	Has the generator added iron to lead-containing hazardous waste in order to achieve LDR treatment standards for lead? [3745-270-03(D)]	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
10.	Does the facility have a case-by-case extension to the effective date to land dispose of hazardous waste? [3745-270-05] If so: [N/A]	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
11.	Does the facility have an extension to allow for a restricted waste to be land disposed? [3745-270-06] If so:	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
12.	Does the facility treat wastes that are otherwise prohibited from land disposal, in a surface impoundment?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>

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 <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
14.	If a generator's 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 <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
15.	If a generator's 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 <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
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 <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
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: [N/A]	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
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 <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>

GENERATORS TREATING HAZARDOUS WASTE [N/A, no treatment on site]

HAZARDOUS DEBRIS

1.	Does the material in question meet the definition of hazardous debris as defined in rule 3745-270-02(A)(3)?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
2.	Is the hazardous debris being treated to the waste specific treatment standard in 3745-270-40 to 3745-270-49? (If yes, use the generator checklist.) see above.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>

TREATING FACILITIES WHICH TREAT WASTE TO MEET LDR STANDARDS [N/A]