



State of Ohio Environmental Protection Agency

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Columbus, OH 43216-1049

April 1, 2009

Ms. Kirsten Lawson
Bayer MaterialScience, LLC
1111 O'Neill Drive
Hebron, OH 43025**Re: Bayer MaterialScience, LLC - Newark Compounding
Licking County, CESQG OHD 097538573**

Dear Ms. Lawson:

Thank you for your time and assistance during my visit to Bayer's Newark Compounding plastics facility on March 19, 2009. The purpose was to determine your facility's compliance with Ohio's hazardous waste, universal waste and used oil laws and regulations. We also discussed possible ways to prevent pollution by reducing waste. The EPA's Division of Hazardous Waste Management administers Ohio's Hazardous Waste laws under Chapter 3745 of the Ohio Administrative Code and Chapter 3734 of the Ohio Revised Code. This letter summarizes the inspection findings.

Three apparent violations of Ohio's rules were noted, but were corrected during my visit:

1. **Universal Waste Battery container markings, OAC rule 3745-273-14(A):** Containers of universal waste batteries must be labeled with the words "Universal waste- Batteries", "Waste batteries", or "Used batteries".

The word "waste" was missing from a container of this waste, but was added to the label to correct this problem.

The violation is now considered resolved.

2. **Universal Waste Lamp Containers, OAC rule 3745-273-13(D)(1) and (2):** Containers or packages of universal waste lamps, must be kept closed. Any lamps that show evidence of breakage or leakage must also be placed into closed containers that will not leak mercury or hazardous waste constituents into the environment.

An open fiber container of waste fluorescent lamp tubes (including some broken tubes) lacked a lid, but the lid was found and replaced on it to resolve this problem.

This violation is considered resolved. Please ensure that any boxes with flaps containing these wastes, are also kept closed.

3. **Used Oil container marking, OAC rule 3745-279-22(C):** Accumulation containers or tanks for used oil must be clearly marked or labeled as "Used Oil".

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

Ms. Kirsten Lawson
Bayer MaterialScience, LLC
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A 250-gallon tote container for used oil lacked the word "Used", but this word was added to correct the problem.

This violation is considered resolved.

Enclosed are copies of checklists completed for this inspection. Should you have any questions, please feel free to call me at (614) 728-3885. 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 also has helpful pollution prevention information at the following web address: <http://www.epa.state.oh.us/opp>.

Sincerely,



J. David Hohmann
Environmental Specialist
Division of Hazardous Waste Management
Ohio Environmental Protection Agency

Enclosure

c: Kristina Dumell, w/ Enclosures
CDO DHWM Files

JDH/nsm Bayer 2009 NOV-RTC

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

SMALL QUANTITY UNIVERSAL WASTE HANDLER REQUIREMENTS - BATTERIES AND LAMPS

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 <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
2.	Did the SQUWH dilute or treat universal waste, except when responding to releases as provided in OAC rule 3745-273-17 or managing specific wastes as provided in OAC rule 3745-273-13? [3745-273-11(B)]	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>

WASTE MANAGEMENT AND LABELING/MARKING

UNIVERSAL WASTE BATTERIES

3.	Are batteries that show evidence of leakage, spillage or damage that could cause leaks contained? [3745-273-13(A)(1)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
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 <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
5.	Are the casings of the batteries breached, not intact, or open (except to remove the electrolyte)? [3745-273-13(A)]	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
6.	If the electrolyte is removed or other wastes generated, has it been determined whether the electrolyte or other wastes exhibit a characteristic of hazardous waste? [3745-273-13(A)(3)] <i>RMK: a., b. = n/a</i>	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
7.	Are the batteries or containers of batteries labeled with the words "Universal Waste - Batteries" or "Waste Battery(ies)" or "Used Battery(ies)" [3745-273-14(A)] <i>RMK: the word "waste" was added to correct this deficiency.</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>

UNIVERSAL WASTE LAMPS

8.	Does the SQUWH contain lamps in containers or packages that are structurally sound, adequate to prevent breakage, and 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)] <i>RMK: An open container of waste lamps was closed to correct this deficiency.</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
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)] <i>RMK: An open container of waste lamps (including some broken tubes) was closed to correct this deficiency.</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
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 <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>

ACCUMULATION TIME

11.	Is the waste accumulated for less than one year? [3745-273-15(A)]	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
a.	If not, [n/a]	
12.	Is the handler able to demonstrate the length of time the universal waste has been accumulated? [3745-273-15(C)] If yes, describe: <i>The containers were marked with start dates, which were less than 6 months old.</i>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>

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 <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
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RESPONSE TO RELEASES

14.	Are releases of universal waste and other residues immediately contained? [3745-	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
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273-17(A)] <i>RMK: No evidence of residual releases or material. #15, 16 = N/A...</i>		
OFF-SITE SHIPMENTS		
17.	Are universal wastes sent to either another handler, destination facility or foreign destination? [3745-273-18(A)]	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
18.	Is the handler aware of DOT requirements for packaging and shipping? If no, make aware of 49 CFR 171-180.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
19.	Prior to shipping universal waste off-site, does the originating handler ensure that the receiver agrees to receive the shipment? [3745-273-18(D)] (this change makes it like the LQUWH checklist)	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
20.	Has the originating handler ever had an off-site shipment rejected by another handler or destination facility? [a. and 21, 22 = N/A]	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
EXPORTS		
23.	Is waste being sent to a foreign destination? If so: [a.-c. = N/A]	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>

CONDITIONALLY EXEMPT SMALL QUANTITY GENERATOR REQUIREMENTS

COMPLETE AND ATTACH A PROCESS, WASTE, P2 SUMMARY SHEET

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

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

Safety Equipment Used:

WASTE EVALUATION

1. Have all wastes generated at the facility been adequately evaluated? [3745-52-11] Yes No N/A

GENERATOR CLASSIFICATION

2. Does the generator produce <100 kg. of hazardous waste per month? [conditionally exempt small quantity generator ("CESQG")] Yes No N/A

NOTE: If quantities of hazardous waste accumulated on-site at any one time exceed 1,000 Kg. - or the generator produces between 100 and 1,000 Kg. of hazardous waste per month, it is operating as a Small Quantity Generator ("SQG"). If so, complete the Small Quantity Generator Requirements checklist.

OFF-SITE SHIPMENT OF HAZARDOUS WASTE

3. Does the CESQG ensure delivery of hazardous waste(s) to an off-site permitted TSD? [3734.02(F)] Yes No N/A

TREATMENT OF HAZARDOUS WASTE

4. Does the generator treat hazardous waste in a:

a. Container that meets 3745-66-70 to 3745-66-77? Yes No N/A

b. Tank that meets 3745-66-90 to 3745-66-101 except 3745-66-97(C)? Yes No N/A

c. Drip pads that meet 3745-69-40 to 3745-69-45? Yes No N/A

d. Containment building that meets 3745-256-100 to 3745-256-102? Yes No N/A

NOTE: Complete appropriate checklist for each unit.

NOTE: If the CESQG conducts treatment they are subject to the LQG requirements.

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

MIX HAZARDOUS WASTE WITH USED OIL

5. Does the CESQG mix its hazardous waste with used oil for the purpose of burning for energy recovery? [3745-51-05(J)] If so: Yes No N/A

a. Does the CESQG manage the mixture in accordance with 3745-279-21? Yes No N/A

USED OIL INSPECTION CHECKLIST

GENERATORS, COLLECTION CENTERS AND AGGREGATION POINTS

PROHIBITIONS		
1.	Does the generator manage used oil in a surface impoundment or waste pile? If yes: [a. = N/A]	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
2.	Is used oil used as a dust suppressant? [3745-279-12(B)]	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
3.	Is off-specification used oil fuel burned for energy recovery in devices specified in 3745-279-12(C)?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
GENERATOR STANDARDS		
4.	Does the generator mix hazardous waste with used oil? If so, <i>RMK: A cup of oily sludge from the parts washer is added to the used oil tote.</i>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
a.	Is the mixture managed as specified in 3745-279-10(B)? [3745-279-21(A)]	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
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 <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
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 <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
7.	Are containers and aboveground tanks used to store used oil in good condition with no visible leaks? [3745-279-22(B)]	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
8.	Are containers, above ground tanks, and fill pipes used for underground tanks clearly labeled or marked "Used Oil?" [3745-279-22(C)] <i>RMK: The word "used" was added to the container to correct this deficiency.</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
9.	Has the generator, upon detection of a release of used oil, done the following: [3745-279-22(D)] [a.-d. = N/A]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
ON-SITE BURNING IN SPACE HEATER		
10.	Does the generator burn used oil in used-oil fired space heaters? [3745-279-23] If so:	NO. [a.-c. = N/A]
GENERATOR TRANSPORTATION		
11.	Does the generator have the used oil hauled only by transporters that have obtained a U.S. EPA ID#? [RMK: #12= N/A]	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
COLLECTION CENTERS AND AGGREGATION POINTS		
13.	Is the DIY used oil collection center in compliance with the generator standards in 3745-279-20 to 3745-279-24? [3745-279-30]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
14.	Is the non-DIY used oil collection center registered with Ohio EPA? [3745-279-31]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
15.	Is the used oil aggregation point in compliance with the generator standards in 3745-279-20 to 3745-279-24? [3745-279-32]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>

OHIO EPA CDO DIVISION OF HAZARDOUS WASTE MANAGEMENT FIELD REPORT

Facility: **Bayer MaterialScience, LLC- Newark Compounding facility**

RCRA ID#: OHD097538573 Inspection Date: 3/19/2009

Site Contact: Kirsten Lawson, HSEQ Superintendent

Location: 1111 O'Neill Drive Hebron, OH 43025

At this location since 1979 Generator/Site Status: CESQG

Ohio EPA

Lead Contact: J. David Hohmann, CDO DHWM

Contact Phone: (614) 728-3885 Email: david.hohmann@epa.state.oh.us FAX: (614) 728-3898

Report By: JDH Report Date: 3-27-2009

 3/27/09 (Signed)(Date)

Background:

This facility has been operating since 1979 and is part of Bayer MaterialScience LLC. The plant conducts resin mixing and compounding of various additives. Resin pellets are mixed under pressure (which makes heat) with dyes, fillers and retardants, then extruded and cooled before being re-pelletized.

DHWM-CDO staff previously inspected the facility in December of 2003, at which time the facility was an LQG with intermittent hazardous waste but small amounts in accumulation on site. This was a regular periodic unannounced compliance inspection.

Inspection Summary

I arrived at 1:20 PM at the 1111 O'Neill Drive facility and met Kirsten Lawson, the hazardous waste contact person. John Troutman, the previous notified contact person, had not worked here for several years according to the personnel at the front desk.

I signed in and viewed a 10-minute safety video, and received a visitor's safety card (valid for a year). I wore safety glasses, a hardhat and earplugs.

Ms. Lawson reviewed the facility's processes and activities with me. Mr. Buck Steorts joined us for the site tour. Compounding, heated grinding and extrusion of thermoplastic products remains the primary production activity.

Related condensate which is collected from air emissions control equipment has been tested repeatedly and in recent years has not been determined to be hazardous waste, according to Ms. Lawson. In 2003 this had been the main hazardous waste stream. Mr. Steorts said that the re-characterization of this waste may reflect changes in the formulations of the plastics and additives, which over time have tended to include fewer ingredients that could be considered "hazardous".

At this time the facility employs 136 people who work on 3 shifts, 5 days per week. There are 14 extrusion lines in the plant, I was told.

Site tour

Waste Shed- A single 5-gallon can of general lab waste solvent dated 2/16/09 was present in this accumulation area. A 5-gallon unmarked blue jug was found to contain oil, and its contents were added to a properly marked used oil tote container. Other containers in the shed were either empty or contained usable products. Aisle space was good in the area. Signage and fire extinguishers were also provided.

Condensate collection buckets and drums underneath traps in the overhead lines were kept closed with lids, and were marked as "non-hazardous waste".

At this time there are only two hazardous waste streams being produced, both of them from the facility QC testing lab.

- Mixed GC waste (vials and liquids, with sharps) with solvents (acrylonitrile, methylene chloride, and gamma butyl acetone). About 5 gallons per month of this waste are generated. This was being collected in a properly marked, sealed can under the fume hood.
- Lab solvent with methylene chloride (about 5 gallons per month of this waste are generated). The waste was collected in a properly marked and sealed can under the fume hood.

Other wastes-

A safety-kleen parts washer in the maintenance department area, had a built-in regenerating still which is operated once or twice a week. The unit is serviced quarterly by Safety-Kleen personnel, who add makeup solvent if needed and take the still bottoms (about a cup at a time) and add it to the used oil accumulation. The unit holds between 20 and 30 gallons of solvent, it was believed.

Ms. Lawson indicated that almost no aerosol cans are used at this facility, and my observations during the site tour confirmed this.

Used oil was being collected in a steel 250-gallon tote container that was marked as "waste oil". The word "used" was added to the container label during my visit, to resolve this problem.

Universal waste lamps were being accumulated in properly marked containers with accumulation start dates. They were being shipped 2-3 times per year, and all the boxes had dates more recent than 6 months old. The largest container for waste lamps was found to be lacking a lid, but it was located and replaced to resolve the problem.

Universal waste batteries were being collected, in a container marked as "batteries only". The word "waste" was added to the label in order to meet the applicable regulatory requirements.

Baghouse dust was being generated from emissions control equipment and collected as nonhazardous waste for disposal. Non-hazardous wastewater treatment sludge, including plastic pellets and finer particles from a filter press, were also being collected in lined totes for landfill disposal. The water after treatment was returned for reuse in the production process. About 60 percent of the water in the process comes from on-site reclamation. So-called "Goobers and Overs", pie-shaped hardened chunks of extruded plastic, were largely recycled by returning to the process, unless it had fiberglass in it.

Records review

Hazardous and non-hazardous waste manifest records were being kept in a folder, organized by month. Safety-Kleen was picking up universal waste batteries, lamps and the hazardous waste lab solvents and GC waste, as well as the non-hazardous liquid condensate waste. One of the manifests indicated "45 gallons" generated but this was investigated by Ms. Lawson and determined to be definitely a mistake; it was supposed to be "45 lbs."

Waste Management, Inc. takes the rolloff boxes of solid waste.

I thanked Ms. Lawson for her time during my visit, and left the facility at approximately 3:05 PM.

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

For Ohio EPA use only

E-mail this completed form to kristina.durnell@epa.state.oh.us
 or mail it to Kristina Durnell, Central Office

Site EPA ID No. Site Name	EPA ID Number: OHD 097538573 Name: Bayer MaterialScience, LLC		Website: (Optional)					
Site Location Information	Street Address: 1111 O'Neill Drive City, Town, or Village: Hebron County Name: Licking		State: OH Zip Code: 43025					
Site Land Type (check only one) NAICS code(s) www.census.gov/epcd/www/naics.html	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"/>
Facility Representative Additional names can be recorded in number 12 Only provide address information if it is different than the site address	First Name: Kirsten Phone Number: 740-929-2359 E-Mail Address: Fax Number: Street or P.O. Box: City, Town or Village: State:		MI:	Last Name: Lawson Phone Number Extension: Fax Number Extension: Zip Code:				
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: same as Facility Rep.		Date Became Owner (mm/dd/yyyy):		Owner <input type="checkbox"/> 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: City, Town or Village: State: Name of Site's Operator:		Owner Phone #: Country: Zip Code:		Date Became Operator (mm/dd/yyyy):			
	Operator <input type="checkbox"/> 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"/>		Operator Phone #: United States Zip Code:					
	Street or P.O. Box: City, Town or Village: State:							

VIOLATIONS CITED? Yes No

TYPE OF HANDLER— A MINIMUM OF ONE BOX MUST BE CHECKED

<input type="checkbox"/> Not a HW Generator	<input type="checkbox"/> UNKNOWN: Cited for violation of 3745-52-11	<input type="checkbox"/> Large Quantity Generator (LQG) <input type="checkbox"/> Small Quantity Generator (SQG) <input checked="" type="checkbox"/> Conditionally Exempt Small Quantity Generator <input type="checkbox"/> U.S. Importer of Hazardous Waste <input type="checkbox"/> Mixed Waste (Hazardous and Radioactive) Generator
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