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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

May 10, 2007

Re: **Toxco, Inc.**  
**Large Quantity Generator/TSD**  
**OHD071654958**  
**Fairfield County, CDO**  
**NOV**

Mr. Ed Green  
Toxco, Inc.  
265 Quarry Road  
Lancaster, OH 43130

Dear Mr. Green:

Thank you for accompanying Elizabeth Lamerson and me during Ohio EPA's inspection of Toxco, Inc.'s (Toxco's) facility in Lancaster, Ohio, on May 2 and 3, 2007. We inspected Toxco to determine its compliance with Ohio's hazardous waste and universal waste laws and rules as found in Chapter 3734. of the Ohio Revised Code (ORC) and Chapter 3745. of the Ohio Administrative Code (OAC). Toxco was also inspected for compliance with the terms and conditions of its hazardous waste facility installation and operation permit issued on December 21, 2005, as modified. The facility inspection involved a review of facility operations and required documentation, and pollution prevention was discussed.

We found the following violations of Ohio's hazardous waste laws and rules and Toxco's hazardous waste permit. 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 3745-50-58(A), Failure to operate in accordance with the hazardous waste permit application section A.3.a.** When batteries or components are received they are to be unloaded, weighed, logged, and tagged for tracking.

Toxco is not operating in accordance with the hazardous waste permit issued on December 21, 2005. According to section A.3.a of the permit application, when batteries or components are received, they are unloaded, weighed, logged, and tagged for tracking. On May 2, 2007, Toxco had a battery stack in Phase II that was not properly tagged.

- During the inspection, Toxco personnel properly tagged the battery stack. The violation was abated at that time.

2. **OAC Rules 3745-50-58(A) and 3745-54-75(H), Waste Minimization Report:** Pursuant to Permit Condition A.29(b), the permittee must submit a Waste Minimization Report to Ohio EPA's Office of Compliance Assistance and Pollution Prevention (OCAPP) within one hundred eighty (180) days of the effective date of the permit.

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

Toxco has not submitted a Waste Minimization Report to Ohio EPA's OCAPP within 180 days of journalization of the December 21, 2005, permit.

- Toxco must submit a Waste Minimization Report to Ohio EPA's OCAPP in order to abate this violation. Please copy Ohio EPA's Central District Office on your submittal. For assistance in developing a waste minimization plan, you can download the Ohio Pollution Prevention and Waste Minimization Planning Guidance Manual at: [www.epa.state.oh.us/opp/P2WasMin.pdf](http://www.epa.state.oh.us/opp/P2WasMin.pdf). I have also included examples of other waste minimization reports that have been submitted to Ohio EPA. If you need additional information or have questions about the report, please feel free to contact Sean Tolentino with Ohio EPA's OCAPP at (614) 644-2812.
- 3. **OAC Rules 3745-50-58(A) and 3745-54-15, Failure to operate in accordance with the hazardous waste permit application section A.5. and Attachment 8c.** Section A.5 of Toxco's permit application describes the procedures used to remedy inspection discrepancies. Attachment 8c shows how inspection discrepancies are converted to work orders and subsequently resolved and contains copies of the Project/Work Order Template and Work Order Status Form.

Toxco is not operating in accordance with the hazardous waste permit issued on December 21, 2005. Toxco is using a Project/Work Order Form that is different from the form in Attachment 8c.

- Toxco must immediately begin using the work order forms as in the permit application Attachment 8c. Please submit paperwork for at least two work orders on the work order forms as stated in the permit application in order to abate this violation. If you wish to use the work order forms that you are currently using, you may submit a modification to the permit application.

#### **General Comments**

- (a) Toxco is storing batteries for more than a year. Although Ohio EPA has concurred with this storage in the past (in correspondence dated November 18, 2002), it may no longer be warranted to store batteries beyond one year to facilitate proper recovery, treatment, or disposal in accordance with OAC Rule 3745-270-50. Since 2002, Toxco has established and refined its battery recycling operations to alleviate any backlog of batteries to be processed. During the inspection, Ohio EPA informed Toxco that batteries older than one year should be recycled or that Toxco may be in violation of OAC Rule 3745-270-50 in the future. Ohio EPA will address this issue during our next inspection.
- (b) Pursuant to OAC Rule 3745-270-07(A)(7), if a generator determines that he is managing a prohibited waste that is excluded from the definition of hazardous waste or waste, or is exempt from regulation as a hazardous waste under rules 3745-51-02 to 3745-51-06 of the Administrative Code subsequent to the point of generation, he must place in the generator's files a one-time notice describing such generation, subsequent exclusion from the definition of hazardous waste or waste or exemption from regulation as hazardous waste, and the disposition of the waste.

During the lead acid battery breaking process, Toxco generates spent sulfuric acid, which is treated within the on-site wastewater treatment system and then subsequently discharged to the POTW operated by the City of Lancaster Water Pollution Control Board. Thus, this waste stream is subsequently excluded from being a waste. Section A.3.a of Toxco's permit application (which is kept on site) briefly mentions this waste stream and its disposition. However, during the inspection, Ohio EPA recommended that Toxco prepare a separate one-time notice to place in its files to satisfy the requirements of OAC Rule 3745-270-07(A)(7). Please submit a copy of the one-time notice to me **within 30 days** of your receipt of this letter.

- (c) During the inspection, Ohio EPA reviewed hazardous waste manifests that had been returned to Toxco from foreign destinations (e.g., Nova Pb in Quebec, Canada). Ohio EPA noted that some of these manifests were hard to read and that Toxco needs to ensure that the returned manifests are legible and contain all of the required information.
- (d) Also during the inspection, we discussed manifest discrepancies because there were some discrepancies greater than 1,000 pounds noted on some returned manifests. Although the rules require the owner or operator of the receiving TSD to reconcile these differences, Toxco has followed up on significant discrepancies in the past. During the inspection, we discussed reasons for manifest discrepancies (e.g., differences in scales, weighing methods), and Toxco noted correspondence that they've had with receiving facilities. To lessen the likelihood of future issues or questions surrounding this topic, please submit documentation explaining these discrepancies and reasons for them to me for our files. Please submit this documentation **within 30 days** of your receipt of this letter.
- (e) **OAC Rule 3745-52-55** contains exception reporting requirements for exports. A primary exporter must file an exception report with the Ohio EPA if: (A) He has not received a copy of the manifest signed by the transporter stating the date and place of departure from the United States within 45 days from the date it was accepted by the initial transporter; (B) Within 90 days from the date the waste was accepted by the initial transporter, the primary exporter has not received written confirmation from the consignee that the hazardous waste was received; or (C) The waste is returned to the United States.

Toxco has recently started to export waste to Korea. During the inspection, Ohio EPA reviewed copies of returned manifests, which were received from the consignee by Toxco within 90 days from the date the waste was accepted by the initial transporter. However, please note that OAC Rule 3745-52-55(A) also requires a primary exporter to submit an exception report if he has not received a signed copy of the manifest from the transporter within 45 days. As discussed, Toxco is developing boiler plate language to use in these instances. Please submit the applicable exception reports for recently exported waste to me **within 30 days** of your receipt of this letter, and in the future, Toxco must submit exception reports if any of the instances in OAC Rule 3745-52-55 occur in order to ensure compliance with the rule.

- (f) In the future, when Toxco requests a permit modification, please adhere to the following:
  - i. Submit documents to the Director, c/o Pamela Allen, DHWM, Attn: Regulatory and Information Services Section and carbon copy Ohio EPA, Central District Office. Please refer to Permit Condition A.27(d) for the correct mailing addresses.
  - ii. Please include Toxco's U.S. EPA ID# on the first page of the cover letter.

Mr. Ed Green  
Toxco, Inc.  
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- (g) As discussed during the inspection and in previous correspondence, Toxco has requested that some proprietary information be removed from Ohio EPA's files (inspection reports, pictures, process descriptions, etc.). Toxco must formally request that this information be removed in accordance with OAC Rules 3745-50-29 and 3745-50-30. If you have any questions about requesting proprietary information, please contact Todd Anderson at (614) 644-3037. I would also strongly urge you to conduct a file review to see if there is any other information that you would deem proprietary in Toxco's files. If you wish to schedule a time to review Toxco's files, please contact Sherrie Jenkins at (614) 728-3800.
- (h) Finally, please note that since Toxco began recycling batteries, the facility has made vast improvements in its overall operations, including paperwork organization and tracking. I look forward to continuing to work with you on compliance with Ohio's hazardous waste and universal waste laws and rules.

Enclosed you will find a process description and completed checklist. Should you have any questions, please feel free to call me at (614) 728-3887.

Additionally, our website, [www.epa.state.oh.us/dhwm](http://www.epa.state.oh.us/dhwm), provides copies of Ohio hazardous waste rules, and the Office of Compliance Assistance and Pollution Prevention website, [www.epa.state.oh.us/opp/ocapp.html](http://www.epa.state.oh.us/opp/ocapp.html), provides industry-specific pollution prevention information.

Sincerely,



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

Enclosure

c: Tammy McConnell, DHWM/CO  
Sean Tolentino, OCAPP/CO  
Elizabeth Lamerson, DHWM/CDO

MM/nsm Toxco NOV.507

**NOTICE:**

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

E-mail this completed form to <a href="mailto:tammy.mcconnell@epa.state.oh.us">tammy.mcconnell@epa.state.oh.us</a> or mail it to Tammy McConnell, Central Office	<b>U.S. Environmental Protection Agency</b> <b>RCRA SUBTITLE C SITE IDENTIFICATION/VERIFICATION FORM</b>		For Ohio EPA use only																		
2. Site EPA ID No.	EPA ID Number: OHD071654958																				
3. Site Name	Name: Toxco, Inc.		Website (optional):																		
4. Site Location Information	Street Address: 265 Quarry Road																				
	City, Town, or Village: Lancaster		State: OH																		
	County Name: Fairfield		Zip Code: 43130																		
5. Site Land Type (check only one)	<table border="1" style="width: 100%; text-align: center;"> <tr> <td>Private</td> <td>County</td> <td>District</td> <td>Federal</td> <td>Indian</td> <td>Municipal</td> <td>State</td> <td>Other</td> </tr> <tr> <td>X</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table>			Private	County	District	Federal	Indian	Municipal	State	Other	X									
Private	County	District	Federal	Indian	Municipal	State	Other														
X																					
6. NAICS code(s) <a href="http://www.census.gov/epcd/www/naics.html">www.census.gov/epcd/www/naics.html</a>	A. 421930		B.																		
C.		D.																			
7. Facility Representative  Additional names can be recorded in number 12.  Only provide address information if it is different than the site address.	First Name: Ed		MI:																		
	Last Name: Green		Phone Number Extension:																		
	Phone Number: (740) 653-6290			Phone Number Extension:																	
	E-Mail Address: EdGreen@kinsbursky.com			Fax Number Extension:																	
	Fax Number:		Fax Number Extension:																		
	Street or P.O. Box:																				
City, Town or Village:																					
State:		Country:																			
Zip Code:																					
8. Legal Owner and Operator of the Site List Additional Owners and/or Operators in the Comment Section or on another copy of this form page.	A. Name of Site's Legal Owner:  Toxco, Inc.		Date Became Owner (mm/dd/yyyy):  7/1/2000																		
	<table border="1" style="width: 100%; text-align: center;"> <tr> <td>Owner Type: Mark with an X</td> <td>Private</td> <td>County</td> <td>District</td> <td>Federal</td> <td>Indian</td> <td>Municipal</td> <td>State</td> <td>Other</td> </tr> <tr> <td></td> <td>X</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table>			Owner Type: Mark with an X	Private	County	District	Federal	Indian	Municipal	State	Other		X							
	Owner Type: Mark with an X	Private	County	District	Federal	Indian	Municipal	State	Other												
		X																			
	Street or P.O. Box: 265 Quarry Road																				
	City, Town, or Village: Lancaster		Owner Phone #: (740) 653-6290																		
	State: Ohio		Country: USA      Zip Code: 43130																		
	B. Name of Site's Operator:  Toxco, Inc.		Date Became Operator (mm/dd/yyyy):  7/1/2000																		
	<table border="1" style="width: 100%; text-align: center;"> <tr> <td>Operator Type: Mark with an X</td> <td>Private</td> <td>County</td> <td>District</td> <td>Federal</td> <td>Indian</td> <td>Municipal</td> <td>State</td> <td>Other</td> </tr> <tr> <td></td> <td>X</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table>			Operator Type: Mark with an X	Private	County	District	Federal	Indian	Municipal	State	Other		X							
	Operator Type: Mark with an X	Private	County	District	Federal	Indian	Municipal	State	Other												
	X																				
Street or P.O. Box: Same as above																					
City, Town, or Village:		Operator Phone #:																			
State:		Country:      Zip Code:																			
9. Violations Cited? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No																					
10. Type of Regulated Waste Activity (Mark "X" in all of the appropriate boxes.)																					
<input type="checkbox"/> Not Regulated																					

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

**A. Hazardous Waste Activities**

(choose only one of the following categories)

<input type="checkbox"/>	UNKNOWN: Cited for violation of 3745-52-11	<input checked="" type="checkbox"/>	3. Treater, Storer or Disposer of Hazardous Waste
<input checked="" type="checkbox"/>	a. Large Quantity Generator (LQG):	<input checked="" type="checkbox"/>	4. Recycler of Hazardous Waste
<input type="checkbox"/>	b. Small Quantity Generator (SQG)	<input type="checkbox"/>	5. Exempt Boiler and/or Industrial Furnace
<input type="checkbox"/>	c. Conditionally Exempt Small Quantity Generator	<input type="checkbox"/>	a. Small Quantity On-site Burner Exemption
<input type="checkbox"/>	d. United States Importer of Hazardous Waste	<input type="checkbox"/>	b. Smelting, Melting, Refining Furnace Exemption
<input type="checkbox"/>	e. Mixed Waste (hazardous and radioactive) Generator	<input type="checkbox"/>	6. Underground Injection Control Facility
		<input type="checkbox"/>	7. Hazardous Waste Transporter

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

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

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

D002	D003	D004	D005	D006	D007	D008
D009	D010	D011				

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

Y / N	Announced ?	Additional Facility Representatives:	Gretchen Krum
Y / N	Tanks?	Other comments:	
Y / N	Containers?		

13. Name of Inspector(s)	Name of Inspector(s)	Date of Inspection/ Time (mm-dd-yyyy) (HH:MM)
Melissa Musko, DHWM-CDO	Elizabeth Lamerson, DHWM-CDO	May 2, 2007 (9:30-3:00) May 3, 2007 (8:00-10:45)

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

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



\*\*\*\*\*

**PROCESS DESCRIPTION SECTION (as of May 2, 2007)**

Give a general process description ( include all processes at the facility )

Toxco, Inc. is a destination facility for NiCd and lead acid batteries. Toxco received a hazardous waste storage permit on December 21, 2005. Toxco is also a Large Quantity Universal Waste Handler (LQUWH) in addition to a Large Quantity Generator (LQG).

Currently, Toxco is processing NiCd batteries and lead acid batteries. The NiCd and lead acid batteries are brought into either their respective storage areas or to the staging area located in phase III. The batteries are moved into the breaking area when they process them. The hardware is removed and recycled as stainless steel. The facility cracks the batteries, and the plates are pulled and sent off site to be recycled. The battery cases are washed and placed into the granulator. The granulated material is placed into the 40-yard hazardous waste roll off box or sent off site to be recycled.

The facility also operates as a Large Quantity Universal Waste Handler (LQUWH) for other types and chemistries of batteries.

The facility generates Polycarbonate plastic, PPE, Retort wastewater, Potassium hydroxide, Lead plates, Lead oxide, Polypropylene plastic, and Lead absolute plates.

\*\*\*\*\*

**WASTE ACTIVITIES AND P2 SUMMARY SECTION**

For each of the processes listed above that generate a waste give the following information: (1) name of process generating waste, (2) name or description of waste generated (e.g. sludge, solvent, ash, used oil, spent lamps, etc.), (3) EPA waste codes, if applicable, (4) quantity generated per month, (5) type of accumulation (container, tank, etc.) (6) waste accumulation location in facility, (7) type of on-site treatment (if used), (8) name of off-site management facility and type of waste management activity occurring there, (9) Current P2 activities, and (10) P2 opportunities.

**Polycarbonate plastic** - This plastic is generated from the battery cases of the lead acid batteries. The plastic is ground and placed in a 40-yard roll off box located in a truck bay. The PPE is also added into this roll off box. The waste carries D006 and D008 waste codes. The facility generates a roll off box containing plastic and PPE every two to three weeks. It is sent to EQ Detroit.

**PPE** - The PPE is generated from changing an employee's PPE for a break or at the end of a shift. The PPE is accumulated in the 40-yard roll off box with the polycarbonate plastic. The waste carries a D006 and D008 waste code. It is sent to EQ Detroit.

**Retort wastewater** - The retort wastewater is generated from the retort furnaces. The dry cell NiCd batteries contain hydroxide and when they are heated it comes off and is collected in the 2,500 gallon wet scrubber tank. Any plastic in these batteries also goes to the wet scrubber tank. Toxco generates approximately 2,500 gallons of retort wastewater every 90 days. The waste carries a D006 waste code. Due to the level of phenols in this waste, it is sent to Vickery Environmental, Inc.

**Potassium hydroxide** - The potassium hydroxide (KOH) is generated from processing the NiCd batteries. The KOH is collected in a 2,500 gallon tank. The waste carries D002 and D006 waste codes. Toxco generates 2,500 gallons every two to three weeks. The KOH is sent to Clean Harbors.

**Lead plates** - The lead plates are generated from the lead acid batteries. The lead plates carry a D008 waste code. The lead plates are collected and placed in stacks on a spill collection mat in phase II or III of the storage areas. The lead plates are left on site in stacks for a couple of weeks while they continue to drain. Toxco sends two to three truckloads of lead plates off per day. The lead plates are sold to both domestic and foreign customers to be recycled.

**Lead oxide** - The lead oxide is generated from the filter cake in the lead acid processing area. The lead oxide is collected in 55-gallon drums located in the phase II or III of the storage area. The lead oxide carries a D008 waste code. The facility ships two to three shipments of lead oxide per week. This waste stream is also sold to customers to be recycled.

**Polypropylene plastic** - The polypropylene plastic is generated from the battery cases. The plastic is ground and sold as a product to be used to make buckets. A truckload of plastic is sent by manifest about every other month. The plastic carries a D008 waste code.

**Lead absolyte plates** - The lead absolyte plates are generated from breaking process. This waste stream is irregular. The waste carries a D008 waste code. The waste is collected and sent by manifest off site.

**Fluorescent bulbs** - The fluorescent bulbs are generated when they are changed out. The bulbs are sent to Baltimore, Ohio, to go on to a recycler.

**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  No  N/A
2. Are records of waste determination being kept for at least 3 years?[3745-52-40(C)] Yes  No  N/A
3. Has the generator obtained a U.S. EPA identification number? [3745-52-12] Yes  No  N/A
4. Were annual reports filed with Ohio EPA on or before March 1<sup>st</sup>? [3745-52-41(A)] Yes  No  N/A
5. Are annual reports kept on file for at least 3 years?[3745-52-40(B)] Yes  No  N/A
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  No  N/A
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  No  N/A
8. Does the generator accumulate hazardous waste? Yes  No  N/A

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  No  N/A

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

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  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 waste is treated to meet LDRs, use LDR checklist.

11. Does the generator export hazardous waste? If so:
  - a. Has the generator notified U.S. EPA of export activity? [3745-52-53(A)] Yes  No  N/A
  - b. Has the generator complied with special manifest requirements? [3745-52-54] Yes  No  N/A
  - c. For manifests that have not been returned to the generator: has an exception report been filed? [3745-52-55] Yes  No  N/A

**Comment: Pursuant to OAC Rule 3745-52-55, a primary exporter must file an exception report with the Ohio EPA if: (A) He has not received a copy of the manifest signed by the transporter stating the date and place of departure from the United States within 45 days from the date it was accepted by the initial transporter; (B) Within 90 days from the date the waste was accepted by the initial transporter, the primary exporter has not received written confirmation from the consignee that the hazardous waste was received; or (C) The waste is returned to the United States.**

Toxco has recently started to export waste to Korea. During the inspection, Ohio EPA reviewed copies of returned manifests, which were received from the consignee by Toxco within 90 days from the date the waste was accepted by the initial transporter. However, OAC Rule 3745-52-55(A) also requires a primary exporter to submit an exception report if he has not received a signed copy of the manifest from the transporter within 45 days. As discussed, Toxco is developing boiler plate language to use in these instances.

- d. Has an annual report been submitted to U.S. EPA? [3745-52-56] Yes  No  N/A
- e. Are export related documents being maintained on-site? [3745-52-57(A)] Yes  No  N/A

Comment: During the inspection, Ohio EPA reviewed hazardous waste manifests that had been returned to Toxco from foreign destinations (e.g., Nova Scotia, Quebec, Canada). Ohio EPA noted that some of these manifests were hard to read and that Toxco needs to ensure that the returned manifests are legible and contain all of the required information.

**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  No  N/A

13. Have items (1) through (20) of each manifest been completed? [3745-52-20(A)] Yes  No  N/A

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  No  N/A

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  No  N/A

16. Have the manifests been signed by the generator and initial transporter? [3745-52-23(A)(1) & (2)] Yes  No  N/A

NOTE: Remind the generator that the certification statement they signed indicates: 1) they have properly prepared the shipment for transportation and 2) they have a program in place to reduce the volume and toxicity waste they generate.

17. If the generator did not receive a return copy of each completed manifest within 35 days of the waste being accepted by the transporter did the generator contact the transporter and/or TSD facility to check on the status of the waste? [3745-52-42(A)(1)] Yes  No  N/A

18. If the generator has not received the manifest within 45 days, did the generator file an exception report with Ohio EPA? [3745-52-42(A)(2)] Yes  No  N/A

19. Are signed copies of all manifests and any exception reports being retained for at least three years? [3745-52-40] Yes  No  N/A

NOTE: Waste generated at one location and transported along a publicly accessible road for temporary consolidated storage or treatment on a contiguous property also owned by the same person is not considered "on-site" and manifesting and transporter requirements must be met. To transport "along" a public right-of-way the destination facility has to act as a transfer facility or have a permit because this is considered to be "off-site." For additional information see the definition of "on-site" in OAC rule 3745-50-10.

**PERSONNEL TRAINING**

20. Does the generator have a training program which teaches facility personnel hazardous waste management procedures (including contingency plan implementation) relevant to their positions? [3745-65-16(A)(2)] Yes  No  N/A

21. Does the personnel training program, at a minimum, include instructions to ensure that facility personnel are able to respond effectively to emergencies involving hazardous waste by familiarizing them with emergency procedures, emergency equipment and emergency systems (where applicable)? [3745-65-16(A)(3)(a-f)] Yes  No  N/A

22. Is the personnel training program directed by a person trained in hazardous waste management procedures? [3745-65-16(A)(2)] Yes  No  N/A

23. Do new employees receive training within six months after the date of hire (or assignment to a new position)? [3745-65-16(B)] Yes  No  N/A

24. Does the generator provide annual refresher training to employees? [3745-65-16(C)] Yes  No  N/A

25. Does the generator keep records and documentation of:  
 a. Job titles [3745-65-16D(1)]? Yes  No  N/A   
 b. Job descriptions [3745-65-16D(2)]? Yes  No  N/A   
 c. Type and amount of training given to each person [3745-65-16D(3)]? Yes  No  N/A   
 d. Completed training or job experience required [3745-65-16D(4)]? Yes  No  N/A

26. Are training records for current personnel kept until closure of the facility and are training records for former employees kept for at least three years from the date the employee last worked at the facility? [3745-65-16(E)] Yes  No  N/A

NOTE: The following section can be used by the inspector to document that all personnel who are involved with hazardous waste management have been trained. The employees who need training (written or on-the-job) may include the following: environmental coordinators, drum handlers, emergency coordinators, personnel who conduct hazardous waste inspections, emergency response teams, personnel who prepare manifest, etc.

Job Performed	Name of Employee	Date Trained
---------------	------------------	--------------

**CONTINGENCY PLAN**

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
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.

35. Is emergency equipment tested (inspected) as necessary to ensure its proper operation in time of emergency? [3745-65-33] Yes  No  N/A

- 36. Are emergency equipment tests (inspections) recorded in a log or summary? [3745-65-33] Yes  No  N/A
- 37. Do personnel have immediate access to an internal alarm or emergency communication device when handling hazardous waste (unless the device is not required under 3745-65-32)? [3745-65-34(A)] Yes  No  N/A
- 38. 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
- 39. Is adequate aisle space provided for unobstructed movement of emergency or spill control equipment? [3745-65-35] Yes  No  N/A
- 40. Has the generator attempted to familiarize emergency authorities with possible hazards and facility layouts? [3745-65-37(A)] Yes  No  N/A
- 41. 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**

- 42. Does the generator ensure that satellite accumulation area(s):
  - a. Are at or near a point of generation? [3745-52-34(C)(1)] Yes  No  N/A
  - b. Are under the control of the operator of the process generating the waste? [3745-52-34(C)(1)] Yes  No  N/A
  - c. Do not exceed a total of 55 gallons of hazardous waste per waste stream? [3745-52-34(C)(1)] 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 words "Hazardous Waste" or other words identifying the contents? [3745-52-34(C)(1)(b)] Yes  No  N/A
- 43. Is the generator accumulating hazardous waste(s) in excess of the amounts listed in the preceding question? If so:
  - a. Did the generator comply with 3745-52-34(A)(1)through(4) or other applicable generator requirements within three days? [3745-52-34(C)(2)] Yes  No  N/A
  - b. Did the generator mark the container(s) holding excess with the accumulation date when the 55 gallon (one quart) limit was exceeded?[3745-52-34(C)(2)] Yes  No  N/A

*NOTE: The satellite accumulation area is limited to 55 gallons of hazardous waste accumulated from a distinct point of generation in the process under the control of the operator of the process generating the waste (less than 1 quart for acute hazardous waste). There could be individual waste streams accumulated in an area from different points of generation.*

**USE AND MANAGEMENT OF CONTAINERS IN <90 DAY ACCUMULATION AREAS**

- 44. Has the generator marked containers with the words "Hazardous Waste?" [3745-52-34(A)(3)] Yes  No  N/A
- 45. Is the accumulation date on each container? [3745-52-34(A)(2)] Yes  No  N/A
- 46. 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

*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) "Week" means 7 consecutive days.
  - 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, with compatible wastes and materials so that they do 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

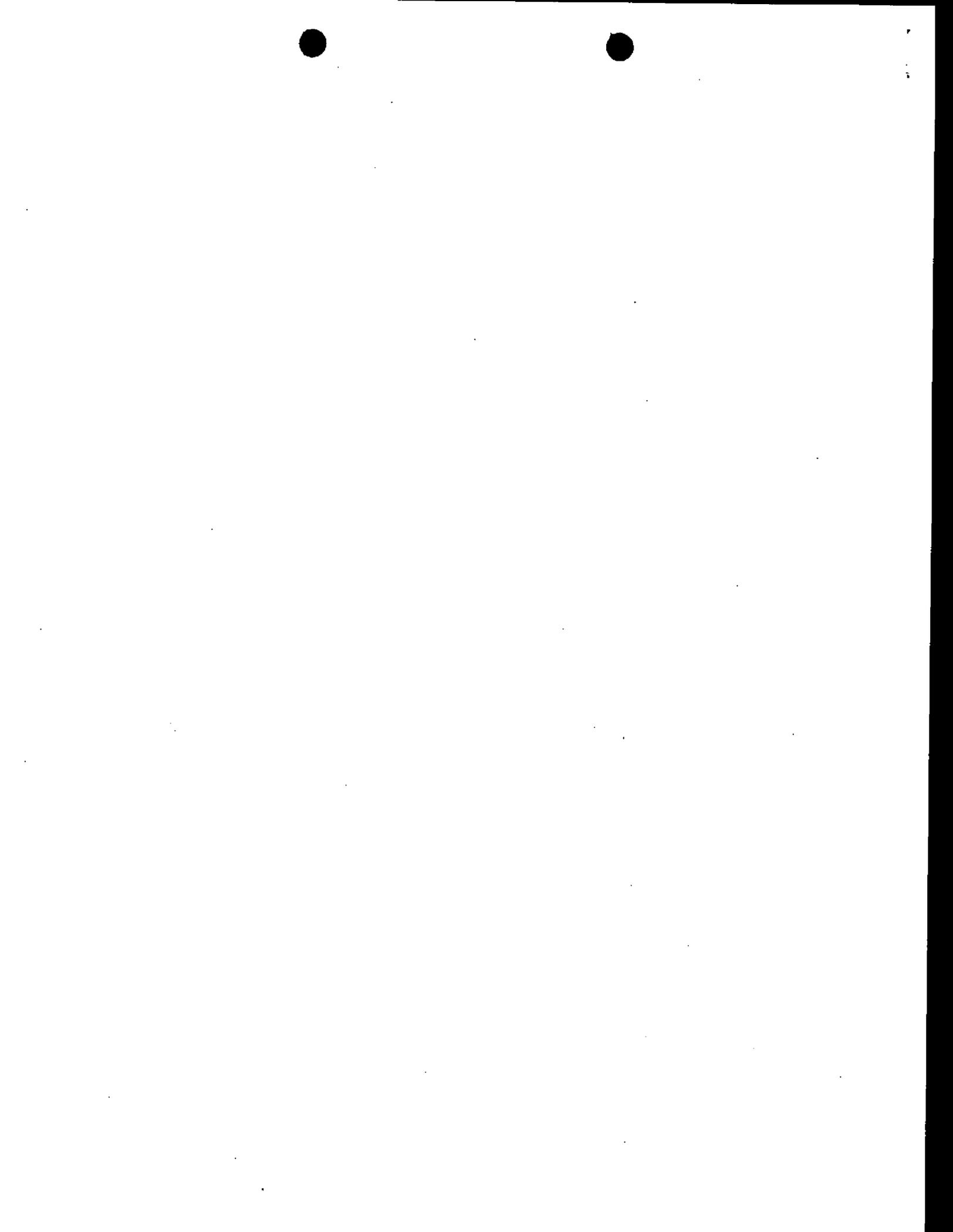
NOTE: Please provide a description of the unit and documentation provided by the generator for the file to demonstrate that closure was completed in accordance with the closure performance standards. If the generator has closed a <90 day tank, closure must also be completed in accordance with OAC 3745-66-97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

**NOTE: Wastes with EPA hazardous waste numbers K174 and K175 (chlorinated aliphatic wastes) have specific requirements in rule 3745-270-33. Waste with EPA hazardous waste numbers K176, K177 and K178 (inorganic chemical wastes) have specific requirements in rule 3745-270-36.**

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  No  N/A  RMK#

**NOTE: A generator may dilute a waste (that is hazardous only because it exhibits a characteristic) in a treatment system that discharges to waters of the State pursuant to an NPDES permit (§402 of CWA), that treats waste in a CWA equivalent treatment system, or that treats waste for the purposes of pre-treatment requirements under §307 of CWA, unless a method other than DEACT is specified or the waste is a D003 reactive cyanide wastewater or non-wastewater.[3745-270-03(B)]**

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  No  N/A  RMK#

**NOTE: In other words, is combustion a legitimate treatment method.**

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  No  N/A  RMK#

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: Yes  No  N/A  RMK#

- a. The facility can dispose of hazardous waste in a on-site landfill or surface impoundment.[3745-270-05] Yes  No  N/A  RMK#

11. Does the facility have an extension to allow for a restricted waste to be land disposed?[3745-270-06] If so: Yes  No  N/A  RMK#

- a. The facility can land dispose of the waste. [3745-270-06] 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#  1

**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

1. Pursuant to OAC Rule 3745-270-07(A)(7), if a generator determines that he is managing a prohibited waste that is excluded from the definition of hazardous waste or waste, or is exempt from regulation as a hazardous waste under rules 3745-51-02 to 3745-51-06 of the Administrative Code subsequent to the point of generation, he must place in the generator's files a one-time notice describing such generation, subsequent exclusion from the definition of hazardous waste or waste or exemption from regulation as hazardous waste, and the disposition of the waste.

During the lead acid battery breaking process, Toxco generates spent sulfuric acid, which is treated within the on-site wastewater treatment system and then subsequently discharged to the POTW operated by the City of Lancaster Water Pollution Control Board. Thus, this waste stream is subsequently excluded from being a waste. Section A.3.a of Toxco's permit application (which is kept on site) briefly mentions this waste stream and its disposition. However, during the inspection, Ohio EPA recommended that Toxco prepare a separate one-time notice to place in its files to satisfy the requirements of OAC Rule 3745-270-07(A)(7).

**GENERATORS TREATING HAZARDOUS WASTE.** This section is N/A.

**HAZARDOUS DEBRIS.** This section is N/A.

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

**LARGE 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*

**GENERAL REQUIREMENTS**

1. Has the LQUWH obtained a U.S. EPA Identification number before exceeding 5,000 kg limit? [3745-273-32(A)(1)] Yes  No  N/A \_\_\_ RMK# \_\_\_

**PROHIBITIONS**

2. Did the LQUWH dispose of universal waste? [3845-273-31(A)] Yes  No  N/A \_\_\_ RMK# \_\_\_
3. Did the LQUWH dilute or treat universal waste, except when responding to releases or by managing specific wastes as provided in OAC 3745-273-33? [3745-273-31(B)] Yes  No  N/A \_\_\_ RMK# \_\_\_

**WASTE MANAGEMENT AND LABELING/MARKING**

**UNIVERSAL WASTE BATTERIES:**

4. Are battery(ies) that show evidence of leakage, spillage or damage that could cause leaks contained? [3745-273-33(A)(1)] Yes  No  N/A \_\_\_ RMK# \_\_\_
5. If the batteries are contained, are the containers closed, structurally sound, compatible with the contents of the battery and lack evidence of leakage, spillage or damage that could cause leakage? Yes  No  N/A \_\_\_ RMK# \_\_\_
6. Does the LQUWH conduct any of the following activities:
- a. Sort batteries by type? Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_
  - b. Mix battery types in one container? Yes \_\_\_ No  N/A \_\_\_ RMK# \_\_\_
  - c. Discharge batteries to remove the electric charge? Yes \_\_\_ No  N/A \_\_\_ RMK# \_\_\_
  - d. Regenerate used batteries? Yes \_\_\_ No  N/A \_\_\_ RMK# \_\_\_
  - e. Disassemble them into individual batteries or cells? Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_
  - f. Remove batteries from consumer products? Yes \_\_\_ No  N/A \_\_\_ RMK# \_\_\_
  - g. Remove the electrolyte from the battery? Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_

If so, are the casings of the batteries breached, not intact, or open (except to remove the electrolyte)? [3745-273-33(A)(2)]

Yes  No  N/A  RMK# 1

7. If the electrolyte is removed or other wastes generated, has it been determined whether the electrolyte or other wastes exhibit a characteristic of a hazardous waste? [3745-273-33(A)(3)]

Yes  No  N/A  RMK#

a. If the electrolyte or other waste is characteristic, is it managed in compliance with OAC Chapters 3745-50 through 3745-69? [3745-273-33(A)(3)]

Yes  No  N/A  RMK#

b. If the electrolyte or other waste is not hazardous, is it managed in compliance with applicable law? [3745-273-33(A)(3)(b)]

Yes  No  N/A  RMK#

8. Are the battery(ies) or container(s) of batteries located with the words "Universal Waste-Battery(ies)" or "Waste Battery(ies)" or "Used Battery(ies)"? [3745-273-34(A)]

Yes  No  N/A  RMK#

#### UNIVERSAL WASTE LAMPS

9. Does the LQUHW contain lamps in containers or packages that are structurally sound, adequate to prevent breakage, and are compatible with contents of the lamps? Are containers or packages closed and do they lack evidence of leakage, spillage or damage that could cause leakage? [3745-273-33(D)(1)]

Yes  No  N/A  RMK#

10. 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 constituents to the environment? [3745-273-33(D)(2)]

Yes  No  N/A  RMK#

11. Are the lamps or containers or packages of lamps labeled with the words "Universal Waste - Lamp(s)" or "Waste Lamp(s)" or "Used Lamps?" [3745-273-34(E)] Yes  No  N/A  RMK#

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

12. **ACCUMULATION TIME**

Is the waste accumulated for less than one year? [3745-273-35(A)] Yes  No  N/A  RMK#

- a. If not, is the waste accumulated over one year in order to facilitate proper recovery, treatment or disposal? (Burden of proof is on handler to demonstrate) [3745-273-35(B)] Yes  No  N/A  RMK#

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

13. Has the length of time the universal waste has been accumulated documented by one of the following: [3745-273-35(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? [3745-273-35(C)(1)] Yes  No  N/A  RMK#
- b. Marking or labeling the individual item of universal waste with the date that it became a waste or was received? [3745-273-35(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? [3745-273-35(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? [3745-273-35(C)(4)] Yes  No  N/A  RMK#

e. Placing the universal waste in a specific accumulation area and identifying the earliest that any universal waste in the area became a waste or was received? [3745-273-35(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 is received? [3745-273-35(C)(6)]

Yes  No  N/A  RMK#

### EMPLOYEE TRAINING

14. Are employees thoroughly familiar with universal waste handling/emergency procedures, relative to their responsibilities? [3745-273-36]

Yes  No  N/A  RMK#

### RESPONSE TO RELEASES

15. Were releases of universal waste and other residues immediately contained? [3745-273-37(A)]

Yes  No  N/A  RMK#

16. Was the released material characterized? [3745-273-37(B)]

Yes  No  N/A  RMK#

17. If the released material was a hazardous waste, was it managed as required in OAC 3745-50 through 3745-69? (If the waste is hazardous, the handler is considered the generator of the waste and is subject to Chapter 3745-52) [3745-273-37(C)]

Yes  No  N/A  RMK#

### OFF-SITE SHIPMENTS

**NOTE:** *If a LQUWH self-transportes wastes, then the handler must comply with the Universal Waste transporter requirements.*

18. Are universal wastes sent to either another handler, destination facility or foreign destination? [3745-273-38(A)]

Yes  No  N/A  RMK#

**NOTE:** *LQUWHs are prohibited to send waste to any other facility.*

19. If the universal waste meets the definition of hazardous material under 49 CFR 171-180, are DOT requirements met with regard to package, labels, placards and shipping papers? [3745-273-38(C)]

Yes  No  N/A  RMK#

20. Prior to shipping universal waste off-site, does the originating handler ensure that the receiver agrees to receive the shipment? [3745-273-38(D)] Yes  No  N/A \_\_\_ RMK# \_\_\_
21. If the universal waste shipped off-site is rejected by another handler or destination facility does the originating handler do one of the following: Yes \_\_\_ No  N/A  RMK# \_\_\_
- a. Receive the waste back? [3745-273-38(E)(1)] Yes \_\_\_ No \_\_\_ N/A  RMK# \_\_\_
- b. Agree to where shipment will be sent? [3745-273-38(E)(2)] Yes \_\_\_ No \_\_\_ N/A  RMK# \_\_\_
22. If a handler rejects a partial or full load from another handler, does the receiver handler contact the originating handler and discuss one of the following: Yes \_\_\_ No  N/A  RMK# \_\_\_
- a. Sending the waste back to originating handler? [3745-273-38(F)(1)] Yes \_\_\_ No \_\_\_ N/A  RMK# \_\_\_
- b. Sending the shipment to a destination facility? [3745-273-38(F)(2)] Yes \_\_\_ No \_\_\_ N/A  RMK# \_\_\_
23. If the handler received a shipment of hazardous waste that was not a universal waste, did the LQUWH immediately notify Ohio EPA? [3745-273-38(G)] Yes \_\_\_ No  N/A  RMK# \_\_\_
24. If the handler received a shipment of non-hazardous, non-universal waste, was the waste managed in accordance with applicable law? [3745-273-38(H)] Yes \_\_\_ No  N/A  RMK# \_\_\_

**TRACKING UNIVERSAL WASTE SHIPMENTS**

25. Are universal waste received from another handler? If so: Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_
- a. Is a record of each shipment kept? [3745-273-39(A)] Yes  No  N/A \_\_\_ RMK# \_\_\_

**NOTE:** *This record can be in the form of a log, invoice, manifest, bill of lading, or other shipping document. This also applies to question No. 35(a).*

26. Does the record include the following:
- a. Name and address of the originating handler or foreign shipper? [3745-273-39(A)(1)] Yes  No  N/A \_\_\_ RMK# \_\_\_
- b. Quantity of each type of universal waste? [3745-273-39(A)(2)] Yes  No  N/A \_\_\_ RMK# \_\_\_
- c. Date received? [3745-273-39(A)(3)] Yes  No  N/A \_\_\_ RMK# \_\_\_

27. Is universal waste shipped to another handler? If so: Yes  No  N/A  RMK#
- a. Is a record of each shipment kept? [3745-273-39(B)] Yes  No  N/A  RMK#
28. Does the record include the following?
- a. Name and address of universal waste handler, destination facility, or foreign destination? [3745-273-39(B)(1)] Yes  No  N/A  RMK#
- b. Quantity of each type of universal waste? [3745-273-39(B)(2)] Yes  No  N/A  RMK#
- c. Date shipped? [3745-273-39(B)(3)] Yes  No  N/A  RMK#
29. Are records kept for three years? [3745-273-39(C)(1)(2)] Yes  No  N/A  RMK#

**EXPORTS**

30. Is waste being sent to a foreign destination? If so: Yes  No  N/A  RMK#
- a. Does the large quantity handler comply with primary exporter requirements in OAC rules 3745-52-53, 3745-52-56 and 3745-52-57? [3745-273-40(A)] Yes  No  N/A  RMK#
- b. Is waste exported only upon consent of the receiving country and in conformance with U.S. EPA "Acknowledgment of Consent" 3745-52-50 to -52-57? [3745-273-40(B)] Yes  No  N/A  RMK#
- c. Is a copy of the U.S. EPA "Acknowledgment of Consent" provided to the transporter? [3745-273-40(C)] Yes  No  N/A  RMK#

**REMARKS**

1. Toxco breaches the cases of lead acid and NiCd wet cell batteries. These batteries are stored in their permitted hazardous waste storage area.

**TANK SYSTEM REQUIREMENTS (OAC rule 3745-52-34(A) and OAC rules 3745-66-100)**

(Please refer to the rules before or while completing this checklist.)

1. Is each tank clearly labeled/marked with the words "Hazardous Waste" [3745-52-34(A)(3)]? Yes  No  N/A

**TANK SYSTEM – GENERAL OPERATING REQUIREMENTS**

2. Does the o/o follow the general operating requirements below:
- a. Does the o/o prevent placement of hazardous waste or treatment reagents in tank or secondary containment if such placement can cause the system to leak, rupture, corrode, or otherwise fail?[3745-66-94(A)] Yes  No  N/A
- b. Does the o/o use appropriate controls to prevent spills or overflows from the system (e.g., check valves, dry disconnect couplings, high level alarms, etc.)?[3745-66-94(B)] Yes  No  N/A
- c. If a leak or spill has occurred in the tank system, has the o/o complied with 3745-66-96?[3745-66-94(C)] Yes  No  N/A

**TANK SYSTEM – INSPECTION REQUIREMENTS**

3. Has the o/o documented the inspections required in 3745-66-95, in the operating record, including inspection of the following:
- a. Spill control equipment each operating day? [3745-66-95(A)(1)] Yes  No  N/A
- b. Above ground portion of tank each operating day?[3745-66-95(A)(2)] Yes  No  N/A
- c. Data from leak detection equipment each operating day?[3745-66-95(A)(3)] Yes  No  N/A
- d. Construction materials and area immediately surrounding the tanks for signs of erosion or release of hazardous waste each operating day?[3745-66-95(A)(4)] Yes  No  N/A

NOTE: "Each operating day" is each day that the tank system is being used to manage (store or treat) hazardous waste.

4. Where applicable, the cathodic protection system to confirm proper operation within six months of initial installation and annually thereafter?[3745-66-95(B)(1)] Yes  No  N/A
5. Where applicable, all sources of impressed current at least bi-monthly?[3745-66-95(B)(2)] Yes  No  N/A

**TANK SYSTEM CLOSURE REQUIREMENTS**

6. 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). Yes  No  N/A

**TANK SYSTEMS STORING IGNITABLE OR REACTIVE WASTES**

7. For tanks used or treat or store ignitable or reactive wastes, has the o/o complied with one of the following: [3745-66-98(A)] Yes  No  N/A
- a. Is the waste treated immediately after placement in the tank so that the resultant mixture is no longer ignitable or reactive and the o/o has conducted such activities in compliance with 3745-66-17(B)?[3745-66-98(A)]; OR Yes  No  N/A
- b. Is the waste stored or treated to protect it from materials or conditions which may cause ignition or reaction?[3745-66-98(A)]; OR Yes  No  N/A
- c. The tank is used solely for emergencies?[3745-66-98(A)] Yes  No  N/A
8. If ignitable or reactive waste is stored or treated, are protective distances maintained between waste management areas and any public streets, alleys or adjoining property lines as required by the NFPA Flammable and Combustible Liquids Code (1996)? [3745-66-98(B)] Yes  No  N/A
9. Has the o/o placed incompatible wastes or materials into the same tank system, or into a tank system that has not been decontaminated and which previously held an incompatible waste or material?[3745-66-99(A) and/or (B)] Yes  No  N/A
- a. If so, have the requirements of 3745-65-17(B) been met?[3745-66-99(A) and/or (B)] Yes  No  N/A

**TANK SYSTEM – WASTE ANALYSIS REQUIREMENTS**

10. In addition to conducting the waste analysis required by 3745-65-13, when the tank system is used to store or treat a waste which is substantially different or uses a substantially different process than previously used, has the o/o done one of the following:[3745-66-100]
- a. Conducted waste analysis and trial treatment or storage tests?[3745-66-100(A)]; OR Yes  No  N/A
- b. Obtained written documentation on similar waste under similar operating conditions to show that the proposed storage/treatment will meet the requirements of OAC 3745-66-94? [3745-66-100(B)] Yes  No  N/A

**TANK SYSTEMS REQUIREMENTS**

11. Is there a written assessment attesting that the design, installation and structural integrity of the system is adequate for the management of hazardous waste(s)?[3745-66-92(A)] Yes  No  N/A

NOTE: You should review the file to see if the written assessment has been previously reviewed and what the results were.

12. Does the written assessment include the following:[3745-66-92(A)]
- a. Certification by an independent registered, professional engineer?[3745-66-92(A)] Yes X No  N/A
  - b. Consideration of the design standards of the system?[3745-66-92(A)] Yes X No  N/A
  - c. Consideration of the hazardous characteristics of the waste(s)?[3745-66-92(A)] Yes X No  N/A
  - d. An evaluation by a corrosion expert (if the external system/components are metal)?[3745-66-92(A)] Yes  No  N/A X
  - e. A determination of design and operational measures that will be needed to protect the tank system from potential damage (for underground tank components)?[3745-66-92(A)] Yes  No  N/A X
  - f. Design considerations to ensure that the tank foundations will maintain the load of a full tank?[3745-66-92(A)] Yes X No  N/A
  - g. Design considerations for anchoring the unit to prevent floatation (for tanks situated in a seismic fault zone or saturated zone)?[3745-66-92(A)] Yes  No  N/A X
  - h. Design considerations to ensure that the tank system will withstand the effects of frost heave(for underground tank systems)?[3745-66-92(A)] Yes  No  N/A X

NOTE: CO-DHWM Engineering staff are available to assist you with evaluation of the written assessment.

13. Are there written statements by those persons who supervised installation or certified design of the new tank system, that the tank system was properly installed and designed and that required repairs were performed?[3745-66-92(G)] Yes X No  N/A
- Do the written statements address all of the following:
- a. Inspection for damage and/or inadequate construction and installation was conducted?[3745-66-92(B)] Yes X No  N/A
  - b. Statement that deficiencies were corrected before the tank system was covered or put into use?[3745-66-92(B)] Yes X No  N/A
  - c. Proper backfilling?[3745-66-92(C)] Yes  No  N/A X
  - d. Tightness test; if the tank was found not to be tight, does the statement indicate that proper repairs were made?[3745-66-92(D)] Yes X No  N/A
  - e. Proper support and protection of ancillary equipment?[3745-66-92(E)] Yes X No  N/A
  - f. Supervision of the installation of field fabricated corrosion protection?[3745-66-92(F)] Yes  No  N/A X

**SECONDARY CONTAINMENT**

14. Has secondary containment been provided? Yes X No  N/A

NOTE: All tank systems must have secondary containment at this point, except for tank systems that store/treat materials that become hazardous waste after January 12, 1987, must have secondary containment required within the time intervals in [3745-66-92(A)(1)] to (A)(4). The date the material became a hazardous waste must be used in place of January 12, 1987.[3745-66-92(A)(5)]

15. Is secondary containment one of the following:
- a. An **External Liner**? [3745-66-93(E)(1)] If so,
    - i. Is liner designed or operated to contain 100% of the capacity of the largest tank? Yes  No  N/A X
    - ii. Is liner designed and operated to prevent run-on and infiltration or the collection system has excess capacity to contain run-on and infiltration from a 25-year, 24-hour storm? Yes  No  N/A X
    - iii. Is liner free of cracks and gaps? Yes  No  N/A X
    - iv. Does liner completely surround the tank and cover all earth likely to be contacted by waste during a release? Yes  No  N/A X
    - v. Are chemically resistant water stops in place at all points? (concrete liners only) Yes  No  N/A X
    - vi. Is there a compatible interior coating or lining to prevent migration of waste into the concrete? (concrete liners only) Yes  No  N/A X
  - b. **Vault System**? [3745-66-93(E)(2)] If so,
    - i. Is vault system designed to contain 100% of the capacity in the largest tank? Yes  No  N/A X
    - ii. Is liner designed and operated to prevent run-on and infiltration or the collection system has excess capacity to contain run-on and infiltration from a 25-year, 24-hour storm? Yes  No  N/A X
    - iii. Are chemically resistant water stops in place at all points? Yes  No  N/A X
    - iv. Is there a compatible interior coating to prevent migration into the concrete? Yes  No  N/A X

- v. For **ignitable or reactive waste**: Is the vault system provided with means to prevent against the formation or ignition of vapors? Yes  No  N/A  X
- vi. Is vault system provided with an exterior moisture barrier? Yes  No  N/A  X
- c. **Double-Walled Tank?** [3745-66-93(E)(3)] If so, Yes  No  N/A  X
- i. Is double-walled tank designed as an integral structure to contain any release from the inner tank? Yes  No  N/A  X
- ii. If metal, are the primary tank interior and outer shell exterior surfaces protected from corrosion? Yes  No  N/A  X
- iii. Is double-walled tank provided with a continuous leak detection system able to detect a release within 24 hours or at the earliest practicable time? Yes  No  N/A  X
- d. **An Equivalent Device?** As described in 3745-66-93(D)(4) which has been approved by the director? [3745-66-93(D&E)] Yes  No  N/A  X

#### SECONDARY CONTAINMENT DESIGN/OPERATION/INSTALLATION

16. Has each secondary containment system been designed, installed and operated to prevent any migration of wastes or liquid to the soil, groundwater, or surface water and is it capable of detecting and collecting releases and accumulated liquids?[3745-66-93(B)(1) and (2)] Yes  No  N/A  X
17. Does the secondary containment system meet the following minimum requirements of [3745-66-93(C)]:
- a. Constructed or lined with compatible materials of sufficient strength to prevent failure?[3745-66-93(C)(2)] Yes  No  N/A  X
- b. Placed on a foundation or base capable of providing support?[3745-66-93(C)(2)] Yes  No  N/A  X
- c. Provided with a leak detection system designed/operated to detect failure to primary or secondary containment or any release of hazardous waste within 24 hours or at earliest practicable time?[3745-66-93(C)(3)] Yes  No  N/A  X
- d. Sloped or designed to drain and remove liquid resulting from leaks, spills or precipitation?[3745-66-93(C)(4)] Yes  No  N/A  X
- e. Any liquid which accumulates in the containment unit resulting from spills, leaks or precipitation removed within 24 hours or in a timely manner?[3745-66-93(C)(4)] Yes  No  N/A  X

#### ANCILLARY EQUIPMENT REQUIREMENTS

18. Is ancillary equipment provided with secondary containment (such as double-walled piping, jacketing or a trench)? Yes  No  N/A  X
- If not, is the ancillary equipment one of the following:* [3745-66-93(F)]
- a. Above ground piping (exclusive of flanges, joints, valves and connections) that is inspected daily? Yes  No  N/A  X
- b. Welded flanges, welded joints and/or welded connections that is inspected daily? Yes  No  N/A  X
- c. Sealless or magnetic coupling pumps and/or sealless valves? Yes  No  N/A  X
- d. Pressurized above ground piping systems with automatic shut-off devices (e.g., excess flow check valves, flow metering shutdown and/or loss of pressure-actuated shut-off devices) that is inspected daily? Yes  No  N/A  X

#### TANK SYSTEMS FOUND TO BE LEAKING OR UNFIT FOR USE

19. Has there been a leak or spill from any tank system or has any tank system been found unfit for use? *If so, did the o/o:* Yes  No  N/A  X

**NOTE:** *If the tank is found to be unfit for use, inspector should explain why.*

- a. Immediately cease flow of material into tank and investigate the cause of the release?[3745-66-96(A)] Yes  No  N/A  X
- b. Remove waste from tank system to prevent further release within 24 hours of detection or earliest practicable time?[3745-66-96(B)(1)] Yes  No  N/A  X
- c. Remove all material released into secondary containment system within 24 hours or as timely as possible to prevent harm to human health and the environment?[3745-66-96(B)(2)] Yes  No  N/A  X
- d. Immediately conduct a visual inspection of the release?[3745-66-96(C)] Yes  No  N/A  X
- e. Prevent further migration of the leak or spill to soils or surface waters?[3745-66-96(C)] Yes  No  N/A  X
- f. Properly dispose of any visibly contaminated soil or surface water? [3745-66-96(C)] Yes  No  N/A  X
- g. Report the release to the director within 24 hours unless it was less than one pound and was cleaned up immediately? [3745-66-96(D)(1)] Yes  No  N/A  X
- h. Submit a written report of the incident to the director within 30 days of the release? [3745-66-96(D)(3)] Yes  No  N/A  X

- i. Remediate the spill and repair the unit prior to returning it to service? [3745-66-96(E)(2)] Yes  No  N/A  X
- j. For a release from a tank system without secondary containment, did the o/o provide secondary containment meeting the requirements of 3745-66-93 for the unit prior to putting it back into service? [3745-66-96(E)(4)] Yes  No  N/A  X

*NOTE: The requirements noted in 20.j. do not apply if the release was from an above ground component of the tank which can be inspected visually after being put back into service.*

20. In the event that the repairs to the tank system were major (replacement of liner, repair of ruptured primary or secondary containment structure), did the o/o obtain a certification from an independent, registered P.E. attesting that the repaired unit is capable of handling hazardous waste? [3745-66-96(F)] Yes  No  N/A  X
21. Was a copy of the certification submitted to the director within seven days after returning the system to use? [3745-66-96(F)] Yes  No  N/A  X
22. If the o/o was unable to repair and return the unit to service as described in 20.a through 20.e, was the tank system closed in accordance with 3745-66-97? [3745-66-96(E)(1)] Yes  No  N/A  X
23. Does the o/o have a tank system **with a variance from secondary containment** from which a release has occurred but has not migrated beyond the zone of engineering control?  
**If so,**
- a. Has the o/o complied with 3745-66-96(A) through (F) and decontaminated soils? [3745-66-93(G)(3)] Yes  No  N/A  X
- b. If soils cannot be decontaminated/removed, has the o/o complied with 3745-66-97(B)? [3745-66-93(G)(3)] Yes  No  N/A  X
24. Does the o/o have a tank system **with a variance from secondary containment** from which a release occurred and has migrated from the zone of engineering control? **If so,**
- a. Has the o/o complied with 3745-66-96(A) through (D), prevented migration, and decontaminated soil? [3745-66-93(G)(4)] Yes  No  N/A  X
- b. If soils cannot be decontaminated/removed, or if the groundwater has been contaminated, has the o/o complied with 3745-66-97(B)? [3745-66-93(G)(4)] Yes  No  N/A  X

**GENERAL PERMIT COMPLIANCE AND ACTIVITIES**

1. Has the expiration date of the permit passed? If so: Yes\_\_\_ No X N/A\_\_\_ RMK#\_\_\_
- a. Is the permittee continuing any activity regulated by the permit after the expiration date of the permit? Yes\_\_\_ No\_\_\_ N/A X RMK#\_\_\_
- b. Has the facility submitted an application for a permit renewal to the director no later than 180 days prior to the expiration date of the permit? [Condition A.6] Yes\_\_\_ No  N/A X RMK#\_\_\_
2. Has the permittee submitted the annual permit fee, payable to "Treasurer, State of Ohio," to Ohio EPA on or before the anniversary of the date of issuance during the term of the permit? [Condition A.25]  
The annual permit fee is due December 21. Yes X No  N/A\_\_\_ RMK#\_\_\_
3. Is the permittee conducting any hazardous waste management activities (not otherwise exempt by law) which are not authorized by the permit? [Conditions A.1(b) and A.5] Yes  No X N/A\_\_\_ RMK#\_\_\_
4. Have any provisions of the permit been identified as invalid? [Condition A.4] Yes  No X N/A\_\_\_ RMK#\_\_\_
5. Has the facility identified any instances of noncompliance with the permit, ORC Chapter 3734, or the rules adopted thereunder, which may endanger human health or the environment? If so: Yes  No X N/A\_\_\_ RMK#\_\_\_
- a. Did the facility immediately report the following to Ohio EPA's Emergency Response Unit? [Condition A.20]
- i. Information concerning a release of any hazardous waste that may cause an endangerment to public drinking water supplies; and Yes\_\_\_ No  N/A X RMK#\_\_\_
- ii. Information concerning a release of hazardous waste, fire or explosion at the facility which could threaten human health or the environment outside the facility including a description of: Yes\_\_\_ No  N/A X RMK#\_\_\_

- A. Name, address and telephone number of the owner/operator? Yes\_\_\_ No  N/A  RMK#\_\_\_
- B. Name, address and telephone number of the facility? Yes\_\_\_ No  N/A  RMK#\_\_\_
- C. Name and quantity of material(s) involved? Yes\_\_\_ No  N/A  RMK#\_\_\_
- D. The extent of injuries, if any? Yes\_\_\_ No  N/A  RMK#\_\_\_
- E. An assessment of the actual or potential hazard to the environment and human health outside the facility? Yes\_\_\_ No  N/A  RMK#\_\_\_
- F. Estimated quantity and disposition of recovered material that resulted from the incident? Yes\_\_\_ No  N/A  RMK#\_\_\_

6. Did the permittee provide a written report to Ohio EPA's Emergency Response Unit and DHWM within five days of becoming aware of the circumstances reported in Questions No. 5? If so, did the report contain: [Condition A.21]
- Yes\_\_\_ No  N/A  RMK#\_\_\_
- a. A description of the noncompliance and its cause (including exact dates and times)? Yes\_\_\_ No  N/A  RMK#\_\_\_
- b. Whether the noncompliance has been corrected and if not, the anticipated time noncompliance is expected to continue? and Yes\_\_\_ No  N/A  RMK#\_\_\_
- c. Steps taken or planned to minimize the impact on the environment and to reduce, eliminate and prevent recurrence of the noncompliance? Yes\_\_\_ No  N/A  RMK#\_\_\_

**NOTE:** *The permittee need not comply with the five day written report requirement if the director, upon good cause shown by the permittee, waives that requirement and the permittee submits a written report within 15 days of the time the permittee became aware of the circumstances. [Condition A.21].*

7. Has the permittee identified other instances of noncompliance not provided for in Condition A.22, if so: Yes\_\_\_ No  N/A  RMK#\_\_\_
- a. Did the permittee report these instances to Ohio EPA, DHWM? [Condition A.22]? Yes\_\_\_ No  N/A  RMK#\_\_\_
- b. Do the reports provided contain the information set forth in Condition A.20? [Condition A.20] Yes\_\_\_ No  N/A  RMK#\_\_\_
- c. Has the permittee taken all steps necessary to minimize releases to the environment or prevent any adverse impact on human health or the environment? [Condition A.8] Yes\_\_\_ No  N/A  RMK#\_\_\_
8. Has the permittee planned any changes in the permitted facility or activity which may result in noncompliance with the conditions of the permit?: Yes\_\_\_ No  N/A\_\_\_ RMK#\_\_\_
- a. If so, has the facility provided Ohio EPA with advance notice of such changes? [Condition A.17] Yes\_\_\_ No  N/A  RMK#\_\_\_

**NOTE:** Such notification does not waive the permittee's duty to comply with the permit. [Condition A.17]

9. Has the permittee become aware that it failed to submit any relevant facts in the permit or issuance proceedings or that it submitted incorrect or incomplete information in permit issuance proceedings or other submissions to Ohio EPA or the Hazardous Waste Facility Board (HWFB)? If so: Yes\_\_\_ No  N/A\_\_\_ RMK#\_\_\_
- a. Has the permittee properly submitted such facts or corrected information to the appropriate entity? [Condition A.24] Yes\_\_\_ No  N/A  RMK#\_\_\_

**PERMIT MODIFICATION, REVISION, REVOCATION**

10. Has the permittee filed a request for a permit modification, revision or revocation since permit issuance? [Condition A.2] Yes  No\_\_\_ N/A\_\_\_ RMK#\_\_\_

11. Has the permit, been transferred to a new owner/operator? If so: Yes\_\_\_ No X N/A\_\_\_ RMK#\_\_\_
- a. Has the transfer been conducted in accordance with ORC Chapter 3734. and the rules adopted thereunder which includes the permittee notifying the new owner in writing of the requirements of ORC Chapter 3734. and the rules adopted thereunder and the applicable Ohio hazardous waste rules before transferring ownership? [Condition A.18] Yes\_\_\_ No  N/A X RMK#\_\_\_
12. Has the permittee submitted reports in any compliance schedule of the permit to Ohio EPA no later than 14 days following each scheduled date, unless otherwise specified? [Condition A.19] Yes\_\_\_ No  N/A X RMK#\_\_\_
13. Has the permittee furnished relevant information which Ohio EPA has requested to determine whether cause exists for modifying, revising, revoking or suspending the permit, to determine compliance with the permit? [Condition A.10] Yes X No  N/A\_\_\_ RMK#\_\_\_
14. Has the facility furnished Ohio EPA, upon request, with copies of records required to be kept by the permit? [Condition A.10] Yes X No  N/A\_\_\_ RMK#\_\_\_
15. Is the permittee maintaining records of all data used to complete the application and any amendments, revisions or modifications to the application? [Condition A.14(c)] Yes X No  N/A\_\_\_ RMK#\_\_\_
16. Is the permittee retaining a complete copy of the approved application on-site? [Condition A.14(c)] Yes X No  N/A\_\_\_ RMK#\_\_\_
17. Is the permittee planning any physical alterations or additions to any permitted portions of the facility? If so: Yes\_\_\_ No X N/A\_\_\_ RMK#\_\_\_
- a. Has the permittee given notice to the director of such alterations/additions? [Condition A.15] Yes\_\_\_ No  N/A X RMK#\_\_\_

## SITE ENTRY - AVAILABILITY OF RECORDS

18. As specified in Condition A.11, has the permittee allowed the director or an authorized representative, upon proper identification to:
- a. Enter at reasonable times upon the premises where a regulated activity is located or where records are kept under the conditions of the permit? Yes  No  N/A \_\_\_ RMK# \_\_\_
  - b. Have access to and copy, at reasonable times, any records required to be kept under the conditions of the permit? Yes  No  N/A \_\_\_ RMK# \_\_\_
  - c. Inspect, at any time, facilities, equipment (including control and monitoring equipment), practices or other operations regulated under the conditions of the permit? Yes  No  N/A \_\_\_ RMK# \_\_\_
  - d. Sample, document, photograph or monitor, at reasonable times, any substances or parameter at the location of the facility to assure compliance with the permit or as otherwise authorized by ORC Chapter 3734. and the rules adopted thereunder? Yes  No  N/A \_\_\_ RMK# \_\_\_

## INSPECTION ITEMS FROM PART B APPLICATION

**Note:** The inspector or permit writer may add questions pertaining to the permittee's application, as appropriate.

### REMARKS

1. The permittee must comply with all applicable provisions of ORC Chapter 3734, all applicable Ohio hazardous waste rules, and all terms and conditions of the permit, except to the extent and for duration such noncompliance is authorized by the laws of the State of Ohio [Condition A.5 & OAC Rule 3745-50-58(A)].

Toxco is not operating in accordance with the hazardous waste permit issued on December 21, 2005. According to section A.3.a of the permit application, when batteries or components are received they are unloaded, weighed, logged, and tagged for tracking. On May 2, 2007, Toxco had a battery stack in Phase II that was not properly tagged. During the inspection, Toxco properly tagged the battery stack, and the violation was abated at that time.

**RECORDKEEPING/OPERATING REQUIREMENTS**

**OPERATING RECORD**

1. In accordance with OAC rules 3745-54-73 and 3745-54-74 and Condition B.22 of the permit, does the permittee maintain an Operating Record which contains the following information:

a. A description of the quantity of each hazardous waste and the method(s) and date(s) of its treatment or storage?

Yes  No  N/A \_\_\_ RMK# \_\_\_

b. The location of each hazardous waste and quantity at each location including cross-reference to specific manifest numbers?

Yes  No  N/A \_\_\_ RMK# \_\_\_

c. Records and results of required waste analysis?

Yes  No  N/A \_\_\_ RMK# \_\_\_

d. Summary reports and details of all incidents that required implementation of the contingency plan?

Yes  No  N/A \_\_\_ RMK# \_\_\_

e. Records and results of required inspections?

Yes  No  N/A \_\_\_ RMK# \_\_\_

f. Documents required to be maintained by LDR requirements of OAC Chapter 3745-270?

Yes \_\_\_ No  N/A \_\_\_ RMK# 2

g. Monitoring, testing, or analytical data, and corrective action where required, from groundwater monitoring and required monitoring of surface impoundments, landfills, waste piles and land treatment units? [3745-54-73(B)(6)]

Yes \_\_\_ No  N/A  RMK# \_\_\_

h. **For disposal facilities**, location and quantity of each hazardous waste record on a facility map and cross-references to manifest document numbers? [3745-54-73(B)(2)]

Yes \_\_\_ No  N/A  RMK# \_\_\_

**DOCUMENTS TO BE MAINTAINED AT FACILITY**

2. In accordance with Condition A.28 of the permit, is the permittee maintaining the following documents at the facility:
- a. Waste analysis plan in accordance with OAC rule 3745-54-13? Yes  No  N/A \_\_\_ RMK# \_\_\_
  - b. Contingency plan in accordance with OAC rule 3745-54-53? Yes  No  N/A \_\_\_ RMK# \_\_\_
  - c. Closure plan in accordance with OAC rule 3745-55-12? Yes  No  N/A \_\_\_ RMK# \_\_\_
  - d. Cost estimate for facility closure in accordance with OAC rule 3745-55-42? (Estimate only - adequacy will be evaluated by CO financial assurance personnel) [Condition B.36] Yes  No  N/A \_\_\_ RMK# \_\_\_
  - e. Personnel training plan and records required by OAC rule 3745-54-16? [Condition B.6] Yes  No  N/A \_\_\_ RMK# \_\_\_
  - f. Inspection schedules developed in accordance with OAC rules 3745-54-15, 3745-55-74 and 3745-55-95? [Condition B.5] Yes  No  N/A \_\_\_ RMK# \_\_\_
  - g. Operating record in accordance with OAC rule 3745-54-73? [Condition B.22] Yes  No  N/A \_\_\_ RMK# \_\_\_
  - h. Post-closure plan, as required by OAC rule 3745-55-18(A)? [Condition A.28(a)(viii)] Yes  No  N/A \_\_\_ RMK# \_\_\_
  - i. Annually-adjusted cost estimate for facility closure and post-closure, as required by OAC rules 3745-55-42 and 3745-55-44? [Condition A.28(a)(ix)] Yes  No  N/A \_\_\_ RMK# \_\_\_
3. Is the permittee maintaining copies of all inspection logs at the facility for a period of at least three years from date of inspection? [Condition B.5] Yes  No  N/A \_\_\_ RMK# \_\_\_
4. Have any of the documents in Question No. 2 been revised? [Condition A.15] If so: Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_

a. Has the permittee submitted the revisions to Ohio EPA in accordance with OAC rule 3745-50-51?

Yes  No  N/A \_\_\_ RMK# \_\_\_

b. Have all requirements of OAC rule 3745-50-51 been met, including, where required, Ohio EPA approval?

Yes  No  N/A \_\_\_ RMK# \_\_\_

### ANNUAL REPORT REQUIREMENT

5. Is the permittee complying with annual report requirements set forth in OAC rule 3745-54-75 and the additional report requirements set forth in OAC rule 3745-54-77? [Condition B.25]

Yes  No  N/A \_\_\_ RMK# \_\_\_

### SAMPLING/MONITORING RECORDKEEPING REQUIREMENTS

6. In compliance with Condition 12(b) of the permit, do the permittee's records of monitoring information specify the:

a. Date(s), exact place(s), time(s) and method(s) of sampling or measurement?

Yes \_\_\_ No  N/A  RMK# \_\_\_

b. Individual(s) who performed the sampling or measurement?

Yes \_\_\_ No  N/A  RMK# \_\_\_

c. Date(s) analyses were performed?

Yes \_\_\_ No  N/A  RMK# \_\_\_

d. Individual(s) who performed the analyses?

Yes \_\_\_ No  N/A  RMK# \_\_\_

e. Analytical technique(s) or method(s) used?

Yes \_\_\_ No  N/A  RMK# \_\_\_

f. Results of such analyses?

Yes \_\_\_ No  N/A  RMK# \_\_\_

7. Have the methods used to obtain a representative sample of the waste to be analyzed included the appropriate SW-846 method or an equivalent method specified in the approved waste analysis plan? [Condition 12(a)]

Yes \_\_\_ No  N/A  RMK# \_\_\_

8. In accordance with Condition A.14 of the permit, is the permittee retaining records of monitoring information as required by the permit for at least three years from the date of sampling, including:
- a. All calibration and maintenance records. Yes \_\_\_ No  N/A  RMK# \_\_\_
9. Has Ohio EPA requested submittal of any reports or other information from the permittee? If so: Yes \_\_\_ No  N/A \_\_\_ RMK# \_\_\_
- a. Have the submittals been signed and certified according to OAC rule 3745-50-42? [Condition A.13] Yes \_\_\_ No  N/A  RMK# \_\_\_

**INSPECTION ITEMS FROM THE PART B APPLICATION**

**NOTE:** The inspector or permit writer may add inspection items based on the permittee's application, as appropriate.

**REMARKS**

2. Pursuant to OAC Rule 3745-270-07(A)(7), if a generator determines that he is managing a prohibited waste that is excluded from the definition of hazardous waste or waste, or is exempt from regulation as a hazardous waste under rules 3745-51-02 to 3745-51-06 of the Administrative Code subsequent to the point of generation, he must place in the generator's files a one-time notice describing such generation, subsequent exclusion from the definition of hazardous waste or waste or exemption from regulation as hazardous waste, and the disposition of the waste.

During the lead acid battery breaking process, Toxco generates spent sulfuric acid, which is treated within the on-site wastewater treatment system and then subsequently discharged to the POTW operated by the City of Lancaster Water Pollution Control Board. Thus, this waste stream is subsequently excluded from being a waste. Section A.3.a of Toxco's permit application (which is kept on site) briefly mentions this waste stream and its disposition. However, during the inspection, Ohio EPA recommended that Toxco prepare a separate one-time notice to place in its files to satisfy the requirements of OAC Rule 3745-270-07(A)(7).

**WASTE MINIMIZATION REQUIREMENTS**

1. Does the permittee certify at least once every year that a program is in place to reduce the volume and toxicity of hazardous waste generated in accordance with Condition A.29(a) and OAC rule 3745-54-73? Yes  No  N/A \_\_\_ RMK# \_\_\_

2. Did the permittee submit the waste minimization report to Ohio EPA, Office of Pollution Prevention and Central District Office within 180 days of journalization of this permit? and updates biennially thereafter? [Condition A.29(b)] Yes \_\_\_ No  N/A \_\_\_ RMK# 3

3. Has the permittee reduced the amount of waste (hazardous waste, solid waste, air emission, waste water discharges, etc.) this year generated at their facility by implementing pollution prevention/waste minimization? Yes \_\_\_ No \_\_\_ N/A \_\_\_ RMK# 3

If so, what amount of waste has the permittee reduced this year?

4. Has the permittee's company saved much money this year by implementing pollution prevention (reducing raw material usage, disposal fees, energy savings, etc.)? Yes \_\_\_ No \_\_\_ N/A \_\_\_ RMK# 3

If so, how much money has the permittee's company saved this year?

**NOTE:** If this facility is inspected two times a year, the information obtained in questions 3 & 4 only needs to be collected one time for the calendar year.

#### REMARKS

3. Toxco has not submitted a Waste Minimization Report to Ohio EPA, Office of Pollution Prevention and within 180 days of journalization of the December 21, 2005 permit.

#### GROUND WATER MONITORING

1. Has the permittee conducted semi-annual sampling of their monitoring wells? Yes \_\_\_ No  N/A  RMK# \_\_\_

2. Have they reported the results in the Annual Report to the director by March 1<sup>st</sup> as required by Condition B.25? Yes \_\_\_ No  N/A  RMK# \_\_\_

**INSPECTION ITEMS FROM THE PART B APPLICATION**

**NOTE:** *The inspector or permit writer may add inspection items based on the permittee's application, as appropriate.*

**REMARKS**

**WASTE ACCEPTANCE AND GENERATION**

- 1. Is the permittee storing any containers of hazardous waste received from any off-site source that permittee is not permitted to store? [Condition A.1.] Yes  No  N/A \_\_\_ RMK# \_\_\_
  
- 2. Has the permittee arranged to receive hazardous waste from a foreign or off-site source that the permittee is not permitted to store? [Condition A.1.] Yes  No  N/A \_\_\_ RMK# \_\_\_
  
- 3. Has the permittee notified the director at least four weeks prior to the date the permittee expects to receive hazardous waste from a foreign source, as required by OAC rule 3745-54-12(A)? [Condition B.2(a)] Yes \_\_\_ No  N/A  RMK# \_\_\_

**INSPECTION ITEMS FROM THE PART B APPLICATION**

**NOTE:** *The inspector or permit writer may add inspection items based on the permittee's application, as appropriate.*

**REMARKS**

**OFF-SITE SHIPMENTS/MANIFEST REQUIREMENTS**

- 1. Is the permittee complying with the following manifest requirements set forth in OAC Chapter 3745-52 and OAC rules 3745-54-70, 3745-54-71, 3745-54-72 and 3745-54-76: [Condition B.24]

a. All hazardous wastes shipped off-site have been accompanied by a completed manifest, U.S. EPA Form 8700-22 and, if necessary, U.S. EPA Form 8700-22A in compliance with OAC rule 3745-52-20(A)?

Yes  No  N/A \_\_\_ RMK# \_\_\_

b. The manifest form used contains all information required by OAC rule 3745-52-20 and the minimum number of copies required by OAC rule 3745-52-22?

Yes  No  N/A \_\_\_ RMK# \_\_\_

c. The permittee has designated at least one permitted disposal facility and has/will designate an alternate facility or instructions to return waste in compliance with OAC rule 3745-52-20(B)(C)(D)?

Yes  No  N/A \_\_\_ RMK# \_\_\_

d. Prepared manifests have been signed by the permittee and initial transporter in compliance with OAC rule 3745-52-23?

Yes  No  N/A \_\_\_ RMK# \_\_\_

2. As a permittee that generates hazardous waste, are signed copies of all hazardous waste manifests and any documentation required for exception reports retained for at least three years at the facility as required by OAC rules 3745-52-40 and 3745-54-71(A)(5)?

Yes  No  N/A \_\_\_ RMK# \_\_\_

**NOTE:** If the permittee is generating hazardous waste, remember to attach a complete generator checklist.

3. Does the permittee use only properly registered transporters when removing hazardous wastes? [Condition A.16]

Yes  No  N/A \_\_\_ RMK# \_\_\_

<b>Transporters:</b>

4. Does the permittee give one copy of the manifest to the transporter, send one copy to the generator within 30 days, and keep one copy for at least three years? [3745-54-71(A)]  
 Yes  No  N/A  RMK#
- a. If shipping papers are used in lieu of manifests (bulk shipments, etc.), are the same requirements met? [3745-54-71(B)]  
 Yes  No  N/A  RMK#
- b. Are any significant discrepancies in the manifest, as defined in 3745-54-72(A) noted in writing on the manifest document?  
 Yes  No  N/A  RMK#
5. Have any manifest discrepancies been reconciled within 15 days as required by 3745-54-72(B)? If not:  
 Yes  No  N/A  RMK#
- a. Has the owner/operator submitted the required information to the director?  
 Yes  No  N/A  RMK#
6. If the facility has accepted any unmanifested hazardous wastes from off-site sources for treatment, storage, or disposal, has an unmanifested waste report containing all the information required by 3745-54-76(A) been submitted to the director within 15 days?  
 Yes  No  N/A  RMK#

#### **WASTE ANALYSIS/WASTE ANALYSIS PLAN**

1. Does the permittee have a detailed chemical and physical analysis of waste streams which contains all information of the waste in accordance with OAC Chapters 3745-54 to 3745-57, 3745-218 and 3745-270 and the terms and conditions of the permit? [Condition B.3(a)]  
 Yes  No  N/A  RMK#
2. Does the permittee follow the procedures described in the WAP (Application Section A.3)? [Condition B.3(b)]  
 Yes  No  N/A  RMK#
3. In accordance with OAC rule 3745-54-13(A)(3), does the permittee repeat the waste analysis when the process or operation generating the hazardous waste has changed, or at least annually? [Condition B.3]  
 Yes  No  N/A  RMK#

4. **FOR OFF-SITE FACILITIES:** Are the sampling methods and procedures specified in the permittee's WAP that will be used to inspect and, if necessary, analyze each movement of hazardous waste received at the facility to ensure that it matches the identification of the waste on the manifest [3745-54-13(C)]?

Yes  No  N/A \_\_\_ RMK# \_\_\_

5. **FOR FACILITIES OPERATING SURFACE IMPOUNDMENTS EXEMPT FROM LAND DISPOSAL RESTRICTIONS UNDER OAC 3745-270-04(A):**

Does the waste analysis plan include procedures and schedules for:

i. The sampling of impoundment contents? [3745-54-13(B)(7)]

Yes \_\_\_ No  N/A  RMK# \_\_\_

ii. The analysis of test data? [3745-65-13(B)(7)]

Yes \_\_\_ No  N/A  RMK# \_\_\_

iii. The annual removal of residues which are not delisted or which exhibit the characteristic of a hazardous waste and either do not meet treatment standards (OAC 3745-270-40 to 3745-270-49) or where no treatment standards have been established? [3745-54-13(B)(7)]

Yes \_\_\_ No  N/A  RMK# \_\_\_

6. **Where applicable:** The methods which will be used to meet additional waste analysis requirements for specific waste management methods specified in rules 3745-54-17, 3745-57-14, 3745-57-41 and 3745-270-07 of the OAC? [3745-54-13(B)(6)].

Yes  No  N/A \_\_\_ RMK# \_\_\_

7. Does the permittee place the results of all waste analyses in the facility operating record in accordance with OAC rule 3745-54-73?

Yes \_\_\_ No  N/A  RMK# \_\_\_

**INSPECTION ITEMS FROM THE PART B APPLICATION**

**NOTE:** The inspector or permit writer may add inspection items based on the permittee's application, as appropriate.

**REMARKS**

## GENERAL INSPECTION REQUIREMENTS

**NOTE:** Inspector may attach a copy of the inspection procedures and schedules. If so, the attached document is referenced as Appendix \_\_\_\_\_.

1. Is the permittee following the inspection procedures and schedules as set forth in the permit (Section A.5 of the approved Part B permit application) and the requirements of OAC rules 3745-54-15(A), (C) and (D)? [Condition B.5] Yes\_\_\_ No  N/A \_\_\_ RMK# 4
  
2. Is the permittee following the approved inspection schedule for inspecting: monitoring equipment, safety equipment, emergency equipment, security devices and operating and structural equipment as specified in OAC rule 3745-54-15(B)? Yes  No  N/A \_\_\_ RMK# \_\_\_
  - a. Is the schedule kept at the facility? [OAC rule 3745-54-15(B)(2)] Yes  No  N/A \_\_\_ RMK# \_\_\_
  
3. Does the permittee remedy deterioration or any malfunctions discovered by an inspection as required by OAC rule 3745-54-15(C)? [Condition B.5] Yes  No  N/A \_\_\_ RMK# \_\_\_
  
4. In accordance with OAC rule 3745-54-15(D) and Condition B.5 of the permit, do inspection records contain the following information:
  - a. Date and time of inspection? Yes  No  N/A \_\_\_ RMK# \_\_\_
  - b. Name of inspector? Yes  No  N/A \_\_\_ RMK# \_\_\_
  - c. Notation of observations made? Yes  No  N/A \_\_\_ RMK# \_\_\_
  - d. Date and nature of any repairs or other remedial actions? Yes  No  N/A \_\_\_ RMK# \_\_\_

## INSPECTION ITEMS FROM THE PART B APPLICATION

**NOTE:** The inspector or permit writer may add inspection items based on the permittee's application, as appropriate.

### REMARKS

4. Section A.5 of Toxco's permit application describes the procedures used to remedy inspection discrepancies. Attachment 8c shows how inspection discrepancies are converted to work orders and subsequently resolved and contains copies of the Project/Work Order Template and Work Order Status Form. Toxco is using a Project/Work Order Form that is different from the form in Attachment 8c.

### SECURITY REQUIREMENTS

1. Is the permittee complying with the following security provisions of OAC rule 3745-54-14 and Condition B.4 of the permit: [ Section A.4 of the Part B permit application]
- a. Does the permittee have a 24-hour surveillance system which continuously monitors and controls entry onto the active portion of the facility? Yes  No  N/A \_\_\_ RMK# \_\_\_
- b. An artificial or natural barrier (in good repair) which completely surrounds the active portion of the facility? Yes  No  N/A \_\_\_ RMK# \_\_\_
- c. A means to control entry, at all times, through gates or other entrances, to the active portion of the facility? Yes  No  N/A \_\_\_ RMK# \_\_\_
2. In accordance with OAC rule 3745-54-14(C), does the permittee have signs reading "Danger - Unauthorized Personnel Keep Out" posted at entrances of the hazardous waste container storage building. Yes  No  N/A \_\_\_ RMK# \_\_\_

### FACILITY OPERATIONS

3. Is construction, maintenance and operation of the facility being conducted to minimize the possibility of a fire, explosion, or unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, ground or surface water? [OAC rule 3745-54-31; Condition B.1] Yes  No  N/A \_\_\_ RMK# \_\_\_

4. Does the permittee properly maintain and operate the facility to achieve compliance with the terms and conditions of the permit including: [Condition A.9]

a. Effective management practices?

Yes  No  N/A \_\_\_ RMK# \_\_\_

b. Adequate funding?

Yes  No  N/A \_\_\_ RMK# \_\_\_

c. Adequate operator staffing and training?

Yes  No  N/A \_\_\_ RMK# \_\_\_

d. Adequate laboratory and process controls?

Yes  No  N/A \_\_\_ RMK# \_\_\_

#### INSPECTION ITEMS FROM THE PART B APPLICATION

**NOTE:** The inspector or permit writer may add inspection items based on the permittee's application, as appropriate.

#### REMARKS

#### PERSONNEL TRAINING

1. Is the permittee conducting personnel training in accordance with the conditions of the permit and with the following requirements of OAC rule 3745-54-16? [Condition B.6]

Yes  No  N/A \_\_\_ RMK# \_\_\_

a. The facility provides personnel training which includes instruction in safe equipment operation and emergency procedures and implementation of the contingency plan? [OAC rule 3745-54-16(A)(B)(C)]

Yes  No  N/A \_\_\_ RMK# \_\_\_

b. The facility provides personnel training to new employees within six months after their date of employment as required by OAC rule 3745-54-16(B)?

Yes  No  N/A \_\_\_ RMK# \_\_\_

c. The facility provides an annual refresher training course as required by OAC rule 3745-54-16(C)?

Yes  No  N/A \_\_\_ RMK# \_\_\_

2. Is the permittee maintaining personnel training records as required by OAC rule 3745-54-16(D) and of the approved application, including: written job titles, job descriptions and documented employee training records?  
[Condition B.6]

Yes  No  N/A \_\_\_ RMK# \_\_\_

**INSPECTION ITEMS FROM THE PART B APPLICATION**

**NOTE:** The inspector or permit writer may add inspection items based on the permittee's application, as appropriate.

**REMARKS**

**REQUIRED EQUIPMENT**

**NOTE:** Inspector may attach a list of emergency equipment. If so, the attachment document is referenced as Appendix \_\_\_\_\_.

1. Has the permittee equipped the facility with the following emergency equipment as required by OAC rule 3745-54-32 and Condition B.9 of the permit:

a. An internal communications or alarm system?

Yes  No  N/A \_\_\_ RMK# \_\_\_

b. A device such as a telephone which is capable of summoning emergency assistance from local emergency authorities?

Yes  No  N/A \_\_\_ RMK# \_\_\_

c. Portable fire extinguishes and/or fire control equipment, spill control and decontamination equipment?

Yes  No  N/A \_\_\_ RMK# \_\_\_

d. Water in adequate volume and pressure to supply water hose streams, foam producing equipment, automatic sprinklers or water spray systems?

Yes  No  N/A \_\_\_ RMK# \_\_\_

2. Is the permittee inspecting, testing and maintaining the equipment specified in Question No. 1 to ensure its proper operating in accordance with OAC rule 3745-54-33 and Condition B.10 of the permit?

Yes  No  N/A \_\_\_ RMK# \_\_\_

3. Whenever hazardous waste is being managed at the facility, has the permittee provided all personnel involved in the operation with immediate access to an internal alarm or emergency communication device as required by OAC rule 3745-54-34 and Condition B.11 of the permit?

Yes  No  N/A \_\_\_ RMK# \_\_\_

**INSPECTION ITEMS FROM THE PART B APPLICATION**

**NOTE:** The inspector or permit writer may add inspection items based on the permittee's application, as appropriate.

**REMARKS**

**CONTINGENCY PLAN - EMERGENCY PROCEDURES**

1. In compliance with Condition B.13 of the permit and OAC rule 3745-54-37(A) and (B), does the permittee:

a. Familiarize emergency response agencies with the layout of the facility, associated hazards, places where personnel will normally be working, entrances and possible evacuation routes?

Yes  No  N/A \_\_\_ RMK# \_\_\_

b. Inform such agencies of safety equipment, supplies, proper emergency safety procedures that are applicable to the facility?

Yes  No  N/A \_\_\_ RMK# \_\_\_

c. Familiarize the local hospital listed in the approved application with the properties of hazardous waste handled at the facility and the types of injuries or illness that could result from fires, explosions or releases at the facility?

Yes  No  N/A \_\_\_ RMK# \_\_\_

2. Has a state or local agency declined to enter into the arrangements set forth in OAC rule 3745-54-37(A)? If so:

Yes \_\_\_ No  N/A \_\_\_ RMK# \_\_\_

a. Has the permittee documented the refusal in the operating record as required by OAC rule 3745-54-37(B)? [Condition B.13(b)]

Yes \_\_\_ No  N/A  RMK# \_\_\_

3. Has the permittee, in accordance with OAC rule 3745-54-53 submitted a copy of the approved contingency plan (including amendments, revisions or changes) to all local authorities, agencies and response contractors designated in the approved contingency plan? [Condition B.18(b)] Yes  No  N/A \_\_\_ RMK# \_\_\_
4. Has the permittee notified all parties identified in the contingency plan in writing of amendments, modifications, or revisions to the plan within ten days of the effective date of the change in the plan? [Condition B.18(b)] Yes  No  N/A \_\_\_ RMK# \_\_\_
5. Has the permittee submitted a copy of the approved contingency plan and all revisions, amendments and modifications to the Ohio EPA, Division of Emergency and Remedial Response (DERR) in accordance with OAC rule 3745-54-53? [Condition B.18(c)] Yes  No  N/A \_\_\_ RMK# \_\_\_
6. Is the permittee reviewing the approved contingency plan at least annually and amending the plan immediately if needed in compliance with OAC rule 3745-54-54? [Condition B.17] Yes  No  N/A \_\_\_ RMK# \_\_\_

**NOTE:** Also see Question No. 4 of Recordkeeping Requirements to verify that any changes to the contingency plan were submitted in accordance with OAC rule 3745-50-51.

#### EMERGENCY COORDINATOR

7. In accordance with OAC rule 3745-54-55 and Condition B.19 of the permit, is an emergency coordinator on premises or on call at all times? Yes  No  N/A \_\_\_ RMK# \_\_\_
8. In accordance with OAC rule 3745-54-55 and Condition B.19 of the permit, is/are the emergency coordinator(s) at the facility familiar with the following:
- a. Contingency plan? Yes  No  N/A \_\_\_ RMK# \_\_\_
- b. Facility operations/activities? Yes  No  N/A \_\_\_ RMK# \_\_\_
- c. Waste characterization and location? Yes  No  N/A \_\_\_ RMK# \_\_\_

- d. Location of all records in the facility? Yes  No  N/A \_\_\_ RMK# \_\_\_
- e. Facility layout? Yes  No  N/A \_\_\_ RMK# \_\_\_
9. In accordance with OAC rule 3745-54-55, does/do the emergency coordinator(s) have the authority to commit the resources needed to carry out the contingency plan? [Condition B.19] Yes  No  N/A \_\_\_ RMK# \_\_\_
10. Does the permittee have a contingency plan for the facility that: [Condition B.19]
- a. Describes the actions facility shall take to comply with OAC rules 3745-54-51 through 3745-54-56 in response to fires, explosions, or any unplanned sudden or nonsudden release of hazardous waste or hazardous waste constituents to air, soil or surface water at the facility? Yes  No  N/A \_\_\_ RMK# \_\_\_
- b. Describes arrangements agreed to by local police, fire departments, hospitals, contractors and Ohio EPA and the local emergency response team to coordinate emergency services? Yes  No  N/A \_\_\_ RMK# \_\_\_
- c. Includes an up-to-date list of names, addresses and phone numbers (office and home) for all persons qualified to act as emergency coordinator in the order that they will assume responsibility for coordination of emergency response? Yes  No  N/A \_\_\_ RMK# \_\_\_
- d. Includes a list of all emergency equipment, including fire extinguishing systems, spill control equipment, communications and alarm systems and decontamination equipment? Yes  No  N/A \_\_\_ RMK# \_\_\_
- e. Includes the location and a physical description of each item on the list referenced in Question No. 10(d), and a brief outline of its capabilities? Yes  No  N/A \_\_\_ RMK# \_\_\_

- f. Includes an evaluation plan for facility personnel describing signals to be used to begin evacuation, evacuation routes, and alternate evacuation routes, in situations where the primary routes could be blocked by releases of hazardous waste?

Yes  No  N/A  RMK#

### REMARKS

### IMPLEMENTATION OF CONTINGENCY PLAN

11. Has there been a fire, explosion or release of hazardous waste or hazardous waste constituents at the facility including spill or release of hazardous waste or hazardous waste constituents greater than or equal to 55 gallons; any spill or release of hazardous waste or hazardous waste constituents less than 55 gallons may result in a fire or explosion hazard as determined by the Emergency Coordinator; or any spill on-site that may potentially cause on or off-site soil and/or ground or surface water contamination; any spill or release of hazardous waste or hazardous waste constituents that is reported to the National Response Center or local (city or county) emergency response center because the spill exceeded the "RQ" limits; any fire involving hazardous waste; any explosion involving hazardous waste; since the date of the last inspection? If so:

Yes  No  N/A  RMK#

- a. Did the permittee immediately implement the approved contingency plan and follow the emergency procedures described in OAC rule 3745-54-56? [Conditions B.14 and B.20]

Yes  No  N/A  RMK#

- b. Did the permittee immediately notify Ohio EPA's emergency response team using the 24-hour toll free number (800)282-9378 providing the following information: [OAC rule 3745-54-56(D)(2)]

- i. Name and telephone number of the reporter?

Yes  No  N/A  RMK#

- ii. Name and address of the facility?

Yes  No  N/A  RMK#

- iii. Time and type of incident? Yes\_\_\_ No  N/A  RMK#\_\_\_
- iv. Name and quantity of materials involved? Yes\_\_\_ No  N/A  RMK#\_\_\_
- v. The extent of injuries? Yes\_\_\_ No  N/A  RMK#\_\_\_
- vi. The possible hazards to human health or the environment outside the facility? Yes\_\_\_ No  N/A  RMK#\_\_\_
- c. Did the permittee collect and manage as hazardous waste all liquid or solid material resulting from fire, explosion, released material or emergency response materials until such time as the permittee can demonstrate to Ohio EPA that such waste are not hazardous wastes? [Condition B.16] Yes\_\_\_ No  N/A  RMK#\_\_\_
- d. Within 15 days of the incident did the permittee submit to the director a written report of the incident? If so: Yes\_\_\_ No  N/A  RMK#\_\_\_
  - I. Did the report contain the elements set forth in OAC rule 3745-54-56(J)? [Condition B.23] Yes\_\_\_ No  N/A  RMK#\_\_\_
  - e. Did the permittee note in the operating record the time, date and details of any incident that required the implementation of the approved contingency plan as required by OAC rule 3745-54-56(J)? [Condition B.23] Yes\_\_\_ No  N/A  RMK#\_\_\_

**INSPECTION ITEMS FROM THE PART B APPLICATION**

**NOTE:** The inspector or permit writer may add inspection items based on the permittee's application, as appropriate.

**REMARKS**

**CLOSURE REQUIREMENTS**

1. Does the permittee maintain the approved closure plan at the facility? [Condition B.29] Yes  No  N/A \_\_\_ RMK# \_\_\_

2. Is the permittee keeping at the facility and submitting annually to Ohio EPA, the latest closure cost estimate as required by OAC rule 3745-55-42(D) [Condition B.36] Yes  No  N/A \_\_\_ RMK# \_\_\_

3. Has the permittee amended the closure plan? If so: Yes \_\_\_ No  N/A  RMK# \_\_\_

a. Has the plan been amended in accordance with OAC rule 3745-55-18(D)? [Condition B.28] Yes \_\_\_ No  N/A  RMK# \_\_\_

**NOTE:** Also see Recordkeeping Requirements (Question #4) in order to verify that any changes to the closure plan were submitted in accordance with OAC rule 3745-50-51.

4. Has the permittee closed the facility? If so: Yes \_\_\_ No  N/A \_\_\_ RMK# \_\_\_

a. Did the permittee complete closure of the facility 180 days after receiving the final volume of hazardous waste, as required by Condition B.31 of the permit? Yes \_\_\_ No  N/A  RMK# \_\_\_

b. Was closure conducted in accordance with the closure performance standard of OAC rule 3745-55-11? [Condition B.26] Yes \_\_\_ No  N/A  RMK# \_\_\_

c. Did the permittee carry out the approved closure plan as set found in Section \_\_\_ of the approved permit application? [Condition B.27] Yes \_\_\_ No  N/A  RMK# \_\_\_

d. After receiving the final volume of hazardous waste, did the permittee remove all hazardous waste and complete closure activities in accordance with the schedule specified in the approved closure plan and as required by OAC rule 3745-55-13? [Condition B.31] Yes \_\_\_ No  N/A  RMK# \_\_\_

e. Has the permittee decontaminated and/or disposed of all facility equipment, structures and soils as required by OAC rule 3745-55-14 and the approved closure plan? [Condition B.32] Yes \_\_\_ No  N/A  RMK# \_\_\_

f. Has the permittee certified that the facility has been closed in accordance with the specifications in the approved closure plan as required by OAC rule 3745-55-15? [Condition B.33]

Yes \_\_\_ No  N/A  RMK# \_\_\_

g. Has the permittee submitted a survey plat to the director and local zoning authority no later than the submission of certification of closure of each hazardous waste disposal unit? [Condition B.34]

Yes \_\_\_ No  N/A  RMK# \_\_\_

### REMARKS

### POST-CLOSURE MAINTENANCE

**NOTE:** Inspector may attach a post-closure maintenance inspection schedule. If so, the attached document is referenced as Appendix \_\_\_\_.

1. Has the permittee inspected the components, structures, and equipment at the site in accordance with the inspection schedule in § \_\_\_\_ of the permit application on a quarterly basis? [OAC rule 3745-55-17(A)(1)(b)] [Condition B.35]

Yes \_\_\_ No  N/A  RMK# \_\_\_

2. Has the permittee conducted and recorded an inspection of at least the following? [Condition B.35]

Yes \_\_\_ No  N/A  RMK# \_\_\_

- a. Security control devices (gates, locks, fences and signs);
- b. Erosion control;
- c. Cover settlement, subsidence and displacement;
- d. Vegetative cover conditions;
- e. Integrity of run-on/run-off control measures;
- f. Cover drainage system functioning;
- g. Monitor well conditions; and
- h. Benchmark integrity.

3. Is the permittee using the inspection forms found in the approved Part B permit application? [§ \_\_\_\_ of the approved permit application]

Yes \_\_\_ No  N/A  RMK# \_\_\_

4. Have suitable repairs been made within a reasonable amount of time? [Condition B.35] Yes\_\_\_ No  N/A  RMK#\_\_\_
5. Have repairs been indicated on the Notification Repair Form? [Condition B.35] Yes\_\_\_ No  N/A  RMK#\_\_\_
6. Was the Notification of Repair Form submitted to Ohio EPA within one week after determining that repairs are necessary? [Condition B.35] Yes\_\_\_ No  N/A  RMK#\_\_\_

**INSPECTION ITEMS FROM THE PART B APPLICATION**

**NOTE:** *The inspector or permit writer may add inspection items based on the permittee's application, as appropriate.*

**REMARKS**

**STORAGE OF HAZARDOUS WASTES IN CONTAINERS**

**NOTE:** *The requirements of Condition C do not apply to the permittee's activities as a generator accumulating hazardous waste for <90 days per OAC rule 3745-52-34(A). Please complete the applicable sections of the Generator Requirements checklist to document compliance with activities associated with <90 day accumulation of wastes.*

**CONDITION OF CONTAINERS**

1. Are containers holding hazardous wastes in good condition as required by OAC 3745-55-71? [Condition C.4] If not: Yes  No  N/A \_\_\_ RMK#\_\_\_
- a. Did the permittee transfer the hazardous waste from such a container to one that is in good condition or otherwise manage the waste in a manner that complies with the conditions of the permit? [Condition C.4] Yes\_\_\_ No  N/A  RMK#\_\_\_
2. Does the permittee ensure that all containers used at the facility are compatible with the hazardous waste to be stored in them as required by OAC rule 3745-55-72? [Condition C.5] Yes  No  N/A \_\_\_ RMK#\_\_\_

3. Does the permittee keep all containers closed during storage except when it is necessary to add or remove waste as required by OAC rule 3745-55-73? [Condition C.6(a)] Yes  No  N/A \_\_\_ RMK# \_\_\_

4. Does the permittee store all containerized hazardous waste on the container storage containment system as described in Condition C.7 of the permit? [Condition C.7] Yes  No  N/A \_\_\_ RMK# \_\_\_

### INSPECTIONS

**NOTE:** Inspector may attach a container inspection checklist. If so, the attached document is referenced as Appendix \_\_\_\_\_.

5. Is the permittee inspecting the container area weekly in accordance with OAC rule 3745-55-74 and the approved inspection schedule in Section A.5 of the Part B permit application to detect leaking containers and deterioration of containers and the containment system? [Condition C.9] Yes  No  N/A \_\_\_ RMK# \_\_\_

a. Does the permittee note the results of these inspections in the inspection log along with any remedial action taken as required by OAC rule 3745-54-15(D)? Yes  No  N/A \_\_\_ RMK# \_\_\_

### CONTAINMENT SYSTEM

6. Does the permittee maintain the containment system as described in the approved permit application, Section A.1.b, including: [Condition C.7] Yes  No  N/A \_\_\_ RMK# \_\_\_

a. Sufficient capacity to hold 10% of the total volume of containers or the volume of the largest container, whichever is greater. Yes  No  N/A \_\_\_ RMK# \_\_\_

b. A system which is free of gaps and sufficiently impervious to contain leaks and spills? Yes  No  N/A \_\_\_ RMK# \_\_\_

7. Has the permittee had a spill or leak of wastes? If so: Yes \_\_\_ No  N/A \_\_\_ RMK# \_\_\_

a. Was spilled or leaked waste removed in a timely manner? [Condition C.7(e)]

Yes \_\_\_ No  N/A  RMK# \_\_\_

**NOTE:** This time period is not to exceed 24 hours. [Condition C.7(e)]

**AISLE SPACE**

8. Is the permittee maintaining adequate aisle space to allow unobstructed movement of personnel and equipment in the event of an emergency as required by OAC rule 3745-54-35 and Condition B.12 of the permit?

Yes  No  N/A \_\_\_ RMK# \_\_\_

**INSPECTION ITEMS FROM THE PART B APPLICATION**

**NOTE:** The inspector or permit writer may add inspection items based on the permittee's application, as appropriate.

**REMARKS**

**LAND DISPOSAL RESTRICTION REQUIREMENTS**

**NOTE:** In order to determine compliance with all applicable LDR requirements the inspector may need to complete the separate LDR checklist:

1. Does the permittee comply with all applicable regulations regarding land disposal prohibitions and restrictions as required by OAC Chapter 3745-270?

Yes \_\_\_ No  N/A \_\_\_ RMK# 2

2. Does the permittee comply with the notification and certification requirements of OAC rule 3745-270-07(A)?

Yes \_\_\_ No  N/A \_\_\_ RMK# 2

3. Does the permittee comply with the requirements of OAC rule 3745-270-03 and does not in any way dilute a restricted waste or treatment residue as a substitute for adequate treatment?

Yes  No  N/A \_\_\_ RMK# \_\_\_

4. Does the permittee retain supporting data used to determine if wastes managed at the facility are restricted from land disposal in the facility files as required by OAC rule 3745-270-07(A)(5)?

Yes  No  N/A \_\_\_ RMK# \_\_\_

a. Are copies of all notices, certifications, demonstrations, waste analysis and other documentation produced pursuant to OAC Chapter 3745-270 retained for a period of three years as required by OAC rule 3745-270-07(A)?

Yes  No  N/A  RMK#

5. Is the permittee in compliance with the requirements of OAC rule 3745-270-50 regarding the storage of wastes restricted or prohibited from land disposal under OAC rule 3745-270-50?

Yes  No  N/A  RMK# 5

### INSPECTION ITEMS FROM THE PART B APPLICATION

**NOTE:** The inspector or permit writer may add inspection items based on the permittee's application, as appropriate.

### REMARKS

5. Toxco is storing batteries for more than a year. Although Ohio EPA has concurred with this storage in the past (in correspondence dated November 18, 2002), it may no longer be warranted to store batteries beyond one year to facilitate proper recovery, treatment, or disposal in accordance with OAC Rule 3745-270-50. Since 2002, Toxco has established and refined its battery recycling operations to alleviate any backlog of batteries to be processed. During the inspection, Ohio EPA informed Toxco that batteries older than one year should be recycled or that Toxco may be in violation of OAC Rule 3745-270-50 in the future. Ohio EPA will address this issue during our next inspection.

### CORRECTIVE ACTION

1. Has the permittee submitted the monthly progress report for all corrective action activities? (This report is due by the 15<sup>th</sup> of the month following the reporting period.)  
[Condition

Yes  No  N/A  RMK#

2. Has the permittee identified any new WMUs or releases at the facility? [Condition E.10]? If so:

Yes  No  N/A  RMK#

a. Did the permittee follow the steps indicated in Conditions E.10(a) and (b) and E.11?

Yes  No  N/A  RMK#

### INSPECTION ITEMS FROM THE PART B APPLICATION

**NOTE:** The inspector or permit writer may add inspection items based on the permittee's application, as

*appropriate.*

**REMARKS**