



State of Ohio Environmental Protection Agency

Southwest District Office

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Eval 002
Enf 005
Comp
09-

October 8, 2009

Ms. Susi Dick
The Shepherd Chemical Company
4900 Beech Street
Norwood, Ohio 45212-1110

Re: NOV SHEPHERD CHEMICAL COMPANY OHD004234787

Dear Ms. Dick:

On September 21, 2009 I inspected the Shepherd Chemical Company plant located at 2803 Highland Avenue in Norwood. The purpose of my inspection was to determine your compliance with Ohio's hazardous waste rules as found in Chapter 3734. of the Ohio Revised Code (ORC) and Chapter 3745. of the Ohio Administrative Code (OAC).

As is our practice, my inspection was unannounced. Bayard Pelsor and you represented Shepherd. My inspection consisted of an introductory scoping session, followed by a physical inspection of your facility and ended with a paperwork review and summary. Before leaving, I shared my list of remaining outstanding issues and several items that I needed to check on.

I found the following violations of the hazardous waste rules:

Violation #1

Inspections of container accumulation areas : OAC 3745-66-74 requires that areas where containers are accumulated be inspected weekly (every seven days).

Shepherd maintains the required inspection records on loose sheets (not in a log) stored in a binder. The sheets also had a list of items to check off related to the testing and inspection of the emergency equipment as described in items # 36 and 37 of the enclosed Large Quantity Generator (LQG) Checklist. Shepherd was for the most part performing the inspections but not all inspections were performed in compliance with the every seven days requirement.

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- ☞ Shepherd must immediately begin to inspect the less than 90 day storage area in compliance with the every seven day requirement. To be returned to compliance, devise an inspection strategy to insure that inspections are performed every seven days in the future. See the last paragraph of this letter for a deadline to respond to this letter.

Violation # 2

Management of universal waste lamps: OAC 3745-273-13(D)(1) requires that universal waste lamps must be managed in containers or packages that are structurally sound and adequate to prevent breakage. The container or package must be closed.

The four-foot fluorescent tubes were stored in a cardboard box with an open flap at one end. Several of the tubes were protruding from the box. The bulbs had green tips.

- ☞ Shepherd must immediately store the lamps in a suitable container that can be closed. To be returned to compliance, devise an inspection strategy to insure that inspections are performed in the future in compliance with the seven day requirement.

Areas of Concern satellite accumulation areas:

I have several remarks regarding the storage of hazardous wastes under the reduced requirements of satellite accumulation area (SAA) rules found in OAC 3745-52-34(C) These remarks are not considered to be violations of the rules, but are intended to clarify the rules.

Two wastes are managed under the SAA rules in the dissolver building- one containing cadmium. The drum containing cadmium wastes was only partly filled labeled '2007'. This drum was properly closed but it is obviously from a seldom-used process. At the current rate of generation it will be years before the drum is full. This is compliant with the SAA rules.

Definition of closed container:

Shepherd manages the non-cadmium waste in an open-topped blue plastic drum fitted with a plastic liner. The plastic liner was folded shut. Since the waste is an essentially dry filter aid and filter paper, I have determined that it is appropriate in this circumstance

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to consider the folded plastic bag as being a properly closed container. If your process should change and the wastes were dusty, reactive, volatile, etc, this determination may not be valid for the new waste stream. Containers of wastes managed under the SAA rules are required to be marked with the words 'hazardous waste' or other words that identify the contents. Containers of waste managed under the SAA rules are not required to be dated until they are full.

Dating of SAA drums: OAC 3745-52-34(C)(2)

Partial SAA drums are not required to be dated. When an accumulation in excess of 55 gallons occurs, the excess amount should be dated. You as a generator then have three days to move the drum to a less than 90 day storage area. Once the three days have passed, the drum is subject to all of the container management standards, including the requirement that wastes may not be accumulated for longer than 90 days. As a management practice, it is not appropriate to mark extraneous dates on SAA drums such as the "2007" label on the cadmium drum mentioned above. The enclosed checklist cites the rules applicable to managing wastes in containers.

Exception reports and manifest tracking:

Generator tracking of shipments of hazardous waste is a critically important part of the cradle-to-grave regulation of hazardous wastes. As a large quantity generator, Shepherd is required to contact the designated treatment, storage or disposal facility to determine the status of the shipped wastes if a signed copy of the manifest is not returned from the designated facility within 35 days of the shipment (OAC 3745-52-42(A)(1)). As a generator, you are required to notify Ohio EPA in writing if a copy of the manifest is not returned within 45 days (OAC 3745-52-32(A)(2)). When I asked how you perform such tracking, you replied that when billing invoices arrive, they are compared to the generator copy of the manifest. It is not clear to me how this scheme would allow you to comply with the notification requirements if a shipment of hazardous waste goes astray. I am not citing this as a violation of the rules as I have no reason to believe that any shipments were actually lost. Furthermore, the Ohio Administrative Code does not require you to convince me that you have a fool-proof plan in place. However, you need to develop a method to track the 35 day deadline and also a method to match the generator copy with the copy returned by the designated facility.

Returning to compliance:

To verify your success at returning to compliance, sometime after 30 days from the date of this letter, I will return to Shepherd to perform a re-inspection. I will re-inspect the

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universal waste lamps and review your inspection records for the less than 90 day storage area.

Enclosed you will find an LQG checklist, an LDR checklist, a universal waste checklist, and a process description summary. Please call me at (937) 285-6090 if you have any questions.

Sincerely,



Tom Ontko
Hazardous Waste Inspector
Southwest District Office

Enclosure

cc: DHWM Data Entry/Facility File

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.

TO\bp

**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: safety shoes, safety glasses

GENERAL REQUIREMENTS

1.	Have all wastes generated at the facility been adequately evaluated? [3745-52-11]	Yes
2.	Are records of waste determination being kept for at least 3 years? [3745-52-40(C)]	Yes
3.	Has the generator obtained a U.S. EPA identification number? [3745-52-12]	Yes
4.	Were annual reports filed with Ohio EPA on or before March 1 st ? [3745-52-41(A)]	Yes
5.	Are annual reports kept on file for at least 3 years? [3745-52-40(B)]	Yes
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)]	No
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)]	No
8.	Does the generator accumulate hazardous waste?	Yes
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)?	No
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?	No
	b. Tank that meets 3745-66-90 to 3745-66-101 except 3745-66-97(C)?	No
	c. Drip pads that meet 3745-69-40 to 3745-69-45?	No
	d. Containment building that meets 3745-256-100 to 3745-256-102?	No

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

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

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)(1)]	Yes
13.	Have items (1) through (20) of each manifest been completed? [3745-52-20(A)(1)]&[3745-52-27(A)]	Yes

NOTE: U.S. EPA Form 8700-22(A) (the continuation form) may be needed in addition to Form 8700-22. In these

<i>situations items (21) through (35) must also be completed. [3745-52-20(A)(1)]</i>		
14.	Does each manifest designate at least one facility which is permitted to handle the waste? [3745-52-20(B)]	Yes <input type="checkbox"/>
<i>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)].</i>		
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)]	N/A
16.	Have the manifests been signed by the generator and initial transporter? [3745-52-23(A)(1)&(2)]	Yes
17.	If the generator received a rejected load or residue and accumulated the waste on-site, did the generator sign item 18c or 20 of the manifest? [3745-52-34(M)]	N/A
<i>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.</i>		
18.	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)]	N/A <input type="checkbox"/>
19.	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)]	N/A
20.	Are signed copies of all manifests and any exception reports being retained for at least three years? [3745-52-40]	Yes
<i>NOTE: Item 18 Susi did not have a sophisticated system of tracking whether manifests have been returned by the TSD. Her method apparently consists of checking the manifest records when she receives an invoice to be paid. Apparently, the possibility that if a shipment of HW went astray, the TSD would not send an invoice never was realized. Item 20 I looked at 2009 and 2008 manifests. All appeared to be in order. I did not check back any farther.</i>		
PERSONNEL TRAINING		
21.	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 <input type="checkbox"/>
22.	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 <input type="checkbox"/>
23.	Is the personnel training program directed by a person trained in hazardous waste management procedures? [3745-65-16(A)(2)]	Yes
24.	Do new employees receive training within six months after the date of hire (or assignment to a new position)? [3745-65-16(B)]	Yes
25.	Does the generator provide annual refresher training to employees? [3745-65-16(C)]	Yes
26.	Does the generator keep records and documentation of:	
a.	Job titles? [3745-65-16D(1)]	Yes
b.	Job descriptions? [3745-65-16D(2)]	Yes
c.	Type and amount of training given to each person? [3745-65-16D(3)]	Yes
d.	Completed training or job experience required? [3745-65-16D(4)]	Yes
27.	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
<i>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 and/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.</i>		
<u>Job Performed</u>	<u>Name of Employee</u>	<u>Date Trained</u>

	Ryan Schmitt	
	Richard Thrasher	

WWT plant workers receive training every December. The rest of the staff receive annual training.

CONTINGENCY PLAN

28.	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
29.	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
b.	Arrangements with emergency authorities? [3745-65-52(C)]	Yes
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
d.	A list of all emergency equipment, including: location, a physical description and brief outline of capabilities? [3745-65-52(E)]	Yes
e.	An evacuation plan for facility personnel where there is possibility that evacuation may be necessary? [3745-65-52(F)]	Yes
30.	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
31.	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
32.	Is an emergency coordinator available at all times (on-site or on-call)? [3745-65-55]	Yes

EMERGENCY PROCEDURES

33.	Has there been a fire, explosion or release of hazardous waste or hazardous waste constituents since the last inspection? If so:	No
a.	Was the contingency plan implemented? [3745-65-51(B)]	N/A
b.	Did the facility follow the emergency procedures in 3745-65-56(A) through (H)?	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)?	N/A

PREPAREDNESS AND PREVENTION

34.	Is the facility operated to minimize the possibility of fire, explosion, or any unplanned release of hazardous waste? [3745-65-31]	Yes
35.	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
b.	Emergency communication device? [3745-65-32(B)]	Yes
c.	Portable fire control, spill control and decon equipment? [3745-65-32(C)]	Yes
d.	Water of adequate volume/pressure per documentation or facility rep? [3745-65-32(D)]	Yes

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

36.	Is emergency equipment tested (inspected) as necessary to ensure its proper operation in time of emergency? [3745-65-33]	Yes
37.	Are emergency equipment tests (inspections) recorded in a log or summary?	Yes

	[3745-65-33]	
38.	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
39.	If there is only one employee on the premises, is there immediate access to a device (eg., phone, hand held two-way radio) capable of summoning external emergency assistance (unless not required under 3745-65-32)? [3745-65-34(B)]	N/A
40.	Is adequate aisle space provided for unobstructed movement of emergency or spill control equipment? [3745-65-35]	Yes
41.	Has the generator attempted to familiarize emergency authorities with possible hazards and facility layouts? [3745-65-37(A)]	Yes
42.	Where authorities have declined to enter into arrangements or agreements, has the generator documented such a refusal? [3745-65-37(B)]	Yes

Note item 40 A fork truck was moving pallets and the < 90 day storage area was temporarily blocked. When we returned later the area was accessible. This is not being considered a violation.

SATELLITE ACCUMULATION AREA REQUIREMENTS

43.	Does the generator ensure that satellite accumulation area(s):	
a.	Are at or near a point of generation? [3745-52-34(C)(1)]	Yes
b.	Are under the control of the operator of the process generating the waste? [3745-52-34(C)(1)]	Yes
c.	Do not exceed a total of 55 gallons of hazardous waste per waste stream? [3745-52-34(C)(1)]	Yes
d.	Do not exceed one quart of acutely hazardous waste at any one time? [3745-52-34(C)(1)]	N/A
e.	Containers are closed, in good condition and compatible with wastes stored in them? [3745-52-34(C)(1)(a)]	Yes
f.	Containers are marked with words "Hazardous Waste" or other words identifying the contents? [3745-52-34(C)(1)(b)]	Yes
44.	Is the generator accumulating hazardous waste(s) in excess of the amounts listed in the preceding question? If so:	No
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)]	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)]	N/A

NOTE: Item 43e- The SAA container in the disolver building was determined to be a plastic bag in which the waste was accumulated. The bag was stored in an open-topped drum which was not closed. This was determined not to be a violation.

USE AND MANAGEMENT OF CONTAINERS IN <90 DAY ACCUMULATION AREAS

45.	Has the generator marked containers with the words "Hazardous Waste?" [3745-52-34(A)(3)]	Yes
46.	Is the accumulation date on each container? [3745-52-34(A)(2)]	Yes
47.	Are hazardous wastes stored in containers which are:	
a.	Closed (except when adding/removing wastes)? [3745-66-73(A)]	Yes
b.	In good condition? [3745-66-71]	Yes
c.	Compatible with wastes stored in them? [3745-66-72]	Yes
d.	Handled in a manner which prevents rupture/leakage? [3745-66-73(B)]	Yes

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

48.	Is the container accumulation areas(s) inspected weekly? [3745-66-74] Per ORC§1.44(A) "Week" means 7 consecutive days.	No
a.	Are inspections recorded in a log or summary? [3745-66-74]	Yes
49.	Are containers of ignitable or reactive wastes located at least 50 feet (15 meters) from the facility's property line? [3745-66-76]	Yes
50.	Are containers of incompatible wastes stored separately from each other by means of a dike, berm, wall or other device? [3745-66-77(C)]	N/A
51.	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)]	N/A
52.	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)]	N/A
53.	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)]	N/A
PRE-TRANSPORT REQUIREMENTS		
54.	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
55.	Does each container ≤119 gallons have a completed hazardous waste label? [3745-52-32(B)]	Yes
56.	Before off-site transportation, does the generator placard or offer the appropriate DOT placards to the initial transporter? [3745-52-33]	Yes

**GENERATOR LDR CHECKLIST
DOES NOT APPLY TO CESQGS**

GENERAL REQUIREMENTS

1.	If LDRs do not apply, does the generator have a statement that lists how the HW was generated, why LDRs don't apply and where the HW went? [3745-270-07 (A)(7)]	N/A	<input type="checkbox"/>
2.	Did the generator determine if the HW/soil must be treated to meet the LDR treatment standard prior to disposal? Generator knowledge or testing may be used. [3745-270-07(A)(1)]	Yes	<input type="checkbox"/>
<p><i>NOTE: This is done by determining if the HW /soil contains levels of constituents greater than the levels given in its LDR treatment standard in 3745-270-40. However, if a specific treatment method is given in 3745-270-40 for the HW, no determination is required [3745-270-07 (A)(1)(b)]. If soil, generator can choose to have soil treated to LDR levels given in 3745-270-49 (alternative treatment levels for soils).</i></p>			
3.	Does the generator have documentation of how he determined whether the HW/soil meets or does not meet the LDR treatment standard in 2, above? [3745-270-07(A)(6)(a) or 3745-270-07(A)(6)(b)]	Yes	<input type="checkbox"/>
4.	Does the generator keep the documentation required in #2, above, on-site for at least three years from the last date the HW/soil was sent on-site/off-site for treatment/disposal? [3745-270-07(A)(8)]	Yes	<input type="checkbox"/>
5.	Does the generator generate a listed HW that exhibits a characteristic? If yes,	No	<input type="checkbox"/>
a.	Did the generator determine if the listed HW exhibits a characteristic that is not treated under the LDR treatment standard for the listed HW? [3745-270-09(A)]	N/A	<input type="checkbox"/>
<p><i>FOR EXAMPLE: F006 that exhibits the characteristic for silver or K062 that is corrosive, D002. Review LDR treatment standard in 3745-270-40 to determine what constituents the listed HW is treated for.</i></p>			
6.	Did the generator determine if its characteristic HW contains underlying hazardous constituents that need to be treated? [3745-270-09(A)]	Yes	<input type="checkbox"/>
<p><i>NOTE: This is done by evaluating which underlying hazardous constituents (UHC) are in the HW at levels above the universal treatment standards given in 3745-270-48. This requirement does not apply to high total organic carbon (i.e., contains >10% TOC) D001 wastes or listed HWs.</i></p>			
<p><i>NOTE: Written documentation of this determination is not required.</i></p>			
7.	Did the generator treat his HW /soil on-site to meet the LDR treatment standard?	No	<input type="checkbox"/>
<p><i>NOTE If "Yes" see question #16.</i></p>			
8.	Did the generator send a one-time LDR notification form to the TSD with the first shipment to that facility?[3745-270-07(A)(2)]	Yes	<input type="checkbox"/>
9.	Did the generator resubmit the LDR notification form to the TSD when the HW changed or the generator used a new TSD? [3745-270-07(A)(2)]	N/A	<input type="checkbox"/>
10.	Does the generator have a copy of the LDR notification form on file?[3745-270-07(A)(2)]	Yes	<input type="checkbox"/>
a.	Is the form kept on file for three years after last HW shipped? [3745-270-07(A)(8)]	Yes	<input type="checkbox"/>
<p>NOTIFICATION FORM</p>			
11.	Does the LDR Notification form contain the following information:		
a.	Manifest number of the first waste shipment to the TSD?[3745-270-07(A)(2)]	Yes	<input type="checkbox"/>
b.	Applicable waste codes (includes characteristic codes for a listed HW if applicable)? [3745-270-07(A)(2)]	N/A	<input type="checkbox"/>
c.	A statement that conveys that the HW is subject to LDRs and must be treated to meet LDR treatment requirements? [3745-270-07(A)(2)]	Yes	<input type="checkbox"/>
d.	A designation whether the HW is a wastewater or non-wastewater? [3745-270-07(A)(2)].	Yes	<input type="checkbox"/>

NOTE: A wastewater contains <1% by wt. total suspended solids(TSS) and <1% by wt. TOC. If you doubt the HW is a wastewater or non-wastewater, the HW can be tested using for example, Standard Methods (SM) 160.2 for TSS, SW-846 method 9060a for TOC.

e.	Designation of the waste subcategory when applicable? [3745-270-07(A)(2)]	N/A
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NOTE: Subcategories are found on the LDR treatment standards table under the applicable waste code. Not all HWs have subcategories

f.	A listing of the underlying hazardous constituents for which a characteristic waste must be treated? [3745-270-07(A)(2)]	Yes
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NOTE: Not required if the waste is high TOC D001 or the TSD tests its treatment residues for all underlying hazardous constituents.

g.	If the HW is F001-F005 or F039, did the generator note on the LDR form what solvents or constituents, respectively, the waste contains and must be treated for?[3745-270-07(A)(2)]	N/A
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NOTE: Not required if the TSD tests its treatment residues for all underlying hazardous constituents.

PROHIBITED DILUTION

12.	Is the HW treated by burning? If "No" go to #15.	No
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13.	Is the HW a metal-bearing HW?	Yes
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NOTE: Generally, metal-bearing HWs contain heavy metals above TCLP levels or were listed due to the presence of metals. A list of the restricted metal-bearing HWs are given in the Appendix to 3745-270-03.

14.	a.	Metal-bearing HWs cannot be incinerated, combusted or, blended and burned for fuel unless <u>one</u> of the following conditions apply. [3745-270-03(c)]	N/A
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	i.	Contains > 1% TOC?	
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	ii.	Contains organic constituents or cyanide at levels greater than the UTS levels?	
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	iii.	Is made up of combustible material e.g., paper, wood, plastic?	
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	iv.	Has a reasonable heating value (e.g., > 5000 Btu)?	
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	v.	Co-generated with a HW that must be combusted?	
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	b.	If all responses to 14 a.i. through 14 a.v. are No, HW is being improperly treated by dilution, violation of 3745-270-03(C). Is HW being treated by dilution?	No
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15.	Was the HW treated by wastewater treatment?	No
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	a.	Is a LDR treatment method, other than DEACT or a numerical value, specified for the waste? [3745-270-03(B) and 3745-270-40(A)(3)]	No
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NOTE: If Yes, HW is improperly being treated by dilution.

	b.	Does the waste carry the D001 code <u>and</u> contain $\geq 10\%$ TOC?	N/A
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	c.	Does the wastewater treatment process include a process to separate/recover the organic phase of the waste?	N/A
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NOTE: If the answers to b & c are yes and no, respectively, waste is improperly being treated by dilution and generator is in violation of [3745-270-03(B) and 3745-270-40(A)(3)].

NOTE: A list of separation/recovery processes are given in 3745-270-42 under RORG.

GENERATOR TREATMENT

16.	Does the generator treat to meet LDRs on-site [3745-270-40(A)]?	No
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	Did the generator treat his hazardous waste/soil on-site in a tank, container, drip pad or containment building to meet the LDR treatment standard?	N/A
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	If "Yes"...complete the rest of the checklist. If "No"...stop...you are done.	
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	a.	Does the generator have a written waste analysis plan (WAP) that describes the procedures he will follow to treat the HW/soil to the LDR treatment standard? [3745-270-07(A)(5)]	N/A
	b.	Did the generator use a detailed chemical and physical analysis of the HW/soil in order to develop the WAP? [3745-270-07(A)(5)(a)]	N/A
	c.	Does the WAP contain all information necessary to treat the HW/soil to the LDR treatment standard? [3745-270-07(A)(5)(a)]	N/A
	d.	Does the WAP include the testing frequency of the treated HW/soil to demonstrate that the LDR treatment standard is being met? [3745-270-07(A)(5)(a)]	N/A
	e.	Does the generator keep the WAP on-site? [3745-270-07(A)(5)(b)]	N/A
	f.	Is the WAP available for the inspector's review during the inspection? [3745-270-07(A)(5)(b)]	N/A
NOTIFICATION FORM FOR GENERATOR TREATMENT			
17.	a.	Contains all information in #11 a-g above and	N/A
	b.	If the treated HW/soil is listed.....notification contains the following certification statement: "I certify under penalty of law that I personally have examined and am familiar with the waste, through analysis and testing or through knowledge of the waste, to support this certification that the waste complies with the treatment standards specified in rule 3745-270-40 to 3745-270-49 of the Administrative Code. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment."	N/A
	c.	If the treated HW/soil no longer exhibits a characteristic and is no longer a HW, did the generator:	
	i.	Send a one-time notification to the director?[3745-270-09(D)]	N/A
	ii.	Maintain a copy of the notice onsite?[3745-270-09(D)]	N/A
	iii.	Include in the notification: [3745-270-09(D)(1)(a)]	
		1. Name & address of receiving landfill?	N/A
		2. Description of HW when generated?	N/A
		3. HW code when generated?	N/A
		4. Treatability group when generated?	N/A
		5. Underlying hazardous constituents present when generated?	N/A
	iv.	Contain the certification statement as required by 3745-70-07(B)(4)?	N/A

The waste stream reviewed for this determination bears EEI profile number X23102 and is manifested as D007 and D008. This waste is described as wastes 2 and 4 on the waste profile sheet (lab waste and misc. waste).

SMALL QUANTITY UNIVERSAL WASTE HANDLER REQUIREMENTS – BATTERIES AND LAMPS

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

Small Quantity Universal Waste Handler (SQUWH) = 5,000 Kg or less

PROHIBITIONS

1.	Did the SQUWH dispose of universal waste? [3745-273-11(A)]	No
2.	Did the SQUWH dilute or treat universal waste, except when responding to releases as provided in OAC rule 3745-273-17 or managing specific wastes as provided in OAC rule 3745-273-13? [3745-273-11(B)]	No

WASTE MANAGEMENT AND LABELING/MARKING

UNIVERSAL WASTE BATTERIES

3.	Are batteries that show evidence of leakage, spillage or damage that could cause leaks contained? [3745-273-13(A)(1)]	
4.	If batteries are contained, are the containers closed and structurally sound, compatible with the contents of the battery and lack evidence of leakage, spillage or damage that could cause leakage? [3745-273-13(A)(1)]	
5.	Are the casings of the batteries breached, not intact, or open (except to remove the electrolyte)? [3745-273-13(A)]	
6.	If the electrolyte is removed or other wastes generated, has it been determined whether the electrolyte or other wastes exhibit a characteristic of hazardous waste? [3745-273-13(A)(3)]	
a.	If the electrolyte or other waste is characteristic, is it managed in compliance with OAC Chapters 3745-50 through 3745-69? [3745-273-13(A)(3)(a)]	
b.	If the electrolyte or other waste is not hazardous, is it managed in compliance with applicable law? [3745-273-13(A)(3)(b)]	
7.	Are the batteries or containers of batteries labeled with the words "Universal Waste - Batteries" or "Waste Battery(ies)" or "Used Battery(ies)" [3745-273-14(A)]	

I did not inspect waste batteries.

UNIVERSAL WASTE LAMPS

8.	Does the SQUWH contain lamps in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with contents of the lamps? Are containers or packages closed and do they lack evidence of leakage, spillage or damage that could cause leakage? [3745-273-13(D)(1)]	No	<input type="checkbox"/>
9.	Are lamps that show evidence of breakage, leakage or damage that could cause a release of mercury or hazardous constituents into the environment immediately cleaned up? Are they placed into a container that is closed, structurally sound, compatible with the contents of the lamps, and lack evidence of leakage, spillage or damage that could cause leakage or releases of mercury or hazardous waste constituents to the environment? [3745-273-13(D)(2)]	N/A	
10.	Are the lamps or containers or packages of lamps labeled with the words "Universal Waste - Lamp(s)" or "Waste Lamp(s)" or "Used Lamp(s)?" [3745-273-14(E)]	Yes	<input type="checkbox"/>

ACCUMULATION TIME

11.	Is the waste accumulated for less than one year? [3745-273-15(A)]	Yes
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	a.	If not, is the waste accumulated over one year in order to facilitate proper recovery, treatment or disposal? (Burden of proof is on the handler to demonstrate) [3745-273-15(B)]	N/A	<input type="checkbox"/>
<i>NOTE: Accumulation is defined as date generated or date received from another handler.</i>				
12.		Is the handler able to demonstrate the length of time the universal waste has been accumulated? [3745-273-15(C)]	Yes	<input checked="" type="checkbox"/>
		If yes, describe below	No	<input type="checkbox"/>
			N/A	<input type="checkbox"/>
EMPLOYEE TRAINING				
13.		Are employees who handle or have the responsibility for managing universal waste informed of waste handling/emergency procedures, relative to their responsibilities? [3745-273-16]	Yes	<input type="checkbox"/>
RESPONSE TO RELEASES				
14.		Are releases of universal waste and other residues immediately contained? [3745-273-17(A)]	N/A	
15.		Is the material released characterized? [3745-273-17(B)]	N/A	
16.		If the material released is a hazardous waste, was it managed as required in OAC Chapters 3745-50 through 3745-69? (If the waste is hazardous, the handler is considered the generator of the waste and is subject to OAC Chapter 3745-52) [3745-273-17(B)]	N/A	
OFF-SITE SHIPMENTS				
<i>NOTE: If a SQUWH self-transport waste, then the handler must comply with the Universal Waste transporter requirements.</i>				
17.		Are universal wastes sent to either another handler, destination facility or foreign destination? [3745-273-18(A)]	Yes	
18.		Is the handler aware of DOT requirements for packaging and shipping?	Yes	
		If no, make aware of 49 CFR 171-180.		
19.		Prior to shipping universal waste off-site, does the originating handler ensure that the receiver agrees to receive the shipment? [3745-273-18(D)]	Yes	
20.		Has the originating handler ever had an off-site shipment rejected by another handler or destination facility?	No	
	a.	If yes, did the originating handler receive the waste back or agree to where the shipment was sent? [3745-273-18(E)(2)]	N/A	
21.		If a handler rejects a partial or full load from another handler, does the receiving handler contact the originating handler and discuss and do <u>one of the following</u> :		
	a.	Send the waste back to the originating handler or send the shipment to a destination facility (If both the originating and receiving handler agree)? [3745-273-18(F)(2)]	N/A	
22.		If the handler received a shipment of hazardous waste that was not a universal waste, did the SQUWH immediately notify Ohio EPA? [3745-273-18(G)]	N/A	
EXPORTS				
23.		Is waste being sent to a foreign destination? If so:	No	
	a.	Does the small quantity handler comply with primary exporter requirements in OAC rules 3745-52-53, 3745-52-56, and 3745-52-57? [3745-273-20(A)]	N/A	
	b.	Is waste exported only upon consent of the receiving country and in conformance with the U.S. EPA "Acknowledgment of Consent" as defined in OAC rules 3745-52-50 to 3745-52-57? [3745-273-20(B)]	N/A	
	c.	Is a copy of the U.S. EPA "Acknowledgment of Consent" provided to the transporter? [3745-273-20(C)]	N/A	

PROCESS, WASTE, P2 SUMMARY SHEET

Facility Name: The Shepherd Chemical Company **Facility Type:** LQG SQG CESQG TSD **Date of Inspection:** September 21, 2009 **EPA ID#:** OHD004234787

Waste Generated			On- or Off-Site Management		P2 Activities	
Process/Activity Generating Waste (e.g. plating bath, machining, baghouse, painting, general maintenance, etc)	Waste Description (e.g. sludge, solvent, ash, used oil, spent lamps, etc.) and EPA Waste Code, if applicable	QTY Generated per Month, Type of Accumulation (container, tank, etc) and location of waste accumulation area	Type of On-Site Treatment (recycle, wwt, etc)	Name, state, and type of activity occurring at the off-site facility.	Current P2 Activities	P2 Opportunities
1	distillate from concentrating carboxylates	mixture of mostly naphtha and some carboxylates D001, D007, D008, F003	tank storage only	continued use by Greencastle		
2	Lab waste	QC samples, test residues lead chromium D007, D008	managed under SAA rules than accumulated in ROB			
3	salt solution from selective precipitation of carboxylates	sodium nitrate solution not HW		sold as a product		
4	miscellaneous waste, contaminated rags, air filters, packaging	D007, D008	accumulated in ROB			
5						

6							
7							
8							
9							

REMARKS **GENERAL INFORMATION**

General Process Information:

Shepherd produces fatty acid carboxylate salts of various metals (iron, cobalt, copper manganese, lead chromium nickel and cadmium). Generally, metals are dissolved in acid to produce a salt (or solution) which is further reacted to produce the carboxylates. Their products are sold as ink dryers, paint dryers and fatty acid salts

Regulatory/Enforcement History (if applicable):

Additional P2 remarks and information:

Shepherd has since the last inspection formalized agreements with Avida America LLC to reclaim their WWT sludge for cobalt content. Shepherd also has placed into a continued use program a 'waste from carboxylate process'. The material is a distillate consisting mostly of mixed solvent and traces of carboxylates carried over from concentrating a process stream by distillation. Since the last inspection this material is no longer blended into fuel by Systech. It is reused as a solvent by Greencastle WDF (765-653-8816). Neither the material itself or the tank stored in is subject to the hazardous waste regulations as long as the material is in a continued use program.

Would this facility be interested in a P2 assessment? Yes* No *If yes, refer promptly to your district P2 coordinator.
 Office of Compliance Assistance and Pollution Prevention - 1-800-329-7518 or p2mail@epa.state.oh.us or www.epa.state.oh.us/ocapp/ocapp.html

Other:

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

For Ohio EPA use only

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

Site EPA ID No. Site Name Site Location Information Site Land Type (check only one) NAICS code(s) www.census.gov/epcd/www/naics.html	EPA ID Number: OHD004234787 Name: The Shepherd Chemical Company Website: (Optional) Street Address: 2803 Highland Avenue City, Town, or Village: Norwood County Name: Hamilton State: OH Zip Code: 45212-1110 Private <input checked="" type="checkbox"/> County <input type="checkbox"/> District <input type="checkbox"/> Federal <input type="checkbox"/> Indian <input type="checkbox"/> Municipal <input type="checkbox"/> State <input type="checkbox"/> Other <input type="checkbox"/>
Facility Representative Additional names can be recorded in number 12 Only provide address information if it is different than the site address	First Name: Susi Phone Number: 513- E-Mail Address: Fax Number: Street or P.O. Box: 4 City, Town or Village State: OH Last Name: Dick Phone Number Extension: Fax Number Extension: e: 45212-1110 <i>This only needed for file copy</i>
Legal Owner And Operator of the Site. List Additional Owners and/or Operators in the Comment Section or on another copy of this form page	Name of Site's Legal Owner: Owner Type: Private <input type="checkbox"/> County <input type="checkbox"/> District <input type="checkbox"/> Federal <input type="checkbox"/> Indian <input type="checkbox"/> Municipal <input type="checkbox"/> State <input type="checkbox"/> Other <input type="checkbox"/> Street or P.O. Box: City, Town or Village: State: Name of Site's Operator: Operator Type: Private <input type="checkbox"/> County <input type="checkbox"/> District <input type="checkbox"/> Federal <input type="checkbox"/> Indian <input type="checkbox"/> Municipal <input type="checkbox"/> State <input type="checkbox"/> Other <input type="checkbox"/> Street or P.O. Box: City, Town or Village: State: Date Became Owner (mm/dd/yyyy): Owner Phone #: Country: Zip Code: Date Became Operator (mm/dd/yyyy): Operator Phone #: United States Zip Code:

VIOLATIONS CITED? Yes No

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

<input type="checkbox"/> Not a HW Generator	<input type="checkbox"/> UNKNOWN: Cited for violation of 3745-52-11	<input checked="" type="checkbox"/> Large Quantity Generator (LQG) <input type="checkbox"/> Small Quantity Generator (SQG) <input type="checkbox"/> Conditionally Exempt Small Quantity Generator <input type="checkbox"/> U.S. Importer of Hazardous Waste <input type="checkbox"/> Mixed Waste (Hazardous and Radioactive) Generator
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TYPE OF REGULATED WASTE ACTIVITY (MARK "X" IN ALL OF THE APPROPRIATE BOXES)	
<input type="checkbox"/> Recycler of Hazardous Waste	<input type="checkbox"/> Exempt Boiler and/or Industrial Furnace
<input type="checkbox"/> Underground Injection Control Facility	<input type="checkbox"/> Small Quantity On-Site Burner Exemption
<input type="checkbox"/> Hazardous Waste Transporter	<input type="checkbox"/> Smelting, Melting, Refining Furnace Exemption
<input type="checkbox"/> Treater, Storer or Disposer of Hazardous Waste	

UNIVERSAL WASTE ACTIVITIES (INDICATE TYPES OF UNIVERSAL WASTE MANAGED (CHECK ALL BOXES THAT APPLY))	
<input checked="" type="checkbox"/> Small Quantity Handler of Universal Waste	<input type="checkbox"/> Destination Facility for Universal Waste
<input type="checkbox"/> Large Quantity Handler of Universal Waste (accumulates 5,000 kg. or more)	

CHECK ALL BOXES BELOW THAT APPLY FOR THE TYPES OF UNIVERSAL WASTE THE FACILITY MANAGES	
<input type="checkbox"/> Batteries	
<input type="checkbox"/> Pesticides	
<input type="checkbox"/> Mercury containing equipment	
<input checked="" type="checkbox"/> Lamps	

USED OIL ACTIVITIES (INDICATE TYPE(S) OF ACTIVITY(S))	
<input type="checkbox"/> Used Oil Generator	
<input type="checkbox"/> Used Oil Transporter	
<input type="checkbox"/> Used Oil Transfer Facility	
<input type="checkbox"/> Used Oil Processor	
<input type="checkbox"/> Used Oil Re-refiner	
<input type="checkbox"/> Off-Specification Used Oil Burner	
<input type="checkbox"/> Used Oil Fuel Marketer Who Directs Shipment of Off-Spec. Oil	
<input type="checkbox"/> Used Oil Fuel Marketer to Off-Specification Used Oil Burner	

Waste Codes for Federally Regulated Hazardous Wastes. Please list the codes for the federally regulated hazardous waste handled at the 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 RCRA Info source record, you do not need to list them all. Instead just indicate the date of the most recent source record.

D007 D008

COMMENTS: USE THIS AREA TO DESCRIBE WHETHER THE INSPECTION WAS ANNOUNCED, WHETHER THE WASTE IS STORED IN TANKS OR CONTAINERS, ETC.			
Announced	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Additional Facility Representatives:
Tanks	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Other Comments: Tanks formerly used to accumulate hazardous waste are now are used to manage a by-product in continued use and are therefore no longer regulated under the hw rules.
Containers	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	

Name of Inspector(s)	Name of Inspector(s)	Date of Inspection/Time (mm/dd/yyyy) (hh:mm)
Tom Ontko, Ohio EPA, SWDO		9/21/2009 (13:35)

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)

