



State of Ohio Environmental Protection Agency

Northeast District Office

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

September 11, 2007

RE: CONTAINER COMPLIANCE CORP.  
OHD060431947  
LQG - CEI - NOV

John Tirbaso, President  
Container Compliance Corp.  
5151 Denison Ave.  
Cleveland, OH 44102

**CERTIFIED MAIL**

Dear Mr. Tirbaso:

On May 16 and 18, 2007, Ohio EPA conducted a hazardous waste inspection of Container Compliance Corporation (CCC) and on June 6, 2007 you were sent a letter listing 27 violations found during that inspection. You were asked to address those violations immediately and within 30 days, submit written documentation for each violation, demonstrating that your facility returned to compliance.

On May 31, 2007, Jeffrey Davis, vice-president of CCC, called me and said that all of the wastewater in totes would be picked up by Clean Harbors on June 4, 2007 and managed as hazardous waste. He also stated all drums of hazardous waste would be picked up by Heritage on June 5, 2007. It was estimated that CCC had about 16000 gallons of wastewater on-site. On June 1, 2007, Mr. Davis called to say Heritage would pick up on June 6, 2007, instead of June 5<sup>th</sup> about 60 drums of wastes that would include all hazardous waste, anything that was questionable and all of the drums of waste that we marked during our inspection.

On June 4, 2007, we received a faxed copy of a non-hazardous waste manifest indicating 5400 gallons of a non-regulated material was shipped to Clean Harbors. I called Mr. Davis and asked why these wastes were not sent as hazardous on a hazardous waste manifest. Mr. Davis said he would look into the matter and also stated Clean Harbors would be back the next day to pick up another load of wastewater. The next day we received a faxed copy of a hazardous waste manifest from Clean Harbors for the first load of 5400 gallons of wastewater which indicated a type and waste code discrepancy.

It appears from a faxed copy of a manifest we received on June 6, 2007 that drums of D001 hazardous waste were sent to EQ Detroit via Heritage. Also on June 6, 2007 we received a faxed copy of a manifest indicating 5400 gallons of wastewater was shipped to Clean Harbors. Although no waste codes were listed for this waste, the discrepancy indication space indicated it was a hazardous waste liquid (chromium - D007).

On June 7, 2007, Jeffrey called to inform me of the status of CCC's wastes. He indicated that 6 ½ totes of wastewater were left to ship out and that Clean Harbors would schedule to pick those up after they get sample results back from the previous load. They are holding the second load since there was a manifest discrepancy, and analyzing a sample to determine if they can accept it. Mr. Davis stated 59 drums were sent the day before to EQ as hazardous waste. Four drums that we had numbered during our inspection were not included because they were not full. Also 6 drums went on a separate manifest as non-hazardous latex wastes.

On June 25, 2007, we received a flash drive from CCC with 38 pictures dated 5/16/07. No accompanying log or description of the pictures was received.

We have received no further update on your efforts to comply with the hazardous waste rules and no written response as requested to our June 6, 2007 notice of violation (NOV).

**The following violations of the hazardous waste rules remain unaddressed. The numbering of the violations remains the same as in the June 6<sup>th</sup> NOV. Please respond in writing to each of these violations, providing the information requested. Also provide a log sheet for all of the drums that we labeled as CC-01 through CC-45, indicating the contents of each and its current disposition. If it was sent off-site, indicate which manifest and line item represents that waste and submit a readable copy of the manifest. If any of these drums are still on-site, indicate their content, location and accumulation start date.**

1. **Waste Evaluation - OAC 3745-52-11**

- A.) During the inspection it was noted that drums containing residues that have been vacuumed from incoming containers were not labeled as hazardous waste but were acknowledged to potentially be hazardous waste. The vacuum station includes three 55 gallon drums connected in series. Each drum was at least half full of wastes. The drums were unlabelled and undated and have been unused for about 5 months. These containers are identified as CC01, CC02, and CC03. A waste determination needs to be made on these wastes or else they need to be managed and labeled conservatively as hazardous waste until, and unless, they are later determined to not be hazardous.

In a letter dated August 10, 2006, Mr. Davis indicated all drums would be labeled and managed as hazardous waste unless, and until, they were determined to not be hazardous. Mr. Davis indicated that, rather than test each container, they would be managed as hazardous waste. Submit manifests showing this waste has been properly disposed.

- B.) There were 65 - 330 gallon totes labeled only "waste water" that have collected for at least 5 months. Mr. Davis submitted documentation on January 25, 2007, indicating this water is hazardous for chromium, pH and underlying hazardous constituents. During our inspection pH test paper confirmed at least some of these are hazardous waste because of corrosivity. Three totes that showed a pH of 13 were identified as CC04, CC05, and CC06. You indicated all of the totes of waste water would be sent off-site to Chemtron by May 25, 2007, as hazardous waste. Submit manifests showing this waste has been properly disposed.
- C.) In the bermed hazardous waste storage area were 18 mostly unlabelled steel open-head drums of wastes that have been stored since my last inspection on April 20, 2006. These were not sent off with the drums of non-hazardous waste because Mr. Davis thought that they might contain hazardous waste. You indicated that rather than analyze each of these containers they would be sent off-site to Chemtron by May 25, 2007, as hazardous waste. Submit manifests showing this waste has been properly disposed. These drums were identified as CC07 through CC24.

- D.) Also in the bermed hazardous waste storage area were 7 unlabelled plastic drums of sludge from the caustic wash operations. Per Steve Jared these were filled on 5/12/07. You indicated that these would be sent off-site to Chemtron by May 25, 2007, as hazardous waste. Submit manifests showing this waste has been properly disposed.
- E.) There were 2 unlabelled, undated 55 gallon drums of pour-outs from the conveyor line. These drums were identified as CC27 and CC28. It was unknown if these contained hazardous waste. Please submit a written waste determination on these two drums or submit a manifest showing these wastes have been properly disposed.
- F.) There were 7 unlabelled, undated 55 gallon drums of skimmings from the caustic tank that were located upstairs near the caustic wash tank. These drums were identified as CC38 through CC44. Mr. Davis stated these wastes would be added to one of the totes downstairs. Please submit a written waste determination on these drums or submit a manifest showing these wastes have been properly disposed.
- G.) There were 8 unlabelled, undated drums of caustic sludge from the caustic wash tank stored upstairs near the end of the rinse tank. These drums were identified as CC29 through CC36. Mr. Davis stated these drums would be added to one of the totes downstairs. Please submit a written waste determination on these drums or submit a manifest showing these wastes have been properly disposed.
- H.) Mr. Davis indicated that toluene and xylene are used to remove glue and labels from the outside of drums after the caustic wash. The wastes from this process are placed in a drum and then the drum is emptied into one of the totes for the caustic wastes. There was an open, unlabeled, undated drum of wastes from this process upstairs next to the process. Please submit a written waste determination on this drum and explain how this waste will be managed in compliance with the rules in the future.

3. **Annual Report - OAC 3745-52-40(B)**

The annual report for 2006 was not kept on file as required. Please confirm in writing that annual reports will be kept on file for at least 3 years.

4. **Unpermitted Storage - ORC 3734.02(E)&(F)**

CCC stored approximately 65 totes and 3 drums at the vac station of hazardous waste without a permit for over 5 months. CCC stored 18 drums of hazardous waste in the generator storage area for over one year. Since CCC violated ORC 3734.02(E) and (F), CCC is subject to all applicable general facility standards found in OAC chapters 3745-54 and 55. Additionally, at any time Ohio EPA might assert its right to have CCC begin facility-wide cleanup pursuant to the corrective action process under Ohio law.

You indicated that these would be sent off-site to Chemtron by May 25, 2007, as hazardous waste. Please submit the manifest documenting that this has been done.

5. **Personnel Training Program- OAC 3745-65-16(A)(1), (A)(2) and (A)(3)**

The facility does not have a training program which teaches all appropriate personnel hazardous waste management procedures relevant to their positions, including contingency plan implementation. No one has received training on contingency plan implementation. Employees involved in vacuuming out incoming drums have not been trained on how to properly manage the wastes generated from this process. Employees involved in pouring out the contents of drums on the conveyor upstairs have not been trained on how to properly manage wastes. Employees involved in removing waste water, sludge and skimmings from the caustic wash tank have not been trained on how to properly manage wastes.

Employees involved in cleaning the filter on the caustic wash system have not been trained on how to properly manage wastes. Employees responsible for moving wastes into the hazardous waste storage area have not been trained on how to properly manage wastes. Employees responsible for inspecting the hazardous waste storage area have not been trained on how to properly manage wastes. Employees responsible for draining the hazardous waste storage tank have not been trained on how to properly manage wastes. Employees preparing &/or signing the hazardous waste manifests have not been trained in hazardous waste management.

Please develop a training program that teaches all involved personnel, hazardous waste management procedures relevant to their positions including contingency plan implementation. The program must be directed by a person trained in hazardous waste management procedures. Submit a written description of this training program and include the qualifications of the person directing the program.

6. **Annual Refresher Training - OAC 3745-65-16(C)**

Annual refresher training has not been given to employees. Please provide a written commitment that annual refresher training will be provided to all employees involved in any way with hazardous waste management.

7. **Job Titles - OAC 3745-65-16(D)(1)**

CCC only has a job title for the vice president and plant manager. Please submit job titles for each of the employees involved in any way with hazardous waste management including those mentioned in violation #5. Also include the names of all employees filling each of those job titles.

8. **Job Descriptions - OAC 3745-65-16(D)(2)**

CCC only has job descriptions for the vice president and plant manager. Please provide job descriptions for each of the job titles provided in response to violation #7. The descriptions must include the requisite skill, education or other qualifications, and duties of facility personnel assigned to each position.

9. **Training Description - OAC 3745-65-16(D)(3)**

CCC does not have a written description of the type and amount of both introductory and continuing training that will be given to each person filling a job title listed in response to violation #7. Please submit a written description of the type and amount of introductory and continuing training that will be given to each person filling a job title listed in response to violation #7. Also see violation #5.

10. **Training Completion Documentation - OAC 3745-65-16(D)(4)**  
CCC does not have records that document that the training discussed in violations #5 and #9 has been given to and completed by facility personnel. Please submit documentation showing that the training discussed in violations #5 and #9 has been given to and completed by facility personnel.
11. **Maintenance of Training Records - OAC 3745-65-16(E)**  
CCC has not maintained training records for all current employees and for former employees, for at least 3 years from the date the employee last worked at the facility. Please provide a written commitment that records will be maintained as required.
12. **Emergency Equipment List - OAC 3745-65-52(E)**  
On April 23, 2007, we received a contingency plan for your facility. Exhibit 6 is a list of your emergency equipment; however, the location of each item is not noted as required. The following page is a completed inspection log for emergency equipment which does list the location of emergency equipment. If this is to serve as part of the contingency plan then it should be labeled as 'Exhibit 6 continued' or in some other way to make clear it is part of the contingency plan. Please document how the location of emergency equipment has been incorporated into the contingency plan.
13. **Amendment of Contingency Plan - OAC 3745-65-54**  
CCC has not updated its contingency plan to reflect the change in waste management at the facility. The plan, received on 4/23/07, indicates that your facility is a small quantity generator of hazardous waste when you are actually a large quantity generator. Also the plan indicates hazardous waste is stored in a less than 90 day tank, but you have not used the tank for hazardous waste storage for at least one year. Exhibit 1 includes only water and liquid wastes. We understand that sludges and solids can also be generated. The plan indicates that figure 3 is an evacuation plan. An evacuation plan that was received separately is not labeled figure 3. In addition, the site layout map submitted with the evacuation plan is labeled 'Exhibit V' and there is already an 'Exhibit 5' in the contingency plan. Please update the contingency plan to be accurate and submit a copy.
14. **Emergency Equipment Inspections - OAC 3745-65-33**  
Emergency Equipment inspections are required to be recorded in a log. CCC indicated these inspections would be conducted every Monday but no logs were available beyond April 9, 2007. Please submit copies of the available logs for April and May 2007.
15. **Aisle Space - OAC 3745-65-35**  
The facility did not have adequate aisle space in the bermed container storage area which contains 3 rows of drums. Access is not provided to the back two rows. Also no aisle space was available to many of the totes storing hazardous waste water. Please explain what steps have been taken to provide adequate aisle space, to at least these areas, and submit pictures documenting that aisle space has been maintained.

- 16. Satellite Accumulation Quantity - OAC 3745-52-34(C)(1)**  
A maximum of 55 gallons of waste can be stored at the point of generation of a waste if under the control of the operator of the process that generates that waste. CCC had three drums that each were at least half full at the vacuum station. In addition to the action needed in response to violations #1 and #4, explain how you will manage this area in the future. If it isn't feasible to consistently keep the quantity at <55 gallons an alternate way to manage this area would be to establish a <90 day storage area at this location. You would then need to comply with the requirements for a generator storage area including weekly inspections and inclusion in the contingency plan.
- 17. Satellite Accumulation Labels - OAC 3745-52-34(C)(1)(b)**  
The three drums of hazardous waste at the vacuum station were not labeled with the words 'hazardous waste' or with other words that identify the contents of the containers. In addition to the action needed in response to violations #1 and #4, explain how you will manage this area in the future including proper labeling of the containers.
- 18. Satellite Accumulation Time - OAC 3745-52-34(C)(2)**  
CCC had three drums that each were at least half full at the vacuum station. The drums were unlabelled and undated and have been unused for about 5 months. Once a satellite area exceeds a total of 55 gallons of waste, the excess amount needs to be dated and moved to the <90 day storage area within 3 days. In addition to the action needed in response to violations #1 and #4, explain how you will manage this area in the future including proper dating of the containers.
- 19. Container Labeling in the Generator Storage Area - OAC 3745-52-34(A)(3)**  
There were 25 drums of hazardous waste in the <90 day storage area. Most were not labeled 'hazardous waste' as required. In addition to the action needed in response to violations #1 and #4, explain what standard operating procedures will be implemented to assure that containers will be properly labeled.
- 20. Container Dating in the Generator Storage Area - OAC 3745-52-34(A)(2)**  
Accumulation start dates were not found on most of the 25 drums of hazardous waste in the <90 day storage area. In addition to the action needed in response to violations #1 and #4, explain what standard operating procedures will be implemented to assure that containers will be properly dated.
- 21. Weekly Container Inspections - OAC 3745-66-74**  
Container storage area inspections are required to be conducted weekly and recorded in a log. No documentation of inspections was provided. CCC has been provided with blank inspection forms in the past and they can be found at: <http://www.epa.state.oh.us/dhwm/pdf/lqglog.PDF>. Please begin conducting and recording inspections immediately and submit a copy of your log.

**22. Tank System Assessment - OAC 3745-66-92**

A tank which was installed in 1998, and previously used for hazardous waste storage, has been emptied and reportedly not used since at least my last inspection in April 2006. You have not been able to provide a written tank assessment certified by an independent, registered, professional engineer attesting that the design, installation and structural integrity of the system is adequate for the management of hazardous waste. Further OAC 3745-52-34(A)(1) requires that you meet the closure performance standard of 3745-66-11 and the requirements of 3745-66-97(A) and (B).

To address this violation, please submit a copy of all documentation that closure was completed to meet the performance standard. Again you can refer to the Closure Guidance at <http://www.epa.state.oh.us/dhwm/cprg/Final2006CPRG.pdf>

**23. Tank System Inspections - OAC3745-66-95**

You have not been able to provide inspection records demonstrating that daily inspections were done on the spill control equipment, leak detection equipment, the above ground portion of the tank, the construction materials and the area immediately surrounding the tank while it was in service.

To address this violation, please submit a copy of all documentation that closure was completed to meet the performance standard.

**24. Closed Containers for Universal Waste Lamps- OAC 3745-273-13(D)(1)**

Five open, unlabeled, undated boxes of 4' spent fluorescent lamps were being stored upstairs in Storage Area A. Mr. Davis indicated his intention was to send these for recycling. These could be managed as universal wastes rather than hazardous waste if they will be recycled. The containers must be closed. Please submit a written operating procedure indicating how you will ensure this requirement is met. Also indicate who will be responsible for the management of these wastes.

**25. Universal Waste Lamp Container Labels - OAC 3745-273-14(E)**

Five open, unlabeled, undated boxes of 4' spent fluorescent lamps were being stored upstairs in Storage Area A. Mr. Davis indicated his intention was to send these for recycling. These could be managed as universal wastes rather than hazardous waste if they will be recycled. The containers must be labeled with the words 'Universal Wastes - Lamps' or 'Waste Lamps' or 'Used Lamps'. Please submit a written operating procedure indicating how you will ensure this requirement is met. Also indicate who will be responsible for the management of these wastes.

**26. Universal Waste Lamps Accumulation Time - OAC 3745-273-15(C)**

Mr. Davis indicated spent lamps were last sent off-site 2 years ago. In general, universal wastes must not be accumulated for over one year and you must have a means of documenting the accumulation time. Refer to the rule for different methods to document accumulation time. Probably the easiest method is to simply mark the container with the date accumulation begins.

To address this violation, submit a shipping paper or other documentation that these lamps have been sent for recycling and submit a written operating procedure indicating how you will begin to document accumulation time.

**27. Universal Waste Training - OAC 3745-273-16**

Since the universal waste lamps were not being handled properly, it appears employees who have the responsibility for managing these wastes have not been adequately or properly trained. Please indicate who is responsible for managing these wastes and submit a written confirmation and description of the training they have received.

Please provide the above requested documentation for each violation within 20 days of the date of this letter. Copies of Ohio's hazardous waste rules can be found at [www.epa.state.oh.us/dhwm](http://www.epa.state.oh.us/dhwm). It should be noted that the above violations of waste evaluation, satellite accumulation, contingency plan, emergency equipment list and inspections, aisle space, and container inspections and logs were also cited at my previous inspection.

It appears the following violation has been adequately addressed.

**2. Annual Report - OAC 3745-52-41(A)**

Our records indicate this report was submitted to Ohio EPA on June 11, 2007.

As you know, your facility has been referred for escalated enforcement.

If you should have any questions related to this letter, please do not hesitate to contact me at (330) 963-1226.

Sincerely,



Sheryl K. Slone, P.E.  
District Engineer  
Division of Hazardous Waste Management

SKS:ddw

cc: Natalie Oryshkewych, DHWM, NEDO  
ec: Harry Sarvis, DHWM, CO  
Tammy Heffelfinger, DHWM, CO  
Todd Anderson, DHWM, CO  
Amanda Sturm, AGO  
Daniel Martin, AGO

**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.**