



State of Ohio Environmental Protection Agency

Northeast District Office

2110 East Aurora Rd.
Twinsburg, Ohio 44087

TELE: (330) 963-1200 FAX: (330) 487-0769
www.epa.state.oh.us

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

September 22, 2009

RE: CONTAINER COMPLIANCE CORP.
OHD060431947
LQG NOV/PRTC

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

Dear Mr. Tirbaso:

On September 3, 2009, we received Dan Mackall's response on your behalf to our August 3, 2009 notice of violation letter. The response included a copy of your contingency plan, hazard communication training logs, a photo of a tote label, weekly container inspections, a picture of your holding tank, an analytical report of the closed hazardous waste tank final rinse, and MSDS information on materials in 'heavy' drums.

My review of the information submitted reveals that Container Compliance Corporation (CCC) has abated the following violations:

Annual Report - OAC 3745-52-41(A)
Unmanifested Waste - OAC 3745-52-20(A)(1) and 52-23(A) & (B)
Container Labeling - OAC 3745-52-34(A)(3)
Tank Labeling - OAC 3745-52-34(A)(3)
Tank System Closure - OAC 3745-66-97(A) & (B)

The following violations remain:

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

Four job titles and descriptions were provided for employees involved in hazardous waste management with a total of seven people listed as filling these positions.

The initials "CT" are listed as the inspector on part of the weekly container inspection logs yet none of the people listed as hazardous waste managers who have the duty of inspecting containers and completing the checklist have the initials of "CT". CT's name should be added to the list of hazardous waste managers and be included in the hazardous waste training program if she/he will continue to do container inspections.

The contingency plan, under the "Control Procedures" section, states "ER employees will respond" to spills and fires. Who are the ER employees? These duties should be included under a hazardous waste job title and the names of those employees should be listed for that title and be included in the hazardous waste training program. It doesn't appear these duties are included in the submitted descriptions.

Who prepares and signs hazardous waste manifests? These duties should be included under a hazardous waste job title and the names of those employees should be listed for that title and be included in the hazardous waste training program. It doesn't appear these duties are included in the submitted descriptions.

Please modify the hazardous waste job titles, duties and employee names filling each position to address the above issues. Then submit a copy of the modified documents.

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

Please see violation #1 above.

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

Each hazardous waste job title you submitted indicates annual refresher training and contingency plan training will be received by each employee filling one of those positions. The annual hazardous waste refresher training should discuss issues pertinent to employees' hazardous waste duties such as container labeling, manifest preparation/review, proper containment and storage of hazardous wastes, proper response to fires and spills, and a review of the contingency plan. Dan's response indicates training on September 15, 2009 would be this type of hazardous waste training and would include a review of the contingency plan. Please revise the "Training Required" section of the job descriptions in Exhibit 2 to describe this type of annual refresher training and submit a copy of the revised exhibit.

4. **Training Completion Documentation - OAC 3745-65-16(D)(4)**

Please submit documentation showing that the training discussed in violation #3 and given on September 15, 2009 has been given to and completed by all facility personnel discussed in violations #1 and #2.

5. **Maintenance of Training Records - OAC 3745-65-16(E)**

Dan's response indicates training records for employees will be kept for 3 years **from their start date**. The rule requires that training records for **current** employees need to be kept until **closure of the facility**. In addition, records for **former** employees must be kept for at least 3 years **after separation**. Please provide a written commitment that records will be maintained as required.

6. **Contingency Plan Updates - OAC 3745-65-54**

Dan's response indicates CCC will probably close the round holding tank in the middle of the process area. What is the status of that?

In the "Control Procedures" section of your contingency plan, the container accumulation area in the northeast corner or the process building is discussed. The tote storage area along the south wall of the process building should also be included as well as the round holding tank if it is not closed.

Exhibit 4 should be updated to show the location of the accumulation areas and tank if it is not closed. Exhibit 4 or Exhibit 6 should be updated to include the location of emergency equipment listed in Exhibit 6.

7. **Weekly Container Inspections - OAC 3745-66-74**

The contingency plan indicates both drums and totes will be stored in the contained area in the northeast corner of the process building. Dan's letter indicates Exhibit C is the drum inspection log and Exhibit D is the tote inspection log. However, if totes are stored both in the northeast corner and the south wall of the process building you will need to inspect both and somehow make clear on the log the location of the totes being inspected. It is probably easier and clearer to inspect by a specific area rather than type of container. Please label the logs so it is clear what area and what containers are being inspected.

Also please modify the form to be site specific. (Is UCDHSC at 303-724-0345 valid? Remove references to 'waste containers in the laboratory'.) Please submit 2 weeks of completed revised forms.

8. **Tank System Assessment - OAC 3745-66-92(A)**

A written tank assessment reviewed and certified by an independent registered professional engineer has not been done for the holding tank in the center of the process area. The assessment must attest that the system has sufficient structural integrity and is acceptable for storing hazardous waste. The assessment must include the information outlined in the referenced rule.

Dan's response indicates CCC will probably close this tank. This violation will remain until the tank is closed or the proper assessment is submitted.

9. **Secondary Containment for Tank System and Ancillary Equipment - OAC 3745-66-93(A)**

Secondary containment that meets the requirements of OAC 3745-66-93(B), (C), (D), (E) and (F) has not been provided for the holding tank and its ancillary equipment.

Dan's response indicates CCC will probably close this tank. This violation will remain until the tank is closed or the proper secondary containment is provided.

10. **Tank System Inspections - OAC3745-66-95(A)(1), (2), (3), & (4)**

Inspections of the holding tank have not been conducted and recorded in a log. Dan's response indicates CCC will probably close this tank. This violation will remain until the tank is closed or a copy of daily inspections of the spill control equipment, leak detection equipment, the above ground portion of the tank, the construction materials and the area immediately surrounding the tank as required by this rule is submitted.

We had a concern about the contents of the drums in the Heavy Drum Area. Dan submitted documentation that 5 of the 8 drums do not contain hazardous waste. He was trying to acquire information from Goodyear on the other three. He indicated all 8 drums were added to your hazardous waste stream. Does that mean they are being managed (stored, labeled, dated) as a hazardous waste? If so, are they still on-site?

Please provide the above requested information and documentation for each of the violations and the one concern within 30 days of the date of this letter. Copies of Ohio's hazardous waste rules can be found at www.epa.state.oh.us/dhwm.

In addition, you will recall from our meeting on June 18, 2009, you were to respond to past violations with documents and explanations within 30 days. We were told during our inspection on July 16, 2009, that the documents had been gathered and sent to your counsel who would be submitting them on your behalf. We have still not received that submittal. **Please respond immediately.**

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

Sincerely,



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

SKS:ddw

ec: Natalie Oryshkewych, DHWM, NEDO
Nyall McKenna, DHWM, NEDO
Harry Sarvis, DHWM, CO
Tammy Heffelfinger, DHWM, CO
Amanda Sturm, 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.