



State of Ohio Environmental Protection Agency

Northeast District Office

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Ted Strickland, Governor  
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**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

February 19, 2008

Mike Bell  
Technology Projects Manager  
Etna Products Inc.  
16824 Park Circle Drive  
Chagrin Falls, OH 44023

**RE: ETNA PRODUCTS INC., OHD004224036, GEAUGA COUNTY, RCRA/LQG,  
COMPLIANCE EVALUATION INSPECTION, PARTIAL RETURN TO COMPLIANCE**

Dear Mr. Bell:

Thank you for your September 21, 2007 response to Ohio EPA's Notice of Violation (NOV) letter dated August 23, 2007. Etna Products (Etna) submitted information and documentation including:

- Weekly inspection logs for inspections of the hazardous waste accumulation areas.
- A copy of the updated facility SPCC plan dated April 14, 2007.
- A copy of the facility hazardous waste and used oil contingency plan dated July 6, 2007.
- A copy of the facility training matrix including hazardous waste training and contingency plan training, including training documentation and sign in sheet.
- A copy the job titles and descriptions for four positions that manage hazardous waste on site.
- Two photographs demonstrating that aisle space has been provided for containers of used oil being managed in the warehouse.
- A statement from the facility stating that "Page 16 and Figure 2 of the SPCC plan confirms that the building itself is expected to contain spills in Warehouse D where containers of used oil are stored."
- Copies of the Land Disposal forms for hazardous wastes sent to Veolia (Profile #398515), and Chemical Solvents (Profiles #20926, #18703 and #020926).
- A copy of the used oil processor notification letter and activity summary sent to Ohio EPA on September 21, 2007.
- A copy of the Incoming Material Characterization/Analysis sheet for scrap oil shipped to Vexor under profile #3884.
- A copy of Etna's inbound used oil inspection and testing protocol dated September 8, 2007.
- A copy of Beilstein test notes and information.
- A copy of the facility's reclaim report for the calendar year of 2007.

My review of this documentation reveals that Etna has adequately demonstrated abatement of the following violations observed during Ohio EPA's June 21, 2007 inspection:

**OAC 3745-66-74 Inspections**

**OAC 3745-279-52 (A)(5) Required Aisle Space**

**OAC Rule 3745-270-07(A) Testing, Tracking, and Record keeping Requirements for Generators, Treaters, and Disposal Facilities**

**OAC Rule 3745-279-57 (B) Reporting Requirements for Used Oil Processors**

Etna remains in violation of the following hazardous waste regulations until Ohio EPA has received documentation demonstrating the violations have been adequately abated:

1. **OAC 3745-65-33 Testing and Maintenance of Equipment:** *All facility communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, where required, must be tested and maintained as necessary to assure its proper operation in time of emergency. The owner or operator must record the inspections in a log or summary.*

At the time of this inspection, Etna was not performing the required inspections of the emergency equipment associated with hazardous waste accumulation areas.

By letter dated September 21, 2007, Etna submitted inspection log sheets for the hazardous waste accumulation area emergency equipment. While the facility included the spill response drum on the log sheets, the facility failed to include the emergency communication device on the emergency equipment checklist.

To demonstrate abatement of this violation, Etna must add the emergency communication device to the emergency equipment checklist and submit to this office a copy of a completed inspection checklist demonstrating that this has been done.

2. **OAC Rule 3745-65-52 Content of Contingency Plan:**
  - (A) *The contingency plan must describe the actions facility personnel must take to comply with rules 3745-65-51 and 3745-65-56 of the Administrative Code in response to fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water at the facility.*
  - (B) *If the owner or operator has already prepared a "Spill Prevention, Control, and Countermeasures Plan" in accordance with 40 CFR Part 112 or 40 CFR Part 1510, or some other emergency or contingency plan, he need only amend that plan to incorporate hazardous waste management provisions that are sufficient to comply with the requirements of Chapters 3745-65 to 3745-69 and 3745-256 of the Administrative Code.*

*(C) The contingency plan must describe arrangements agreed to by local police departments, fire departments, hospitals, contractors, and Ohio EPA and local emergency response teams to coordinate emergency services, pursuant to rule 3745-65-37 of the Administrative Code.*

*(D) The plan must list names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator (see rule 3745-65-55 of the Administrative Code), and this list must be kept up to date. Where more than one person is listed, one must be named as primary emergency coordinator and others must be listed in the order in which they will assume responsibility as alternates.*

*(E) The contingency plan must include a list of all emergency equipment at the facility [such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment] where this equipment is required. This list must be kept up to date. In addition, the contingency plan must include the location and a physical description of each item on the list, and a brief outline of its capabilities.*

*(F) The contingency plan must include an evacuation plan for facility personnel where there is a possibility that evacuation could be necessary. This plan must describe signal(s) to be used to begin evacuation, evacuation routes, and alternate evacuation routes (in cases where the primary routes could be blocked by releases of hazardous waste or fires).*

Etna has a Spill Prevention, Control and Countermeasures (SPCC) Plan, however the plan does not incorporate hazardous waste management provisions that are sufficient to comply with OAC 3745-65-52.

By letter dated September 21, 2007 Etna submitted a copy of a separate facility hazardous waste and used oil contingency plan dated July 6, 2007. Ohio EPA has reviewed this document and has the following comments:

- Exhibit 1, Page 10 - only lists satellite accumulation areas for hazardous wastes generated at the facility. No wastes are listed as being accumulated in the less than 90 day accumulation areas (located in Areas D and E) as observed by Ohio EPA at the time of this inspection and as indicated by the accumulation area inspections submitted by the facility or as referenced on Page 5 of the plan.
- Etna should be more concise in their descriptions of these locations. Just listing "Area C" means that an accumulation area could be any place in the Production area. Ohio EPA recommends that the facility show these locations within the "Area X" on the building layout as to where the accumulation areas are located.
- Figure 2 on Page 9 is titled as Figure 1 at the top of the page. This should be corrected to avoid confusion regarding which building layout is being referred to.

- Exhibit 6, Page 15 - The Hazardous waste contingency plan does not list any emergency equipment in the emergency equipment list. Etna must update the contingency plan to include a list and the locations of emergency equipment (spill, fire, and emergency communication device) that is available for responding to emergencies involving hazardous waste or used oil.
- Exhibit 4, page 13 - Etna must include on the distribution list, the medical facility or hospital that would be expected to receive and treat any injured individuals in the event of an emergency at the Etna facility.

To demonstrate abatement of this violation, please see Violation # 3.

3. **OAC Rule 3745-279-52 (B)(2)(b) Contingency Plan Requirements for Used Oil Processors:** *Owners and operators of used oil processors and re-refiners facilities shall comply with the following requirements:*

*Content of contingency plan.*

*(b) If the owner or operator has already prepared a spill prevention, control, and countermeasures (SPCC) plan in accordance with 40 CFR Part 112, or some other emergency or contingency plan, the owner or operator need only amend that plan to incorporate used oil management provisions that are sufficient to comply with the requirements of Chapter 3745-279 of the Administrative Code.*

Etna has a Spill Prevention, Control and Countermeasures (SPCC) Plan, however the plan does not incorporate used oil management provisions that are sufficient to comply with the requirements of OAC 3745-279.

By letter dated September 21, 2007 Etna submitted a copy of a separate facility hazardous waste and used oil contingency plan dated July 6, 2007. Ohio EPA has reviewed this document and has the following comments:

- Etna makes repeated reference to spill response and emergency procedures being implemented per the facility Emergency Response Plan (ERP) and/or the SPCC plan. However, Ohio EPA has not been able to find an emergency response plan in either the SPCC plan or the hazardous waste and used oil contingency plan. If a third separate document exists which lists the emergency actions to be taken in case of a spill, fire or explosion of hazardous waste or used oil, Etna must incorporate these emergency actions into the facility contingency plans.
- In the facility SPCC plan, oil is defined as including "...oil of any kind..". While this is appropriate for an SPCC plan, Ohio EPA wishes to remind Etna that **Used Oil** has a distinct regulatory definition per OAC Rule 3745-279-01. The Hazardous Waste and Used Oil Contingency Plan submitted to this office makes no reference to this definition, used oil rules or the facility's regulatory status as a Used Oil Processor. Etna must update the contingency plan to address this omission.

- Etna must update the contingency plan to include the home addresses of all employees listed as emergency coordinators and expected to respond the event of a spill, fire or explosion involving hazardous waste or used oil.
- The table of contents of the SPCC plan lists Appendix E as Spill Reporting and Response Procedures. However, Ohio EPA found no procedures in this appendix and a page which indicated that an Etna spill response form was supposed to be inserted into the contingency plan. Etna must update the SPCC plan to include this information.

To demonstrate abatement of Violations #2 and #3 as listed above, Etna must incorporate the changes bulleted above and submit a copy of the revised SPCC and hazardous waste/used oil contingency plan to this office for review. Upon approval by Ohio EPA, Etna will send a copy of the amended contingency plan to all local police departments, fire departments, hospitals, and local emergency response teams that may be requested to provide emergency services. Etna must document that this has been done and submit said documentation to this office.

4. **OAC 3745-65-16 (A)(B)(C) Personnel training:**

(A) (1) *Facility personnel /must successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance with the requirements of Chapters 3745-65 to 3745-69 and 3745-256 of the Administrative Code. The owner or operator must ensure that this program includes all the elements described in the document required under paragraph (D)(3) of this rule.*

(2) *This program /must be directed by a person trained in hazardous waste management procedures, and must include instruction which teaches facility personnel hazardous waste management procedures, (including, but not limited to, contingency plan implementation), relevant to the positions in which they are employed.*

(3) *At a minimum, the training program must be designed to ensure that facility personnel are able to respond effectively to emergencies by familiarizing them with emergency procedures, emergency equipment, and emergency systems, including, where applicable;*

- (a) *Procedures for using, inspecting, repairing, and replacing facility emergency and monitoring equipment;*
- (b) *Key parameters for automatic waste feed cut-off systems;*
- (c) *Communications or alarm systems;*
- (d) *Response to fires or explosions;*
- (e) *Response to ground water contamination incidents; and*
- (f) *Shutdown of operations.*

- (B) *Facility personnel must successfully complete the program required in paragraph (A) of this rule within six months after January 7, 1983 or six months after the date of their employment or assignment to a facility, or to a new position at a facility, whichever is later. Employees hired after January 7, 1983 must not work in unsupervised positions until they have completed the training requirements of paragraph (A) of this rule.*
- (C) *Facility personnel must take part in an annual review of the initial training required in paragraph (A) of this rule.*

To demonstrate compliance, Etna will submit to this office documentation that all employees involved with hazardous waste management have been trained in the **revised and approved** hazardous waste contingency plan and the facility SPCC plan including the Emergency Response Plan.

5. **OAC 3745-65-16 (D) Job Titles and Descriptions:**

*The owner or operator shall/must maintain the following documents and records at the facility:*

- (1) The job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job;*
- (2) A written job description for each position listed under paragraph (D)(1) of this rule. This description may be consistent in its degree of specificity with descriptions for other similar positions in the same company location or bargaining unit, but shall/must include the requisite skill, education, or other qualifications, and duties of facility personnel assigned to each position;*
- (3) A written description of the type and amount of both introductory and continuing training that will be given to each person filling a position listed under paragraph (D)(1) of this rule; and*
- (4) Records that document that the training or job experience required under paragraph (A), (B), and (C) of this rule has been given to, and completed by, facility personnel.*

By letter dated September 21, 2007, Etna submitted job titles and descriptions for positions which manage hazardous waste. Upon review of this documentation, Ohio EPA found the following deficiencies which must be addressed:

- 1. The job descriptions do not include the type and amount of both introductory and continuing training that will be given to each person filling the described position.
- 2. Both technician job descriptions do not make it clear what the positions responsibilities are with respect to hazardous waste management.

3. The technician position responsibilities state "Handle and dispose of all hazardous waste generated as part of your duties according to company policies". Etna **is not** a permitted Treatment, Storage and Disposal Facility and **may not** dispose of hazardous waste without a permit.

This statement must be corrected to reflect this (e.g., "manage all hazardous waste generated on site in compliance with all state hazardous waste laws and regulations...)

To demonstrate compliance, Etna must revise the job titles and descriptions as described above. The facility will submit to this office:

- Revised job titles and descriptions for **each position** involved in hazardous waste management, which meet the requirements of OAC 3745-65-16 (D) (1) through (4).

Example job titles and descriptions may be found on Ohio EPA's website at:

<http://www.epa.state.oh.us/dhwm/SamplePersonnelTraining.doc>

6. **OAC 3745-279-54 (C) Secondary containment for containers:** *Secondary containment for containers. Containers used to store or process used oil at processing and re-refining facilities must be equipped with a secondary containment system.*

(1) *The secondary containment system must consist of, at a minimum:*

- (a) *Dikes, berms or retaining walls; and*
- (b) *A floor. The floor must cover the entire area within the dike, berm, or retaining wall; or*
- (c) *An equivalent secondary containment system.*

(2) *The entire containment system, including walls and floor, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, ground water, or surface water.*

Etna receives used oil for processing in containers (drums and totes) from its customers. The containers of used oil are stored in the receiving warehouse in Building 1 prior to processing. As a Used Oil Processor, Etna is required to provide a secondary containment system for containers of used oil. At the time of this inspection, Ohio EPA observed that Etna does not provide secondary containment for containers of used oil as required per OAC Rule 3745-279-54.

By letter dated September 21, 2007, Etna submitted a statement from the facility stating that "Page 16 and Figure 2 of the SPCC plan confirms that the building itself is expected to contain spills in Warehouse D where containers of used oil are stored." My review of this documentation does not 'confirm' that the facility has any means of containing a release of used oil.

To demonstrate abatement of this violation, Etna must submit to this office documentation demonstrating that Etna has established a secondary containment system for the used oil container storage area as required per OAC Rule 3745-279-54 (C). This documentation may be in the form of photographs and engineering drawings or building layout showing the locations of dikes, berms or sloped flooring designed to prevent a release of used oil from migrating from one room to another or to the environment.

Ohio EPA has the following concerns which must be addressed.

1. Etna manufactures lubricants and cutting oils for the metal working industry. When contaminated and no longer useable, Etna's customers ship their used oil back to Etna for processing. Per OAC 3745-279-53, the owner or operator of a used oil processing/re-refining facility must determine whether the total halogen content of used oil managed at the facility is above or below one thousand parts per million (ppm).

By letter dated September 21, 2007, Etna responded to this concern by submitting a copy of Beilstein test notes and information. Ohio EPA has determined that the Beilstein test is not an acceptable method for determining the total halogen content in used oil.

Etna must develop a method found acceptable by Ohio EPA for determining the total halogen content of the used oil received at the Etna facility in order to determine if it has been mixed with a listed hazardous waste.

Etna must submit to this office information and documentation (analytical data, bench sheets, method SOPs, etc.) regarding how the total halogen content of the used oil received at the Etna facility for processing is determined.

For additional information, I have included a link to Ohio EPA's Used Oil Processor Fact Sheet. Page 6 of the Used Oil Processors Fact Sheet specifically lists acceptable testing protocols and methods.

[http://www.epa.state.oh.us/dhwm/pdf/Used\\_Oil\\_Processors\\_Guidance.pdf](http://www.epa.state.oh.us/dhwm/pdf/Used_Oil_Processors_Guidance.pdf)

Please submit all of the requested documentation to my attention within thirty (30) days of receipt of this letter demonstrating that all issues have been addressed.

ETNA PRODUCTS INC.  
FEBRUARY 19, 2008  
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The Division of Hazardous Waste Management has created an electronic news service to provide you with quick and timely updates on events and news related to hazardous waste activities in Ohio. If you haven't already, we encourage you to sign-up for this free service. You can find more information at the following Web link:  
<http://www.epa.state.oh.us/dhwm/listserv.html>.

Please feel free to share this information with your colleagues.

Should you have any questions, please feel free to call me at (330) 963-1181.

Sincerely,



Suzanne Prusnek  
Environmental Specialist  
Division of Hazardous Waste Management

SP:ddw

cc: Natalie Oryshkewych, DHWM, NEDO, OEPA  
Harry Sarvis, DHWM, CO, OEPA  
ec: Frank Popotnik, DHWM, NEDO, OEPA

***NOTICE: Failure to list specific deficiencies in this communication does not relieve Etna from the responsibility of complying with all applicable hazardous waste regulations. This letter does not relieve Etna from liability for any past or present violations of the state's hazardous waste laws.***