



**Environmental
Protection Agency**

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

May 26, 2011

Carrie Thorndyke
EHS & Security Mgr.
Oatey Co.
4700 W. 160TH St.
Cleveland, OH 44135

RE: OATEY CO., OHD 004 198 388, CUYAHOGA COUNTY, LQG NOV-PRTC

Dear Ms. Thorndyke:

On April 19, 2011, this writer, representing Ohio EPA, Division of Materials and Waste Management (DMWM), visited the Oatey Company (Oatey) located at 4700 West 160TH Street in Cleveland, Ohio, to conduct a hazardous waste compliance evaluation inspection (CEI). Oatey was represented by you.

On April 26, April 27, May 2, May 9, May 18 and May 25, 2011, Oatey provided documentation concerning waste evaluation, hazardous waste management, used oil management, universal waste management, personnel training, and the facility's contingency plan.

The purpose of the inspection was to determine Oatey's compliance with Ohio's hazardous waste laws as found in Chapter 3734 of the Ohio Revised Code (ORC) and Chapter 3745 of the Ohio Administrative Code (OAC). The inspection included a review of the facility's operations, as well as written documentation. Oatey was inspected for the requirements of a large quantity generator (LQG) of hazardous waste.

Based on the inspection, Ohio EPA identified the following violations:

- 1. Manifest Requirements, OAC rule 3745-52-20(A)(1):** A generator who offers hazardous waste for off-site shipment must prepare a manifest according to the instructions included in the appendix to 40 CFR Part 262.

Oatey failed to complete two manifests in accordance with the requisite instructions. Specifically, Oatey failed to include the hazardous waste codes on the following manifests:

- Manifest 003862811JJK, dated December 15, 2009. The original generator copy of the manifest was missing waste codes D001/D035/F003/F005 in item 31 on line 27.a.6.

- Manifest 007694804JJK, dated November 22, 2010. The original generator copy of the manifest was missing waste codes D001/D035/F003/F005 in item 13 on line 9.a.4.

Oatey's April 27, 2011 response included documentation that refresher training was provided to an employee on the proper completion of hazardous waste manifests. **Based upon submitted documentation, this violation has been adequately addressed. No further response is requested at this time.**

2. **Satellite Accumulation Requirements, OAC rule 3745-52-34(C)(1)(b):** A generator may accumulate as much as fifty-five gallons of hazardous waste in containers at or near any point of generation provided that the generator complies with OAC rules 3745-66-71 [conditions of containers], 3745-66-72 [compatibility of waste with container], 3745-66-73(A) [management of containers] and marks the containers with the words "hazardous waste" or other words that identify the contents.

Oatey failed to label one, five-gallon pail with the words "hazardous waste" or other words to identify its contents. Additionally, the pail was open. The pail was observed in the QC area and contained sample related waste. Oatey's April 27, 2011 response included photographs to document that the pail was closed and labeled as "hazardous waste." **Based upon submitted documentation, this violation has been adequately addressed. No further response is requested at this time.**

3. **Manifest Exception Report, OAC rule 3745-52-42(A)(2):** A facility must receive a copy of the manifest with the handwritten signature of the designated facility within 45 days of the date the waste was accepted by the initial transporter.

Oatey failed to obtain the handwritten signature of the designated facility for manifest 006987734JJK (dated March 31, 2010) and manifest 006989422JJK (dated June 2, 2010). Oatey's April 27, 2011 response included copies of the manifests with the handwritten signature of the designated facility. **Based upon submitted documentation, this violation has been adequately addressed. No further response is requested at this time.**

4. **Personnel Training, OAC rule 3745-65-16(C)(D)(1-4):** Facility personnel must complete training on hazardous waste management and emergency response procedures.

Oatey failed to meet the following requirements of this rule:

- A. OAC rule 3745-65-16(C): The facility failed to conduct annual hazardous waste personnel training in 2009 and 2010.
- B. OAC rules 3745-65-16(D)(1-4): The facility failed to maintain the following documents and records at the facility: (1) job titles, as they relate to hazardous waste management, and the name of each employee filling each job; (2) a written job description for each position at the facility; (3) a written description of the type and amount of both introductory and continuing training to be given to each person filling a position; and (4) records that document that the training or job experience required by this rule has been given to, and completed by, facility personnel.

On May 3 and May 24, 2011, Oatey conducted hazardous waste awareness and contingency plan training. Oatey's May 18, 2011 response included the document entitled "Responsibilities Related to Hazardous Waste Management Operations." Oatey's May 25, 2011 response included a list of individuals filling the positions in this document. Upon review of this documentation, two spill response team members did not receive training on the facility's contingency plan and seven spill response team members did not receive training on hazardous waste awareness.

Oatey must provide annual training to all employees on hazardous waste management and emergency response procedures as specified in the facility's "Responsibilities Related to Hazardous Waste Management Operations" document. **To abate this violation, please submit a copy of the sign in sheet(s) documenting the date(s) when the requisite training was provided to each of the aforementioned spill response team members.**

- 5. **Maintenance and Operation, OAC rule 3745-65-31:** Facilities shall be maintained and operated to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste constituents to air, soil or surface water which could threaten human health or the environment.

Oatey failed to maintain and operate the facility to minimize the possibility of a release of hazardous waste constituents. During the inspection, Ohio EPA observed cans containing solvent cement materials in scrap metal recycling containers, as well as solvent cement residue on the outdoor scrap metal hopper and on the ground in the immediate area.

On May 13, 2011, Oatey cleaned up the cement related residue from the outdoor scrap metal hopper and on the ground in the area. Additionally, on May 25, 2011, Oatey submitted a standard operating procedure (SOP) concerning

Cement/Primer Re-pour. This SOP was implemented to ensure that only empty metal containers are placed into the scrap metal hopper. **Based upon submitted documentation, this violation has been adequately addressed.**

Please provide documentation concerning how the wastes generated from cleanup activities were evaluated and subsequently managed (e.g., waste profiles and shipping paper/manifest).

6. Testing & Maintenance of Emergency Equipment, OAC rule 3745-65-33:

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 the event of an emergency. The owner or operator must record the inspections in a log or summary.

Oatey failed to conduct inspections of emergency equipment. Oatey's May 25, 2011 response included copies of completed inspection forms for emergency equipment. **Based upon submitted documentation, this violation has been adequately addressed. No further response is requested at this time.**

7. Content of Contingency Plan, OAC rule 3745-65-52(A)(C)(D)(E)(F): (A) The contingency plan must describe the actions to be taken to comply with OAC rules 3745-65-51 and 3745-65-56 in response to fires, explosions or unplanned releases of hazardous waste; (C) Describe arrangements with local police, fire, hospitals, contractors, emergency response teams and Ohio EPA to coordinate emergency services; (D) List names, addresses, phone numbers of all persons qualified to act as an emergency coordinator; (E) Include a list of all emergency equipment at the facility, including, but not limited to, fire extinguishing systems, spill control equipment, communications and alarm systems, and decontamination equipment. This list must be kept up to date and must include the location, and a physical description of each item on the list, and a brief outline of its capabilities. (F) Include an evacuation plan for facility personnel.

Oatey failed to maintain a contingency plan that met all of the requirements of OAC rule 3745-65-52. Oatey's May 25, 2011 response included a copy of the contingency plan that was revised in accordance with OAC rule 3745-65-52. **Based upon submitted documentation, this violation has been adequately addressed.**

Please be advised that the revised contingency plan must be distributed to all emergency authorities in accordance with OAC rule 3745-65-53(B).

8. **Inspections of Containers, OAC rule 3745-66-74:** The owner or operator must inspect areas where hazardous waste containers are stored, at least weekly, looking for leaks and for deterioration caused by corrosion or other factors. The owner or operator must record the inspections in an inspection log or summary.

Oatey failed to conduct inspections of hazardous waste containers. Oatey's May 25, 2011 response included copies of completed inspection forms for hazardous waste containers. **Based upon submitted documentation, this violation has been adequately addressed. No further response is requested at this time.**

9. **Universal Waste Management Standards for Small Quantity Handlers, OAC rule 3745-273-13(D)(1):** A small quantity handler of universal waste must contain any lamp in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

Oatey failed to accumulate universal waste lamps in a container. Specifically several loose lamps were observed in a corner of the warehouse. Oatey's April 27, 2011 response included photographs to document that the universal waste lamps were placed into a closed container. **Based upon submitted documentation, this violation has been adequately addressed. No further response is requested at this time.**

10. **Labeling/marketing Standards for Small Quantity Handlers of Universal Waste, OAC rule 3745-273-14(A)(E):** (A) Universal waste batteries or a container in which the batteries are contained, must be labeled or marked clearly with any one of the following phrases: "universal waste - battery(ies)," or "waste battery(ies)," or "used battery(ies)." (E) Universal waste lamps must be labeled/marked with one of the following phrases: "universal waste lamp(s)," or "waste lamp(s)" or "used lamp(s)."

Oatey failed to label/mark one container of universal waste batteries and one container of universal waste lamps with the words required by this rule. Oatey's May 2, 2011 response included photographs to document that the containers of universal waste batteries and lamps were labeled in accordance with this rule. **Based upon submitted documentation, this violation has been adequately addressed. No further response is requested at this time.**

11. **Used Oil Storage Requirements for Generators, OAC rule 3745-279-22(C)(1):** Used oil generators must store used oil in containers and tanks that are

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in good condition and not leaking. The containers and tanks must be labeled with the words "Used Oil." If used oil is released to the environment, the generator must stop the release, contain the used oil, and clean-up and properly manage the released oil and other materials.

Oatey failed to label one, 55-gallon drum with the words "Used Oil." The drum was observed in the warehouse. Oatey's May 2, 2011 response included photographs to document that the drum was labeled as "Used Oil." **Based upon submitted documentation, this violation has been adequately addressed. No further response is requested at this time.**

The above violations must be immediately addressed and all of the above requested documentation must be submitted to my attention at the Ohio EPA **within 30 days of receipt of this letter**. Information obtained pertaining to Oatey's processes and waste generation is discussed on the Process Description-Waste Activities Summary Sheet within the enclosed inspection checklists.

Ohio EPA offers the following comments:

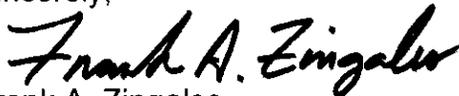
1. Please find attached a copy of Ohio EPA's guidance document entitled "Product Return Systems Under Ohio Hazardous Waste Rules."
2. You may find copies of the hazardous waste rules and other information on Ohio EPA's web page at: <http://epa.ohio.gov/dhwm>.
3. Ohio EPA has created an electronic news service to provide facilities with quick and timely updates on news and events related to environmental matters in Ohio. For more information, please refer to: <http://ohioepa.custhelp.com/ci/documents/detail/2/subscriptionpage>.
4. The Ohio Department of Development's Office of Energy Efficiency may be able to help with energy efficiency issues. For more information, please refer to: <http://development.ohio.gov/Energy>.
5. You may be able to reduce the amount of waste your facility generates by finding ways to recycle, reduce or eliminate it. Ohio EPA's Office of Compliance Assistance and Pollution Prevention (OCAPP) provides free compliance and pollution prevention assistance on environmental issues related to air, land and water. Should your facility be interested in receiving a free pollution prevention assessment in the future, please contact me or OCAPP. OCAPP may be contacted at (800) 329-7518 or via the internet at: <http://epa.ohio.gov/ocapp/contact.aspx>.

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

Should you have any questions, please contact me at (330) 963-1108.

Sincerely,



Frank A. Zingales
Environmental Specialist
Division of Materials and Waste Management

FAZ:cl
Enclosure

ec: Natalie Oryshkewych, DMWM, NEDO
Frank Popotnik, DMWM, NEDO
Jeff Mayhugh, DMWM, CO

cc: Marlene Kinney, DMWM, NEDO