



State of Ohio Environmental Protection Agency

Northeast District Office

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CERTIFIED MAIL
RETURN RECEIPT REQUESTED

September 18, 2008

Kevin Durkin
Plant Manager
9921 Clinton Rd.
Cleveland, OH 44144

**RE: PLASTIC PLATERS, INC., OHD 982 073 397, CUYAHOGA COUNTY, RCRA/LQG,
COMPLIANCE EVALUATION INSPECTION, PARTIAL RETURN TO COMPLIANCE**

Dear Mr. Durkin:

Thank you for your July 24, 2008 response to Ohio EPA's June 26, 2008 Notice of Violation (NOV) letter. You submitted information and documentation, including:

- Analytical data on the waste generated in the buffing operation at the facility.
- One photograph and an amended hazardous waste inspection log sheet demonstrating that employees have been instructed to keep the F006 roll-off box closed when not adding waste and to keep the lid of the sludge dryer clean.
- An amended hazardous waste inspection log sheet updated to include a column for the inspection of the spill control equipment.
- A copy of monthly fire extinguisher checklists and a copy of the plant paging system test schedule.
- One photograph demonstrating that the tote of used oil has been properly labeled with the words used oil.
- Four (4) photographs demonstrating that universal waste lamps are being properly managed in containers that are closed labeled and dated in order to track how long the lamps have been on site.
- A statement from the facility indicated that a written universal waste protocol is being developed and will be submitted to this office when complete.
- A copy of hazardous waste manifest #000468031JJK corrected to include the signature of an authorized individual to sign as the generator.
- A copy of the draft facility contingency plan.
- A statement from the facility indicating that a personnel training program is being developed and documentation will be submitted to this office when complete.
- A copy of the job title and description for the position which manages hazardous waste.
- A list of employees who fill positions which manage hazardous waste and positions which manage universal waste.
- A copy of annual hazardous waste reports for the years 2006 and 2007 and a copy of the facility SERC report for 2007.

My review of this documentation reveals that PPI has adequately demonstrated abatement of the following hazardous waste violations cited in Ohio EPA's June 26, 2008 NOV letter.

OAC Rule 3745-52-11 Hazardous waste determination

OAC 3745-66-73(A) Management of containers

OAC 3745-65-33 Testing and maintenance of equipment

OAC 3745-279-22(C)(1) Used oil storage requirements for generators

OAC 3745-273-13(D)(1) Universal Waste Lamp Management

OAC 3745-273-14(E) Labeling/marketing of Universal Waste

OAC 3745-273-15(C) Accumulation time limits for Universal Waste

OAC 3745-52-20(A) Manifest Requirements

Plastic Platers remains in violation of the following hazardous waste violations cited in Ohio EPA's June 26, NOV letter:

1. **OAC 3745-273-16 Employee Training for Small Quantity handlers of Universal Waste:**
A small quantity handler of universal waste shall inform all employees who handle or have responsibility for managing universal waste. The information shall describe proper handling and emergency procedures appropriate to the type(s) of universal waste handled at the facility.

During Ohio EPA's June 3, 2008 inspection of the PPI facility, Ohio EPA observed multiple universal waste violations indicating that the facility was not operating in compliance with regulations regarding the management of universal waste. The facility had not trained employees responsible for the management of universal waste in the proper handling and emergency procedures appropriate to the type of universal waste handled at the facility.

By letter dated July 24, 2008, PPI submitted a statement indicating that the facility is in the process of developing a written universal waste protocol. Employees responsible for the management of universal waste lamps must be trained in said protocol, and a copy of the protocol signed by all employees who received the training must be submitted to this office.

2. **OAC 3745-65-52 (D) Content of contingency plan:** *The plan shall list names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator, and this list shall be kept up to date. Where more than one person is listed, one shall be named as primary emergency coordinator and others shall be listed in the order in which they will assume responsibility as alternates.*

At the time of this inspection PPI did not have a current list of home addresses and home phone numbers for persons qualified to act as emergency coordinators in the facility contingency plan.

By letter dated July 24, 2008, PPI submitted to Ohio EPA a copy of the updated contingency plan (the plan) for review. Ohio EPA's review of the plan revealed that PPI has failed to include current home addresses and home phone numbers for persons listed as emergency coordinators. To abate this violation, PPI must include a current in the contingency plan the home addresses and home phone numbers for all persons listed as emergency coordinators (cell phones are acceptable, but must be kept on and the battery charged).

3. **OAC 3745-65-52 (E) Content of contingency plan:** *The contingency plan shall 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 (internal and external), and decontamination equipment, where this equipment is required. This list shall be kept up to date. In addition, the contingency plan shall include the location and a physical description of each item on the list, and a brief outline of its capabilities.*

The facility's contingency plan did not include a list of emergency equipment at the facility, its location including a physical description and brief outline of its capabilities.

By letter dated July 24, 2008, PPI submitted to Ohio EPA a copy of the updated contingency plan (the plan) for review. Ohio EPA's review of the plan revealed that PPI has failed to include the spill control equipment and emergency communication device in the list of emergency equipment. To abate this violation, PPI must amend the contingency plan to include a list of the emergency equipment, including spill control equipment and the emergency communication devices. There must also be a physical description and brief outline of the capabilities of each item along with the location of each item. Should PPI choose to use a facility layout map to show the locations of the emergency equipment, Ohio EPA wishes to remind the facility that they must include the locations spill control equipment and the emergency communication devices (telephones, alarm system, etc).

4. **OAC 3745-65-53(B) Copies of contingency plan:** *A copy of the contingency plan and all revisions to the plan shall be submitted to all local police departments, fire departments, hospitals, and Ohio EPA and local emergency response teams, that may be requested to provide emergency services.*

PPI has not submitted its contingency plan to local emergency authorities that may be requested to provide emergency services.

To demonstrate compliance, PPI will update its contingency plan to incorporate all items listed in Violations #2 and #3 and submit a copy of the updated plan to this office for review.

Once updated, PPI must submit copies of the updated contingency plan to all emergency authorities that may be requested to respond in the event of an emergency at the facility and submit documentation to this office demonstrating that this has been done.

5. **OAC 3745-65-54(D)(E) Amendment of contingency plan:** *The contingency plan must be reviewed, and immediately amended, if necessary, whenever:*

- (C) *The facility changes- in its design, construction, operation, maintenance, or other circumstances in a way that materially increases the potential for fires, explosions, or releases of hazardous waste or hazardous waste constituents, or changes the response necessary in an emergency;*

(D) *The list of emergency coordinators changes; or*

(E) *The list of emergency equipment changes.*

PPI has not updated the facility contingency plan to reflect changes in the facility, emergency coordinators, or to provide a complete list of emergency equipment.

To demonstrate abatement of this violation, see Violations #2 and #3.

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

(A) *(1) Facility personnel shall 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 chapters 3745-65 to 3745-69 and 3745-248 of the Administrative Code. The owner or operator shall ensure that this program includes all the elements described in the document required under paragraph (D)(3) of this rule.*

(B) *Facility personnel shall successfully complete the program required in paragraph (A) of this rule within six months after the date of their employment or assignment to a facility, or to a new position at a facility. Employees hired after the effective date of this rule January 7, 1983, shall not work in unsupervised positions until they have completed the training requirements of paragraph (A) of this rule.*

(C) *Facility personnel shall take part in an annual review of the initial training required in paragraph (A) of this rule.*

At the time of this inspection, PPI did not have a personnel training plan that trained employees to perform their duties in a way that ensures the facility's compliance with the requirements of state hazardous waste regulations.

Employees of PPI involved in the management of hazardous waste are not receiving annual refresher nor are they being trained within six months of the date of their employment or assignment to a facility, or to a new position at a facility as required per OAC 3745-65-16(B).

By letter dated July 24, 2008 PPI submitted a statement indicating that the facility is in the process of developing a hazardous waste training program. To demonstrate compliance, PPI will train its employees in hazardous waste management and the facility contingency plan and submit to this office a copy of the training program summary or syllabus, a list of employees receiving the training and sign-in sheets demonstrating the training has been performed. In addition, PPI will submit documentation demonstrating that the person performing the training has current certification in hazardous waste management procedures, or is otherwise qualified to train others in hazardous waste management.

7. **OAC 3745-65-16(D) Personnel training:** *The owner or operator shall 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 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 paragraphs (A), (B), and (C) of this rule has been given to, and completed by, facility personnel.*

At the time of this inspection PPI could not produce a list of job titles and descriptions for each position involved in hazardous waste management.

By letter dated July 24, 2008, PPI submitted a job title and description for the position of Waste Water Operator and a list of two employees, Lawrence Knetch and Paul Hart, who fill this position. However, in response to previous violation, PPI submitted a copy of manifest #000468031JJK signed by you, Kevin Durkin, as an authorized individual to sign as the generator. Your name or position has not been included in the list of positions or employees that manage hazardous waste. If your position is going to continue to involve signing hazardous waste manifests or other documents regarding the characterization and management of hazardous waste, there must be a job title and description for the position you fill.

To demonstrate abatement of this violation, PPI will develop job titles and descriptions for all positions involved in the management of hazardous waste. Ohio EPA wishes to remind the facility that this should **include not only the individuals collecting and moving hazardous waste, but also those which sign manifests, or any other documents involving hazardous waste characterization, management or transportation**. An example of job titles and descriptions was given to you at the time of this inspection and e-mailed to you in electronic format on June 6, 2008. The facility will submit to this office:

- A list of *all positions* which manage hazardous waste.
 - A list of employees which fill each of these positions.
 - Job titles and descriptions for each of these positions.
8. **OAC 3745-52-41(A) Annual Reports:** *A generator who ships any hazardous waste off-site must prepare and submit to Ohio EPA the "Annual Hazardous Waste Report" by March first of each year. The generator must prepare the "Annual Hazardous Waste Report" using forms 9027, 9028, and 9029 provided by the director upon the request of the generator. The "Annual Hazardous Waste Report" must cover generator activities during the previous year, and must include the following information:*
- (1) *The U.S. EPA identification number, name, and address of the generator;*
 - (2) *The calendar year covered by the report;*
 - (3) *The U.S. EPA identification number, name, and address for each off-site treatment, storage, or disposal facility to which waste was shipped during the year;*

- (4) *The name and U.S. EPA identification number of each transporter used during the reporting year for shipments to a treatment, storage, or disposal facility;*
- (5) *A description, U.S. EPA hazardous waste number (from rules 3745-51-20 to 3745-51-24 or 3745-51-30 to 3745-51-35 of the Administrative Code), U.S. DOT hazard class, and quantity of each hazardous waste shipped off-site for shipments to a treatment, storage, or disposal facility. This information must be listed by U.S. EPA identification number of each such off-site facility to which waste was shipped.*
- (6) *A description of the efforts undertaken during the year to reduce the quantity and toxicity of hazardous waste generated;*
- (7) *A description of the changes in quantity and toxicity of waste actually achieved during the year in comparison to previous years; and*
- (8) *The certification signed by the generator or authorized representative.*

While preparing for the June 3, 2008 inspection, Ohio EPA could not find any record of PPI submitting an Annual Hazardous Waste Reports (reports) for the year 2006 or 2007. A review of paperwork at the PPI facility revealed that while PPI may have filled out the forms, no reports have been received by Ohio EPA for either 2006 or 2007.

Ohio EPA's Central Office (CO) has received and reviewed your 2006 and 2007 Annual Hazardous Waste Reports (AR) submitted in response to Ohio EPA's June 26, 2008 NOV letter, and has the following comments:

2006 AR

Only one waste stream is reported in 2006 – Metal Hydroxide Sludge Solid, and the only waste code listed is F006. Total generated was reported as shipped to only 2 facilities:

1. 137 T is reported as shipped to Agmet with Management Method Code (MMC) of H010. Due to Agmet's variance and process, the only MMC Agmet is listed for is H039, not H010.
2. 158.7 T is reported as shipped to Envirite of Ohio with MMC of H141. Envirite does report receipt of 159 T of electroplating sludge from PPI with waste code F006, but reports MMC of H129 instead.
3. Envirite of Ohio also reports receipt of 18 T of Sump Sludge from PPI with a waste code of D007. PPI does not report any shipments to Envirite other than the 158.7 T above, nor do they list waste code D007 anywhere in their report.

2007 AR

Issues are very parallel to those with 2006 above. Again, only one waste stream is reported in 2007 – Metal Hydroxide Sludge Solid, and the only waste code listed is F006. Like 2006, the total generated was reported as shipped to only 2 facilities:

1. 315 T is reported as shipped to Agmet w/ MMC of H010, but Agmet is listed for H039 only.

2. 381 T is reported as shipped to Envirite of Ohio with MMC of H141, which is possible for Envirite, but their waste receipts show 381 T with the MMC of H111 instead.
3. Chemical Solvents' waste receipts show receipt of 250 G (1770 P) Paint Gun Cleanup waste from PPI, but this waste stream, the associated waste codes of D001 and D035, and this receiving facility (and maybe transporter) are not included in PPI's report.

To demonstrate abatement of this violation, please contact Mary Ann Silagny at 614-644-2954 to correct these discrepancies. Please copy this office on any corrected and/or amended AR's submitted to CO to abate this violation.

Information regarding the preparation and submittal of reports may be accessed online at:

http://www.epa.state.oh.us/dhwm/ann_report.html

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.

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

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
Frank Popotnik, DHWM, NEDO, OEPA
Harry Sarvis, DHWM, CO, OEPA
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