

Environmental
Protection Agency

Governor
Lt. Governor
Director

August 4, 2011

Bruce Lambillotte
Smithers Rapra
425 West Market St.
Akron, OH 44303

**RE: SMITHERS RAPRA, OHD 068 911 213, SUMMIT COUNTY
CESQG-CEI, NOTICE OF VIOLATION / RETURN TO COMPLIANCE**

Dear Mr. Lambillotte:

On July 28, 2011, Ohio EPA's Division of Materials and Waste Management, represented by Edward D'Amato, inspected Smithers Rapra for compliance with Ohio's hazardous waste laws and regulations found in Chapters 3734 of the Ohio Revised Code (ORC) and 3745 of the Ohio Administrative Code (OAC). Smithers was represented by you.

Smithers performs testing services for tire, automotive, and other industries.

The following waste streams were identified:

- Lab packs from raw material clean-outs which are done every few years.
- Spent solvents which are used as a test fluid.
- Used oil, which is used as a test fluid.

The following violation was found:

**1. Used Oil Storage Requirements for Generators (Labels)
OAC 3745-279-22(C)**

Containers and above ground tanks used to store used oil at generator facilities shall be labeled or marked clearly with the words "Used Oil."

There was one drum of used oil that was not labeled per this rule. This violation was corrected during the inspection when I provided you with a used oil label for the drum. No further action is required regarding this violation.

In addition to the above violation, the following concern was also noted:

1. During a phone call on August 1, 2011, Kessel Downs explained that Smithers has been disposing of universal waste lamps as solid waste (in the company's regular trash). No lamps were observed in your trash at the time of the inspection.

Often these lamps contain mercury at a level that make them a hazardous waste if disposed. This can also be true of mercury vapor, sodium vapor, and metal halide lamps.

If the spent lamps are sent for recycling instead of disposal, they would be exempt from the hazardous waste management requirements. Although Ohio EPA encourages recycling in any

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case, low-mercury lamps that are not considered hazardous waste when disposed are commercially available.

During the phone call, you explained that you would have the lamps recycled, probably through your current waste contractor. Ohio EPA is satisfied that you are addressing this concern.

On August 1, 2011, I e-mailed you internet links for the following:

Ohio Commercial Facilities Accepting Hazardous Waste
<http://www.epa.state.oh.us/portals/32/pdf/accepting.pdf>

Are You Handling Your Lamps Correctly?
<http://www.epa.state.oh.us/portals/32/pdf/accepting.pdf>

Universal Waste Rule for Handlers of Lamps
http://epa.ohio.gov/portals/32/pdf/Universal_Waste_Rules_for_Handlers_of_Lamps.pdf

Fluorescent Lamps, What You Should Know
<http://www.epa.ohio.gov/portals/32/pdf/LampGuidance.pdf>

The Division of Materials and Waste Management has created an electronic news service to provide timely updates on rule changes and other news related to hazardous waste in Ohio. We encourage you to sign-up for this free service at:

http://ohioepa.custhelp.com/cgi-bin/ohioepa.cfg/php/enduser/doc_serve.php?2=subscriptionpage

Enclosed are copies of the checklists used for the inspection.

No response to this letter is required.

Please feel free to contact me at (330) 963-1170 if you have any questions.

Failure to list specific deficiencies or violations in this communication does not relieve Smithers Rapra from the responsibility of complying with all applicable Ohio EPA laws and regulations. Please be advised that present or past instances of non-compliance can continue as subjects of pending or future enforcement actions.

Sincerely,


Edward J. D'Amato
Environmental Specialist
Division of Materials and Waste Management

EJD:cl

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

cc: Marlene Kinney, DMWM, NEDO