



State of Ohio Environmental Protection Agency

Northeast District Office

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

July 12, 2007

RE: SMITHERS-OASIS  
PORTAGE COUNTY  
OHD 097 952 782  
PARTIAL RETURN TO COMPLIANCE

Mr. Kevin Kilroy  
Safety and Environmental Manager  
Smithers-Oasis North America  
919 Marvin Street  
Kent, OH 44240

Dear Mr. Kilroy:

On June 21, 2007, the Ohio EPA received your response to a compliance evaluation inspection (CEI) of the Smithers-Oasis (Smithers) facility on April 26, 2007. The information received included an update of information and the following: Personnel Training, Contingency Plan, job titles and descriptions, emergency equipment, universal waste management. In addition, it appears you have, or are, addressing each of the concerns that were identified.

Review of this information indicates that the following cited violations have been abated:

- 2) Personnel Training, OAC 3745-65-16 (E)
- 3) Contingency Plan, OAC 3745-65-52(E)
- 8) OAC 3745-273-13(D)(1) Waste Management - standards
- 9) OAC 3745-273-14(E) Labeling/Marking of Universal waste Lamps
- 10) OAC 3745-273-15(C) Documenting accumulation time limits of universal waste

## VIOLATIONS

Based on the CEI, Ohio EPA has determined that the Smithers facility remains in violation of the following state hazardous waste regulations:

- 1) **Personnel Training, OAC 3745-65-16 (D):** All facilities must have a personnel training program of classroom instruction or on-the-job training that teaches the employees to perform their job duties in a way that ensures the facility is in compliance with the hazardous waste rules. The program shall include:
  - a) Records including:
    - i) Job titles, as they relate to hazardous waste management, and the name of each employee filling each job.
    - ii) Job descriptions, including requisite skill, education, or other qualifications, and duties of facility personnel assigned to each person filling a position.
    - iv) Documentation that personnel have completed the training or job experience required under the rules.

At the time of the inspection Smithers failed to have a training program that met all of these requirements.

**To abate this violation**, Smithers shall submit records of a training program that demonstrate Smithers meets the above requirements, specifically job titles, job descriptions, and list of requisite trained personnel.

- 4) **Testing and maintenance of equipment, OAC 3745-65-33:** 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. Smithers failed to include inspection of spill control equipment.

**To abate this violation**, you must include inspection of the spill control equipment for the generator storage area and assure its proper operation in time of emergency. Provide a copy of an inspection log showing an updated inspection. Inspections may be done at a frequency deemed necessary to ensure proper operation in time of an emergency.

During the inspection you were provided a "*Process, Waste, P2 Summary Sheef*". Please complete this summary sheet and return with your response above in writing within 30 days of the date of this letter. Should you have any questions, you may contact me at (330) 963-1146 or at: [ron.shadrach@epa.state.oh.us](mailto:ron.shadrach@epa.state.oh.us).

Sincerely,



Ronald J. Shadrach  
Environmental Specialist II  
Division of Hazardous Waste Management

RJS:ddw

ec: Frank Popotnik, DHWM, NEDO  
Natalie Oryshkewych, DHWM, NEDO

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.