OhioEPA

State of Ohio Environmental Protection Agency

Northeast District Office

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

May 22, 2007

RE: SMITHERS-OASIS
PORTAGE COUNTY
OHD 097 952 782
LQG, CEI NOTICE OF VIOLATION

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

Dear Mr. Kilroy:

On April 26, 2007, the Ohio EPA conducted a compliance evaluation inspection (CEI) of the Smithers-Oasis (Smithers) facility to determine Smithers compliance with Ohio's hazardous waste laws and regulations as found in the Ohio Revised Code and the Ohio Administrative Code ("ORC" and "OAC" respectively). Smithers was represented by you and Tom Duff. I represented the Ohio EPA. Smithers was inspected as a Large Quantity Generator (LQG) of hazardous waste. Enclosed are copies of the checklists completed for this inspection. The following violations regarding satellite containers and used oil labeling were abated at the time of the inspection on April 27, 2007:

5) Management of Containers, OAC 3745-66-73(A)
6) Labeling of Satellite Accumulation Containers OAC 3745-52-34(C)(1)(b)
7) Used Oil Storage Requirements for Generators (Labels) OAC 3745-279-22(C).

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.
      iii) Type and amount of both introductory and continuing training to be given to each person filling a position *(generally complete).*
      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.

2) **Personnel Training, OAC 3745-65-16 (E):** Training records on current personnel must be kept until closure of the facility. Training records on former employees must be kept for at least three years from the date the employee last worked at the facility.

At the time of the inspection Smithers failed to maintain these training records.

To abate this violation, Smithers shall provide a statement and submit a log or record that shows these records are now being maintained as required.

3) **Contingency Plan, OAC 3745-65-52(E) :** Smithers failed to develop a contingency plan that meets the requirements of OAC 3745-65-52E. The Smithers contingency plan did not include:

(a) a list of all emergency equipment at the facility, including the location and physical description of each item on the list with a brief outline of its capabilities.

To abate this violation, Smithers must submit a revised contingency plan or addenda which includes a list of emergency equipment with its location and capabilities.

It is understood that Smithers had notified emergency responders deemed necessary. Be aware that OAC 3745-65-53(B) requires the contingency plan be submitted to all emergency authorities that may be requested to provide emergency services. You must maintain complete file documentation of the required notifications.

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.

Smithers must ensure maintenance of all emergency systems and 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 this inspection log showing an updated inspection.

8) **OAC 3745-273-13(D)(1) Waste Management - standards:** maintain universal waste lamps in structurally sound packages that are closed.

In the Maintenance building Smithers failed to maintain "universal waste lamps" in containers that were all closed.

To abate this violation, confirm that spent lamps are kept in closed containers and provide documentation that personnel have received training in proper universal waste management procedures per the rule.

9) **OAC 3745-273-14(E) Labeling/Marking of Universal waste Lamps:** You failed to label all "Universal waste lamps" or the containers in which they were stored per this rule.

To abate this violation, all spent lamps need to be labeled per this rule. Provide a photograph showing properly labeled universal waste storage and describe what steps have been taken to insure future compliance with this rule. A link to "Universal Waste" guidance was provided via email and is also at: http://www.epa.state.oh.us/dhwm/pdf/New_Universal_Waste_Guidance.pdf.

10) **OAC 3745-273-15(C) Documenting accumulation time limits of universal waste:** You failed to document or demonstrate how long all containers of spent lamps have been accumulated.

To abate this violation, either date all containers or establish and confirm in writing a method, as described in the rules, which you will use to track the accumulation time of universal waste lamps.

In general you may accumulate universal waste for no longer than one year from the date the universal waste is generated, unless you demonstrate a longer period of time is necessary to facilitate proper recovery, treatment, or disposal.

CONCERNS and COMMENTS

- **Aerosol cans** - According to OAC 3745-52-11 Waste Evaluation, as a generator you must determine whether any generated waste is a hazardous waste. Aerosol can contents can be characteristic hazardous wastes and require proper evaluation and disposal. If aerosol cans or other container contents are used completely and the container is empty per OAC 3745-51-07(B)(2) the container may be disposed as a solid waste or recycled. Guidance regarding what is considered empty may be found at: http://www.epa.state.oh.us/dhwm/pdf/NotifierWinter05.pdf. To insure aerosol cans are empty prior to disposal you may obtain a can crushing system that attaches to and captures residuals in a drum for proper disposal, or, return nonempty cans to the supplier for credit, or, contain them in a satellite container for proper disposal. Refer to manufacturer information or MSDS data to determine whether the can residuals or collected contents would be a hazardous waste and manage and dispose accordingly.

- **Used oil** – According to OAC 4745-279-11 "on specification" oil may be taken and burned for energy recovery. However, you must ensure that your oil meets the "on specification" requirements at all times. You must maintain analytical documentation or other information that documents each used oil fuel shipment meets the specification. The person that first claims the used oil to be burned for energy recovery is on specification, is considered to be the fuel marketer. This person must comply with OAC 3745-279-72 to 74. This includes analysis or other documentation that proves the fuel is on specification, obtaining an EPA ID number and maintaining records of analysis and shipments. The used oil rules are found at the following link: http://www.epa.state.oh.us/dhwm/l_ruom.html.

- **Empty drums** – It is understood that empty drums are crushed and disposed as a solid waste. Empty drums may be sent for scrap metal recycling or returned to a drum recycler. A list of drum recyclers is found at: http://epawebapps/Recyclers/jsp/results.jsp?category=9.

- **Storm water collection** – A storm water collection trench at Building #15 where hazardous wastes are stored was observed to be full. Should a release occur, this collection point may not have the required capacity. In addition, the accumulated storm water could become contaminated requiring disposal. Please provide information as to the operation and maintenance of this feature and whether it should be incorporated into your contingency plan, as it is in the vicinity of where hazardous wastes are stored and transported.

- **Air line** – An air line was observed in the vicinity of a storm drain outside the southern maintenance building door. It appeared it was used to clean some parts at this location. All washing or cleaning operations of vehicles, equipment or parts should be done indoors and discharged to a sanitary sewer or solid waste as permitted.

- **Barium** – Barium was listed as a hazardous waste constituent on your uniform hazardous waste manifest (UHWM). However, analytical data indicated it was present at a level significantly below the regulatory level.

- The Ohio EPA strongly encourages pollution prevention as the preferred approach for waste management. The first priority of pollution prevention is to eliminate the generation of wastes and pollutants at the source (source reduction). For those wastes or pollutants that are generated, the second priority is to recycle or reuse them in an environmentally sound manner. You can benefit economically, help preserve the environment and improve your public image by implementing pollution prevention programs. More information about pollution prevention, including fact sheets and U.S. EPA's "Facility Pollution Prevention Guide" (EPA/600/R-92/088) may be obtained by contacting the Ohio EPA Pollution Prevention Section at (614) 644-3469 or online at: http://www.epa.state.oh.us/ocapp/ocapp.html.

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.

You can find copies of the rules and other information on the DHWM's web page at: http://www.epa.state.oh.us/dhwm.

During the inspection you were provided a "*Process, Waste, P2 Summary Sheet*". 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.

Sincerely,

Ron Shadrach

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

Enclosures

RJS:ddw

ec: Frank Popotnik, DHWM, NEDO
Harry Sarvis, DHWM, CO
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.

Smithers-Oasis, Kent
OHD097 952 782
April 26, 2007

LARGE QUANTITY GENERATOR REQUIREMENTS
COMPLETE AND ATTACH A PROCESS DESCRIPTION SUMMARY

CESQG: <100Kg. (Approximately 25-30 gallons) of waste in a calendar month.
SQG: Between 100 and 1,000 Kg. (About 25 to under 300 gallons) of waste in a calendar month.
LQG: >1,000 Kg. (~300 gallons) of waste in a calendar month or >1 Kg. Of acutely hazardous waste in a calendar month.
NOTE: To convert from gallons to pounds: Amount in gallons x Specific Gravity x 8.345 = Amounts in pounds.

Safety Equipment Used:

GENERAL REQUIREMENTS

1. Have all wastes generated at the facility been adequately evaluated? [3745-52-11] — Yes X No ☐ N/A _

2. Has the generator obtained a U.S. EPA identification number? [3745-52-12] — Yes X No ☐ N/A _

3. Were annual reports filed with Ohio EPA on or before March 1st? [3745-52-41(A)] — Yes X No ☐ N/A _

4. Has the generator transported or caused to be transported hazardous waste to **other** than a facility authorized to manage the hazardous waste? [ORC 3734.02(F)] — Yes ☐ No X N/A _

5. Has the generator disposed of hazardous waste **on-site without a permit** or at another facility **other** than a facility authorized to dispose of the hazardous waste? [ORC 3734.02(E) & (F)] — Yes ☐ No X N/A _

6. Does the generator accumulate hazardous waste? — Yes X No _ N/A _

NOTE: If the LQG does not accumulate or treat hazardous waste, it is not subject to 52-34 standards. All other requirements still apply, e.g., annual reports, manifest, marking, record keeping, LDR, etc.

7. Has the generator accumulated hazardous waste on-site in excess of 90 days without a permit or an extension from the director ORC §3734.02 (E) & (F)? — Yes ☐ No X N/A _

NOTE: If F006 waste is generated and accumulated for > 90 days and is recycled see 3745-52-34(G) & (H).

8. Does the generator treat hazardous waste in a: [ORC 3734.02(E)&(F)]

   a. Container that meets 3745-66-70 to 3745-66-77? — Yes _ No ☐ N/A X

   b. Tank that meets 3745-66-90 to 3745-66-101 except 3745-66-97 (C) and — Yes _ No ☐ N/A X

   c. Drip pads that meet 3745-69-40 to 3745-69-45? — Yes _ No ☐ N/A X

   d. Containment building that meets 3745-256-100 to 3745-256-102? — Yes _ No ☐ N/A X

NOTE: Complete appropriate checklist for each unit.
NOTE: If waste is treated to meet LDRs, use LDR checklist.

9. Does the generator export hazardous waste? If so: — Yes _ No X N/A _

   a. Has the generator notified U.S. EPA of export activity? [3745-52-53(A)] — Yes _ No ☐ N/A X

   b. Has the generator complied with special manifest requirements? [3745-52-54] — Yes _ No ☐ N/A X

c. For manifests that have not been returned to the generator: has an exception report been filed? [3745-52-55] Yes _ No ☐ N/A X

d. Has an annual report been submitted to U.S. EPA? [3745-52-56] Yes _ No ☐ N/A X

e. Are export related documents being maintained on-site? [3745-52-57(A)] Yes _ No ☐ N/A X

MANIFEST REQUIREMENTS

10. Have all hazardous wastes shipped off-site been accompanied by a manifest? (U.S. EPA Form 8700-22) [3745-52-20(A)] Yes X No ☐ N/A _

11. Have items (1) through (20) of each manifest been completed? [3745-52-20(A)] Yes X No ☐ N/A _

NOTE: U.S. EPA Form 8700-22(A) (the continuation form) may be needed in addition to Form 8700-22. In these situations items (21) through (35) must also be completed. [3745-52-20(A)]

12. Does each manifest designate at least one facility which is permitted to handle the waste? [3745-52-20(B)] Yes X No ☐ N/A _

NOTE: The generator may designate on the manifest one alternate facility to handle the waste in the event of an emergency which prevents the delivery of waste to the primary designated facility. [3745-52-20(C)].

13. If the transporter was unable to deliver a shipment of hazardous waste to the designated facility did the generator designate an alternate TSD facility or give the transporter instructions to return the waste? [3745-52-20(D)] Yes _ No ☐ N/A X

14. Have the manifests been signed by the generator and initial transporter? [3745-52-23(A)(1) & (2)] Yes X No ☐ N/A _

NOTE: Remind the generator that the certification statement they signed indicates: 1) they have properly prepared the shipment for transportation and 2) they have a program in place to reduce the volume and toxicity of the waste they generate.

15. If the generator did not receive a return copy of each completed manifest within 35 days of the waste being accepted by the transporter did the generator contact the transporter and/or TSD facility to check on the status of the waste? [3745-52-42(A)(1)] Yes _ No ☐ N/A X

16. If the generator has not received the manifest within 45 days, did the generator file an exception report with Ohio EPA? [3745-52-42(A)(2)] Yes _ No ☐ N/A X

17. Are signed copies of all manifests and any exception reports being retained for at least three years? [3745-52-40] Yes X No ☐ N/A _

NOTE: Waste generated at one location and transported along a publicly accessible road for temporary consolidated storage or treatment on a contiguous property also owned by the same person is not considered "on-site" and manifesting and transporter requirements must be met. To transport "along" a public right-of-way the destination facility has to act as a transfer facility or have a permit because this is considered to be "off-site." For additional information see the definition of "on-site" in OAC rule 3745-50-10.

PERSONNEL TRAINING

18. Does the generator have a training program which teaches facility personnel hazardous waste management procedures (including contingency plan implementation) relevant to their positions? [3745-65-16(A)(2)] Yes X No ☐ N/A _

19. Does the personnel training program include instructions to ensure that facility personnel are able to respond effectively to emergencies by familiarizing them with emergency procedures, emergency equipment and emergency systems (where applicable)? [3745-65-16(A)(3)(a-f)] Yes X No ☐ N/A _

20. Is the personnel training program directed by a person trained in hazardous waste management procedures? [3745-65-16(A)(2)] Yes X No ☐ N/A _

21. Do new employees receive training within six months after the date of hire (or assignment to a new position)? [3745-65-16(B)] Yes X No ☐ N/A _

22. Does the generator provide annual refresher training to employees? [3745-65-16(C)] Yes X No ☐ N/A _

23. Does the generator keep records including: job titles [D(1)], job descriptions [D(2)], type and amount of training given to each person [D(3)] and documentation of completed training or job experience required [D(4)]? [3745-65-16(D)] Yes _ No X N/A _

24. Are training records for current personnel kept until closure of the facility and are training records for former employees kept for at least three years from the date the employee last worked at the facility? [3745-65-16(E)] Yes _ No X N/A _

NOTE: The following section can be used by the inspector to document that all personnel who are involved with hazardous waste management have been trained. The employees who need training (written and/or on-the -job) may include the following: environmental coordinators, drum handlers, emergency coordinators, personnel who conduct hazardous waste inspections, emergency response teams, personnel who prepare manifest, etc.

Job Performed	Name of Employee	Date Trained

CONTINGENCY PLAN

25. Does the owner/operator have a contingency plan to minimize hazards to human health or the environment from fires, explosions or any unplanned release of hazardous waste? [3745-65-51(A)] Yes X No ☐ N/A _

26. Does the plan describe the following:

    a. Actions to be taken in response to fires, explosions or any unplanned release of hazardous waste [3745-65-52(A)]? Yes X No ☐ N/A _

    b. Arrangements with emergency authorities [3745-65-52(C)]. Yes X No ☐ N/A _

    c. A current list of names, addresses and telephone numbers (office and home) of all persons qualified to act as emergency coordinator? [3745-65-52(D)] Yes X No ☐ N/A _

    d. A list of all emergency equipment, including: location, a physical description and brief outline of capabilities? [3745-65-52(E)] Yes _ No ☒ N/A _

    e. An evacuation plan for facility personnel where there is possibility that evacuation may be necessary? [3745-65-52(F)] Yes X No ☐ N/A _

NOTE: If the facility already has a "Spill Prevention, Control and Counter measures Plan" under CFR Part 112 or 40 CFR Part 1510, or some other emergency plan, the facility can amend that plan to Incorporate hazardous waste management provisions that are sufficient to comply with OAC requirements. [3745-65-52(B)]

27. Is a copy of the plan (plus revisions) kept on-site and been given to all emergency authorities that may be requested to provide emergency services? [3745-65-53 (A) & (B)] Yes X No ☐ N/A _

28. Has the generator revised the plan in response to rule changes, facility, equipment and personnel changes, or failure of the plan? [3745-65-54] Yes _ No ☐ N/A X

29. Is an emergency coordinator available at all times (on-site or on-call)? [3745-65-55] Yes X No ☐ N/A _

NOTE: The emergency coordinator shall be throughly familiar with: (a) all aspects of the facility's contingency plan: (b) all operations and activities at the facility; (c) the location and characteristics of waste handled; (d) the location of all records within the facility; (e) facility layout; and (f) shall have the authority to commit the resources needed to implement provisions of the contingency plan.

EMERGENCY PROCEDURES

30. Has there been a fire, explosion or release of hazardous waste or hazardous waste constituents since the last inspection? If so: Yes _ No ☐ N/A X

    a. Was the contingency plan implemented? [3745-65-51(B)] Yes _ No ☐ N/A X

    b. Did the facility follow the emergency procedures in 3745-65-56(A) through (H)? Yes _ No ☐ N/A X

    c. Did the facility submit a report to the Director within 15 days of the incident as required by 3745-65-56(J)? Yes _ No ☐ N/A X

NOTE: OAC 3745-65-51(b) requires that the contingency plan be implemented immediately whenever there is a fire, explosion, or release of hazardous waste or hazardous waste constituents, which could threaten human health and the environment.

Comment - There was a release of phenosulfonic acid (PSA) raw material on 5/20/02. This was not a hazardous waste event. Reported to DERR, nuetralized and cleaned up. No incidents of HW or HW release.

PREPAREDNESS AND PREVENTION

31. Is the facility operated to minimize the possibility of fire, explosion, or any unplanned release of hazardous waste? [3745-65-31] Yes X No ☐ N/A _

32. Does the generator have the following equipment at the facility, if it is required due to actual hazards associated with the waste:

    a. Internal alarm system? [3745-65-32(A)] Yes X No ☐ N/A _

    b. Emergency communication device? [3745-65-32(B)] Yes X No ☐ N/A _

    c. Portable fire control, spill control and decon equipment? [3745-65-32(C)] Yes X No ☐ N/A _

    d. Water of adequate volume/pressure? [3745-65-32(D)] Yes X No ☐ N/A _

NOTE: Verify that the equipment is listed in the contingency plan.

33. Is emergency equipment tested (inspected) as necessary to ensure its proper operation in time of emergency? [3745-65-33] Yes _ No ☒ N/A _

34. Are emergency equipment tests (inspections) recorded in a log or summary? [3745-65-33] Yes _ No ☒ N/A _

35. Do personnel have immediate access to an internal alarm or emergency communication device when handling hazardous waste (unless the device is not required under 3745-65-32)? [3745-65-34(A)] Yes X No ☐ N/A _

36. If there is only one employee on the premises is there immediate access to a device (ex.phone, hand held two-way radio) capable of summoning external emergency assistance? (Unless not required under 3745-65-32) [3745-65-34(B)] Yes _ No ☐ N/A X

37. Is adequate aisle space provided for unobstructed movement of emergency or spill control equipment? [3745-65-35] Yes X No ☐ N/A _

38. Has the generator attempted to familiarize emergency authorities with possible hazards and facility layouts? [3745-65-37(A)] Yes X No ☐ N/A _

39. Where authorities have declined to enter into arrangements or agreements, has the generator documented such a refusal? [3745-65-37(B)? Yes _ No ☐ N/A X

SATELLITE ACCUMULATION AREA REQUIREMENTS

40. Does the generator ensure that satellite accumulation area(s):

    a. Are at or near a point of generation? [3745-52-34(C)(1)] Yes X No ☐ N/A _

    b. Are under the control of the operator of the process generating the waste? [3745-52-34(C)(1)] Yes X No ☐ N/A _

    c. Do not exceed one quart of acutely hazardous waste at anyone time? [3745-52-34(C)(1)] Yes X No ☐ N/A _

    d. Containers are closed, in good condition and compatible with wastes stored in them? [3745-52-34(C)(1)(a)] Yes _ No ☒ N/A _

    e. Containers are marked with words "Hazardous Waste" or other words identifying the contents? [3745-52-34(C)(1)(b)] Yes _ No ☒ N/A _

41. Is the generator accumulating hazardous waste(s) in excess of the amounts listed in the preceding question? If so: Yes _ No X N/A _

    a. Did the generator comply with 3745-52-34(A)(1)through(4) or other applicable generator requirements within three days? [3745-52-34(C)(2)] Yes _ No ☐ N/A X

    b. Did the generator mark the container(s) holding excess with the accumulation date when the 55 gallon (one quart) limit was exceeded? [3745-52-34(C)(2)] Yes _ No ☐ N/A X

    c. Do not exceed a total of 55 gallons of hazardous waste per waste stream? [3745-52-34(C)(1)] Yes X No ☐ N/A _

NOTE: The satellite accumulation area is limited to 55 gallons of hazardous waste accumulated from a distinct point of generation in the process under the control of the operator of the process generating the waste (less then 1 quart for acute hazardous waste). There could be individual waste streams accumulated in an area from different points of generation.

USE AND MANAGEMENT OF CONTAINERS IN <90 DAY ACCUMULATION AREAS

42. Has the generator marked containers with the words "Hazardous Waste?" [3745-52-34(A)(3)] Yes X No ☐ N/A _

43. Is the accumulation date on each container? [3745-52-34(A)(2)] Yes X No ☐ N/A _

44. Are hazardous wastes stored in containers which are:

a. Closed (except when adding/removing wastes)? [3745-66-73(A)] Yes _ No ☒ N/A _

b. In good condition? [3745-66-71] Yes X No ☐ N/A _

c. Compatible with wastes stored in them? [3745-66-72] Yes X No ☐ N/A _

d. Handled in a manner which prevents rupture/leakage? [3745-66-73(B)] Yes X No ☐ N/A _

NOTE: Record location on process summary sheets and photograph the area.

45. Is the container accumulation areas(s) inspected weekly? [3745-66-74] Per ORC§1.44(A) "Week" means seven 7 consecutive days. Yes X No ☐ N/A _

a. Are inspections recorded in a log or summary? [3745-66-74] Yes X No ☐ N/A _

46. Are containers of ignitable or reactive wastes located at least 50 feet (15 meters) from the facility's property line? [3745-66-76] Yes X No ☐ N/A _

47. Are containers of incompatible wastes stored separately from each other by means of a dike, berm, wall or other device? [3745-66-77(C)] Yes _ No ☐ N/A X

48. If the generator places incompatible wastes, or incompatible wastes and materials in the same container, is it done in accordance with 3745-65-17(B)? [3745-66-77(A)] Yes _ No ☐ N/A X

49. If the generator places hazardous waste in an unwashed container that previously held an incompatible waste, is it done in accordance with 3745-65-17(B)? [3745-66-77(B)] Yes _ No ☐ N/A X

NOTE: OAC 3745-65-17(B) requires that the generator treat, store, or dispose of ignitable or reactive waste, and the mixture or commingling of incompatible wastes, or incompatible wastes and materials so that it does not create undesirable conditions or threaten human health or the environment.

50. If the generator has closed a <90 day accumulation area does the closure appear to have met the closure performance standard of 3745- 66-11? [3745-52-34(A)(1)] Yes _ No ☐ N/A X

NOTE: Please provide a description of the unit and documentation provided by the generator to demonstrate that closure was completed in accordance with the closure performance standards. If the generator has closed a <90 day tank, closure must also be completed in accordance with OAC 3745-66-97 (except for paragraph C of this rule). [3745-52-34]

PRE-TRANSPORT REQUIREMENTS

51. Does the generator package/label its hazardous waste in accordance with the applicable DOT regulations? [3745-52-30, 3745-52-31 and 3745-52-32(A)] Yes X No ☐ N/A _

52. Does each container <110 gallons have a completed hazardous waste label? [3745-52-32(B)] Yes X No ☐ N/A _

53. Before off-site transportation, does the generator placard or offer the appropriate DOT placards to the initial transporter? [3745-52-33] Yes X No ☐ N/A _

P2:

The facility has worked towards reducing haz and nonhaz wastes. Acetone flush is the largest haz waste stream. The complexity of recipes for foam and changing demand causes or relates to the amount of flush waste generated.

Personnel Training:

18. Must ensure all job specific and contingency plan elements included in training relevant to position or duties. This must include items of emergency and spill control equipment.

23. & 24.: Need to maintain job titles and description related to hazardous waste management and documentation training completed and maintained per the rule

Contingency Plan:

26.d. & 27.: Need to have list of emergency and spill control equipment with outline of capabilities. The use of this equipement must be included in annual training. The Fire Dept. was informed of contingency plan but not all local emergency authorities. Kevin Kilroy felt the necessary emergency authorities were informed. This status needs clearly documented in facility files.

Preparedness & Prevention:

33. & 34. Need to inspect and maintain all emergency systems, equipment and including spill control equipment in generator storage area. Inspections must be recorded in a log.

Satellite Accumulation:

40.d&e.: Need to label and keep closed satellite hazardous waste containers. A five gallon pail at the acetone flush line was open and unlabeled. The bucket was closed during the inspection and subsequently labeled.

Smithers-Oasis, Kent
OHD097 952 782
April 26, 2007

USED OIL INSPECTION CHECKLIST (Short Version)

NOTE: ***This checklist does not include requirements for used oil transporters and transfer facilities, processors and re-refiners, burners, and marketers.***

PROHIBITIONS

1. Is used oil being managed in a surface impoundment or waste pile? If so: — Yes___No X_ N/A ___RMK#___

   Is the surface impoundment or waste pile being regulated under OAC 3745-54 to 3745-57 and 3745-205 or 3745-65 to 3745-69 and 3745-256? [3745-279-12(A)] — Yes ___ No ❑ N/A _X_RMK#___

2. Is used oil being used as a dust suppressant? [3745-279-12(B)] — Yes ❑ No __X_ N/A ___RMK#___

3. Is off-specification used oil fuel burned for energy recovery only in devices specified in 3745-279-12(C)? — Yes ___ No ❑ N/A _X_RMK#___

USED OIL GENERATOR STANDARDS

4. Does the generator mix hazardous waste with used oil only as provided in 3745-279-10(B)? [2745-279-21(A)] — Yes _X_ No ❑ N/A ___RMK#___

5. Does the generator of a used oil containing greater than 1,000 ppm total halogens manage the used oil as a hazardous waste unless the presumption is rebutted successfully? [3745-279-21(B)] — Yes _X_ No ❑ N/A ___RMK#___

6. Does the generator only store used oil in tanks, containers, or units subject to OAC 3745-54 to 3745-57 and 3745-205 or 3745-65 to 3745-69 and 3745-256? [3745-279-22(A)] — Yes _X_ No ❑ N/A ___RMK#___

7. Are containers and aboveground tanks used to store used oil in good condition with no visible leaks? [3745-279-22(B)] — Yes _X_ No ❑ N/A ___RMK#___

8. Are containers, above ground tanks, and fill pipes used for underground tanks clearly labeled or marked "Used Oil?" [3745-279-22(C)] — Yes ___ No X N/A ___RMK#_1__

9. Has the generator, upon detection of a release of used oil, done the following: [3745-279-22(D)]

   a. Stopped the release? — Yes ___ No ❑ N/A _X_RMK#___

   b. Contained the release? — Yes ___ No ❑ N/A _X_RMK#___

c. Cleaned up and properly managed the used oil and other materials? Yes ___ No ❑ N/A _X_RMK#___

d. Repaired or replaced the containers or tanks prior to returning them to service, if necessary? Yes ___ No ❑ N/A _X_RMK#___

10. Does the generator burn used oil in used fired space heaters? [3745-279-23] If so: Yes___No___ N/A _X_RMK#___

a. Does the heater burn only used oil that owner/operator generates or used oil received from household do-it-yourself (DIY) used oil generators? Yes ___ No ❑ N/A _X_RMK#___

b. Is the heater designed to have a maximum capacity of not more that 0.5 million BTU per hour? Yes ___ No ❑ N/A _X_RMK#___

c. Are the combustion gases from heater vented to the ambient air? Yes ___ No ❑ N/A _X_RMK#___

11. Does the generator have the used oil hauled only by transporters that have obtained U.S. EPA ID#, unless the generator qualifies for an exemption pursuant to 3745-279-24 (self transportation or tolling agreements)? [3745-279-24] Yes ___ No X N/A ___RMK#_2_

USED OIL COLLECTION CENTERS AND AGGREGATION POINTS

12. Is the DIY used oil collection center in compliance with the generator standards in 3745-279-20 to 3745-279-24? [3745-279-30] Yes ___ No ❑ N/A _X_RMK#___

13. Is the non-DIY used oil collection center registered with Ohio EPA? [3745-279-31] Yes ___ No ❑ N/A _X_RMK#___

14. Is the used oil aggregation point in compliance with the generator standards in 3745-279-20 to 3745-279-24? [3745-279-32] Yes ___ No ❑ N/A _X_RMK#___

WASTE EVALUATION

15. Have all wastes generated at the facility been evaluated? [3745-52-11] Yes_X_ No ❑ N/A ___RMK#___

C:\Documents and Settings\RShadrach\My Documents\iFolder\Checklists\SmithersUSEDOIL.4.27.2007.wpd

REMARKS

1. Used oil drum initially did not appear labeled. Drum was observed properly labeled on 4/27/07. Abated.
2. An individual takes oil for burning in a used oil burner in his shop. The oil appears to be on specification oil. Must comply with OAC 3745-279-72.

Smithers-Oasis, Kent
OHD097 952 782
April 26, 2007

SMALL QUANTITY UNIVERSAL WASTE HANDLER REQUIREMENTS - BATTERIES AND LAMPS

Large Quantity Universal Waste Handler (LQUWH) = 5,000 Kg or more
Small Quantity Universal Waste Handler (SQUWH) = 5,000 Kg or less

PROHIBITIONS

1. Did the SQUWH dispose of universal waste? [3745-273-11(A)] — Yes ❑ No X N/A ___RMK#___

2. Did the SQUWH dilute or treat universal waste, except when responding to releases as provided in 3745-273-17 or managing specific wastes as provided in 3745-273-13? [3745-273-11(B)] — Yes ❑ No X N/A ___RMK#___

WASTE MANAGEMENT & LABELING/MARKING

UNIVERSAL WASTE BATTERIES

3. Are battery(ies) that show evidence of leakage, spillage or damage that could cause leaks contained? [3745-273-13(A)(1)] — Yes ___ No ❑ N/A X RMK#___

4. If batteries are contained, are the containers closed and structurally sound, compatible with the contents of the battery and lack evidence of leakage, spillage or damage that could cause leakage? [3745-273-13(A)(1)] — Yes ___ No ❑ N/A X RMK#___

5. Does the SQUWH conduct any of the following activities:

   a. Sort batteries by type? — Yes___ No___ N/A X RMK#___

   b. Mix battery types in one container? — Yes___ No___ N/A X RMK#___

   c. Discharge batteries to remove the electric charge? — Yes___ No___ N/A X RMK#___

   d. Regenerated used batteries? — Yes___ No___ N/A X RMK#___

   e. Disassemble them into individual batteries or cells? — Yes___ No___ N/A X RMK#___

   f. Remove batteries from consumer products? — Yes___ No___ N/A X RMK#___

   g. Remove the electrolyte from the battery? — Yes___ No___ N/A X RMK#___

	If so, are the casings of the batteries breached, not intact, or open (except to remove the electrolyte)? [3745-273-13(A)(2)]	Yes ❑ No___ N/A ___RMK#___
6.	If the electrolyte is removed or other waste generated, has it been determined whether it is a hazardous waste? [3745-273-13(A)(3)]	Yes ___ No ❑ N/A _X_RMK#___
	a. If the electrolyte or other waste is characteristic, is it managed in compliance with 3745-50 through 3745-69? [3745-273-13(A)(3)(a)]	Yes ___ No ❑ N/A ___RMK#___
	b. If the electrolyte or other waste is not hazardous, is it managed in compliance with applicable law? [3745-273-13(A)(3)(b)]	Yes ___ No ❑ N/A ___RMK#___
7.	Are the battery(ies) of container(s) of batteries labeled with the words "Universal Waste - Batteries" or "Waste Battery(ies)" or "Used Battery(ies)?" [3745-273-14(A)]	Yes ___ No ❑ N/A _X_RMK#___

UNIVERSAL WASTE LAMPS

8.	Does the SQGUHW contain lamps in containers or packages that are structurally sound, adequate to prevent breakage, and are compatible with contents of the lamps? Are containers or packages closed and do they lack evidence of leakage, spillage or damage that could cause leakage? [3745-273-13(D)(1)]	Yes ___ No X N/A ___RMK# 1__
9.	Are lamps that show evidence of breakage, leakage or damage that could cause a release of mercury or hazardous constituents into the environment immediately cleaned up? Are they placed into a container that is closed, structurally sound, compatible with the contents of the lamps, and lack evidence of leakage spillage or damage that could cause leakage or releases of mercury or hazardous waste constituents to the environment? [3745-273-13(D)(2)]	Yes ___ No ❑ N/A_X__RMK#___
10.	Are the lamps or containers or packages of lamps labeled with the words "Universal Waste - Lamp(s)" or "Waste Lamp(s)" or "Used Lamp(s)?" [3745-273-14(E)]	Yes ___ No X N/A ___RMK# 2.__

NOTE: **Treatment (such as crushing) by a UWH is prohibited under this rule unless the facility is**

permitted for such activities [3745-273-31(B)]. A generator crushing lamps must manage lamps according to hazardous waste rules (OAC Chapter 3745-52). Lamp crushing is a form of generator treatment (OAC 3745-52-34). Crushed lamps must be transported by a registered hazardous waste transporter to a permitted hazardous waste facility under a hazardous waste manifest.

ACCUMULATION TIME

11. Is the waste accumulated for less than one year? [3745-273-15(A)] If not: Yes___ No X N/A ___RMK# 3

    a. Was the waste accumulated over one year in order to facilitate proper recovery, treatment or disposal? (Burden of proof is on the handler to demonstrate) [3745-273-15(B)] Yes ___ No ❑ N/A ___RMK#___

NOTE: ***Accumulation is defined as date generated or date received from another handler.***

12. Is the length of time the universal waste is stored documented by **one** of the following: [3745-273-15(C)] Yes ___ No X N/A ___RMK#___

    a. Marking or labeling the container with the earliest date when the universal waste became a waste or was received? [3745-273-15(C)(1)] Yes___ No___ N/A ___RMK#___

    b. Marking or labeling individual item(s) of universal waste with the earliest date that it became a waste or was received? [3745-273-15(C)(2)] Yes___ No___ N/A ___RMK#___

    c. Maintaining an inventory system on-site that identifies the date the universal waste became a waste or was received? [3745-273-15(C)(3)] Yes___ No___ N/A ___RMK#___

    d. Maintaining an inventory system on-site that identifies the earliest date that any universal waste in a group of universal waste items or a group of containers became a universal waste or was received? [3745-273-15(C)(4)] Yes___ No___ N/A ___RMK#___

    e. Placing the universal waste in a specific accumulation area and identifying the earliest start date or date received? [3745-273-15(C)(5)] Yes___ No___ N/A ___RMK#___

    f. Any other method, which clearly demonstrates, the length of time the universal waste has been accumulated from the date it became a waste or was received? [3745-273-15(C)(6)] Yes___ No___ N/A ___RMK#___

EMPLOYEE TRAINING

13. Are employees who handle or have the responsibility for managing universal waste informed of waste handling/emergency procedures, relative to their responsibilities? [3745-273-16] — Yes ___ No ❑ N/A _X_ RMK# _4_

RESPONSE TO RELEASES

14. Are releases of universal waste and other residues immediately contained? [3745-273-17(A)] — Yes ___ No ❑ N/A _X_ RMK#___

15. Is the material released characterized? [3745-273-17(B)] — Yes ___ No ❑ N/A _X_ RMK#___

16. If the material released is a hazardous waste, is it managed as required in OAC Chapters 3745-50 through 3745-69? (If the waste is hazardous, the handler is considered the generator of the waste and is subject to Chapter 3745-52) [3745-273-17 (B)] — Yes ___ No ❑ N/A _X_ RMK#___

OFF-SITE SHIPMENTS

NOTE: ***If a SQUWH self-transports waste, then they must comply with the Universal Waste transporter requirements.***

17. Are universal wastes sent to either another handler, destination facility or foreign destination? [3745-273-18(A)] — Yes _X_ No ❑ N/A ___ RMK#___

NOTE: ***SQUWHs are prohibited to send waste to any other facility.***

18. If the universal waste meets the definition of hazardous material under 49 CFR 171-180, are DOT requirements met with regard to package, labels, placards and shipping papers? [3745-273-18(C)] — Yes _X_ No ❑ N/A ___ RMK#___

19. Prior to shipping universal waste off-site, does the receiver agree to receive the shipment? [3745-273-18(D)] — Yes _X_ No ❑ N/A ___ RMK#___

20. If the universal waste shipped off-site is rejected by another handler or destination facility does the originating handler do <u>one of the following</u>:

    a. Receive the waste back? [3745-273-18(E)(1)] — Yes _X_ No___ N/A ___ RMK#___

    b. Agree to where the shipment will be sent? [3745-273-18(E)(2)] — Yes _X_ No___ N/A ___ RMK#___

21. If a handler rejects a partial or full load from another handler, does the receiving handler contact the originating handler and discuss one of the following: Yes ___ No ❑ N/A _X_RMK#___

a. Sending the waste back to the originating handler? [3745-273-18(F)(1)] Yes___ No___ N/A ___RMK#___

b. Sending the shipment to a destination facility? (If both the originating and receiving handler agree) [3745-273-18(F)(2)] Yes___ No___ N/A ___RMK#___

22. If the handler received a shipment of hazardous waste that was not universal waste, did the SQUWH immediately notify Ohio EPA? [3745-273-18(G)] Yes ___ No ❑ N/A _X_RMK#___

23. If the handler received a shipment of nonhazardous, non-universal waste, was the waste managed in accordance with applicable law? [3745-273-18(H)] Yes ___ No ❑ N/A _X_RMK#___

EXPORTS

24. Is waste being sent to a foreign destination? If so: Yes___ No___ N/A X__RMK#___

a. Does the small quantity handler comply with primary exporter requirements in OAC 3745-52-53, 3745-52-56, and 3745-52-57? [3745-273-20(A)] Yes ___ No ❑ N/A ___RMK#___

b. Is waste exported only upon consent of the receiving country and in conformance with U.S. EPA's "Acknowledgment of Consent" as defined in 3745-52-50 to -52-57? [3745-273-20(B)] Yes ___ No ❑ N/A ___RMK#___

c. Is a copy of U.S. EPA's "Acknowledgment of Consent" provided to the transporter? [3745-273-20(C)] Yes ___ No ❑ N/A ___RMK#___

REMARKS

1. Lamps were contained but some containers were open.
2. Some containers were labeled per the rule but not all.
3. Need to document length of time UW managed onsite, dating containers or by other methods.
4. There was no release or issue at the time of the visit. UW emergency/management procedures should be included with annual HW training.