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Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
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January 24, 2007

Mr. Mo Osman
595 E. Tallmadge Ave.
Akron, OH 44310

**RE: SUMMIT ENVIRONMENTAL TECHNOLOGIES INC., SMALL QUANTITY
GENERATOR, OHR 000 007 278, SUMMIT COUNTY, PRTC**

Dear Mr. Osman:

On January 5, 2007, the Ohio Environmental Protection Agency (Ohio EPA), received Summit Environmental Technologies' (Summit) response to the Agency's December 5, 2006 Notice of Violation letter.

A summary of Summit's response to each violation is found below. Violations 2, 4, 5, 6, 7, 9 and 10 have been abated. The remaining violations remain outstanding. In order to correct the outstanding violations, Summit must do the following and send me the required information **within 15 days** of the date of this letter:

1. Waste Evaluation, OAC rule 3745-52-11, Expired Samples:
The facility stated samples consisting of sludge, Freon, and turpine were sent as hazardous waste; clear water samples were poured down the drain to POTW; and solids were evaluate by TCLP methods and found to be non-hazardous.

In order to abate this violation, the facility must submit a written procedure that outlines how the facility will evaluate individual samples to ensure dilution of characteristic hazardous waste is not occurring when samples are consolidated into 55-gallon drums.
2. Waste Evaluation, OAC rule 3745-52-11, Fluorescent Lamps:
The facility submitted a written procedure that indicates how the spent lamps will be managed in accordance with the universal waste management regulations.
This violation has been abated and no further response is required.
3. Waste Evaluation, OAC rule 3745-52-11, 26 Drums:
The facility submitted analytical results for the 26, 55-gallon drums at the hazardous waste accumulation area. The facility stated 17 of the 26, 55-gallon drums would be managed as a hazardous waste.

In order to abate this violation, the facility must state how each drum was characterized (i.e. list hazardous waste codes associated with each drum), state when each drum was initially generated, and state when each drum was sent off-site for disposal (i.e. manifest number and date, and manifest line item number).

4. Emergency Posting, OAC rule 3745-52-34(D)(5)(b):
The facility submitted a copy of its emergency posting along with a photograph demonstrating it is located at the hazardous waste accumulation area. **This violation has been abated and no further response is required.**
5. Employee Training, OAC rule 3745-52-34(D)(5)(c):
The facility submitted documentation of employee training. **This violation has been abated and no further response is required.**
6. Emergency Communication, OAC rule 3745-65-32(B) and 3745-65-34(A):
The facility submitted photographs demonstrating an emergency communication device was placed at the hazardous waste accumulation area. **This violation has been abated and no further response is required.**
7. Emergency Equipment, OAC rule 3745-65-32(C):
The facility submitted a list of emergency equipment along with photographs. **This violation has been abated and no further response is required.**
8. Emergency Equipment Inspections, OAC rule 3745-65-33:
The facility submitted a weekly emergency equipment inspection log. However, the log failed to demonstrate the inspection of emergency communication equipment.

In order to abate this violation, the facility must submit a copy of a completed inspection log that includes the inspection of emergency communication equipment.

9. Satellite Accumulation – Open Container, OAC rule 3745-52-34(C)(1)(a):
The facility submitted photographs demonstrating containers were closed. **This violation has been abated and no further response is required.**
10. Satellite Accumulation – Labeling, OAC rule 3745-52-34(C)(1)(b):
The facility submitted photographs demonstrating containers were labeled. **This violation has been abated and no further response is required.**
11. Labeling, OAC rule 3745-52-34(A)(3):
The facility submitted photos of 7, 55-gallon drums labeled as hazardous waste. However, additional photographs demonstrate the facility failed to label an acid waste drum as “hazardous waste.” In addition, Summit identified that 17 of the 26 drums at the hazardous waste accumulation area were found to be hazardous waste. These 17, 55-gallon drums should have been labeled as hazardous waste during the November 17, 2006 CEI.

In order to abate this violation, the facility must submit photographs demonstrating that all drums of hazardous waste presently accumulating on-site are labeled as “hazardous waste.”

12. Dating, OAC rule 3745-52-34(A)(2):
The facility submitted photos of 7, 55-gallon drums labeled as hazardous waste. None of the photographs demonstrated the containers were dated with the accumulation start date (on the drum or on the hazardous waste label). In addition, Summit identified that 17 of the 26 drums at the hazardous waste accumulation area were found to be hazardous waste. A total of 13, 55-gallon drums were not dated during the November 17, 2006 CEI.

In order to abate this violation, the facility must submit photographs demonstrating that all presently accumulating hazardous waste drums are dated.

13. Inspections, OAC rule 3745-66-74:

The facility submitted a completed weekly container inspection log. The log indicates that "containers were leaking or there was evidence of a spill" on 12/7/06, 12/12/06, 12/19/06, and 12/27/06.

In order to abate this violation, the facility must indicate what was done to correct leaking container or spill as identified on the inspection log, and submit copies of inspection logs since 12/27/06.

14. Land Disposal Restriction Forms, OAC rule 3745-270-07(A)(8):

The facility submitted LDR forms for manifest numbers 19479 and 2649573. The LDR forms failed to include a statement that indicates the waste is prohibited from land disposal. In addition, the LDR form should include a list of code numbers for the UHC's noted on the forms.

In order to abate this violation, the facility must submit revised copies of LDR notifications for manifest numbers 19479 and 2649573. The revised LDR forms will be compared with the information requested in NOV 3.

15. Mixtures of Used Oil, OAC rule 3745-279-21:

The facility submitted a copy of a memo (Re: Waste Oil). This memo was found to be incorrect. Oil containing greater than 1,000 ppm halogens must be managed as a hazardous waste and sent to a permitted hazardous waste treatment or disposal facility. And, unless managed in a satellite accumulation area, the drum must be labeled as hazardous waste and dated upon initial filling. Oil containing less than 1,000 ppm halogens may be managed as a used oil and must be labeled "used oil" (not waste oil).

In order to abate this violation, the facility must submit a revised written procedure that identifies how oil samples will be managed, and submit evidence that employees were trained on how to managed oil samples (e.g. copy of sign-in log demonstrating affected employees were trained).

16. Used Oil Labeling, OAC rule 3745-279:

The facility submitted a photograph of a drum labeled as "Low Halogen Content Oils Only." The facility failed to demonstrate the two 55-gallon drums were labeled as "used oil."

In order to abate this violation, the facility must submit photographs demonstrating the drums are labeled as "used oil."

17. Used Oil Release, OAC rule 3745-279-22(D):

The facility stated the release was cleaned up and transferred to another drum.

In order to abate this violation, the please submit a photograph demonstrating the spill area was cleaned-up.

18. Concern: Generator Category:

The facility referred Ohio EPA to the submitted hazardous waste manifests included in the response. Summit generated and disposed of approximately 5,600 pounds of hazardous waste in December 12, 2006 and 3,880 pounds of hazardous waste in January 2, 2007. **Based upon this information, summit is a large quantity generator of hazardous waste and is required to comply with the large quantity generator requirements (See new Violations 19 and 20).**

Based upon Ohio EPA's review of the submitted documentation, Summit was found to be in violation of the following hazardous waste rules:

19. Personnel Training, OAC rules 3745-65-16(A)(1-3), (B), (D)(1-4) and (E):

Facility personnel must complete training on hazardous waste management procedures.

- (a) OAC rules 3745-65-16(A)(1-3): Facility personnel did not complete training that teaches them to perform their duties in a way that ensures compliance with the hazardous waste rules. The personnel training program must: be directed by a person trained in hazardous waste management procedures; include instruction on hazardous waste management procedures and contingency plan implementation procedures relevant to the positions in which they are employed; and ensure facility personnel are able to respond effectively to emergencies by familiarizing them with emergency procedures, emergency equipment, and emergency systems.
- (b) OAC rule 3745-65-16(B): The facility failed to ensure that employees do not work in unsupervised positions until they have completed the required training.
- (c) 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, including 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 to be given to each person filling a position; and (4) records that document that the training or job experience required by of this rule has been given to, and completed by, facility personnel.
- (d) OAC rule 3745-65-16(E): Training records on current personnel must be kept until closure of the facility. Training records on former personnel must be kept for at least three years from the date the employee last worked at the facility.

In order to abate this violation, Summit must complete personnel training and submit the following documentation:

- **A copy of training materials or description of the training topics provided to each employee;**
- **A copy of the sign-in sheets documenting the date(s) when training was provided to each employee;**
- **Documentation demonstrating the trainer has received annual hazardous waste management training (if training is conducted in-house by Summit); and**
- **The personnel training documents/records required by OAC rule 3745-65-16(D)(1-4).**

20. Contingency Plan, OAC rules 3745-65-51, 3745-65-52, 3745-65-53:

- (a) OAC rule 3745-65-51: Each owner or operator shall have a contingency plan for the facility. The contingency plan shall be designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous constituents to air, soil, or surface water. The contingency plan shall be implemented whenever there is a fire, explosion, or release of hazardous waste or hazardous constituents which could threaten human health or the environment.
- (b) OAC rule 3745-65-52: (A) The contingency plan must describe the actions facility personnel must take to comply with OAC rules 3745-65-51 and 3745-65-56 in response to fires, explosions, or releases of hazardous waste or hazardous constituents to air, soil, or surface water at the facility. (C) The plan must describe arrangements agreed to by local fire and police departments, hospitals, contractors, and Ohio EPA and local emergency response teams. (D) The plan must list names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator (listed as primary and alternates). (E) The plan must include a list of all emergency equipment at the facility and include its location and physical description. (F) The plan must include an evacuation plan and include evacuation signals and routes of evacuation.
- (c) OAC rule 3745-65-53: A copy of the contingency plan and all revisions shall be submitted to all local police departments, fire departments, hospitals, and local emergency response teams that may be requested to provide emergency services.

In order to abate this violation, Summit must submit a contingency plan to Ohio EPA for review. A example contingency plan may be found in Ohio EPA's Generator Handbook (November 2005) at: <http://www.epa.state.oh.us/dhwm/guidancedocuments.html>

Should you have any question, please feel free to call me at (330) 963-1278. You can find copies of the rules and other information on the DHWM's web page at <http://www.epa.state.oh.us/dhwm>.

Sincerely,



Wade Balsler
District Representative
Division of Hazardous Waste Management

WB:ddw

cc: Natalie Oryshkewych, DHWM, NEDO
ec: Darlene Stanley, DES, Reynoldsburg
Nancy Zikmanis, DERR, 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.