



State of Ohio Environmental Protection Agency

Northeast District Office

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Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
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March 9, 2007

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

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

Dear Mr. Osman:

On February 15, 2007, the Ohio Environmental Protection Agency (Ohio EPA), received Summit Environmental Technologies' (Summit) response to the Agency's January 24, 2007 letter.

On February 23, 2007, Ohio EPA conducted a follow-up inspection at Summit.

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:
Summit submitted a Hazardous Waste SOP to address this violation. During the February 23, 2007 inspection, the facility stated it will first make an attempt to return hazardous waste samples back to the sample collector. If samples are not returned to the sample collector, the facility will mark (i.e. identify with red sticker) hazardous waste samples for appropriate on-site management and disposal.

During the February 23, 2007 inspection, Ohio EPA observed:

- 56 cardboard boxes of mixed solid and liquid samples at the hazardous waste storage area (storage area);
- 16 boxes of VOA samples at the storage area; and
- Approximately 37 cardboard boxes of mixed samples located outside the cooler in the laboratory.

In order to abate this violation, the facility must submit:

- **A revised Hazardous Waste SOP that outlines written procedures for returning hazardous waste samples to the sample collector; and**
- **Documentation demonstrating the samples identified during the February 23, 2007 inspection are properly evaluated and managed while accumulating on-site.**

3. Waste Evaluation, OAC rule 3745-52-11, 26 Drums:
Summit failed to adequately respond to this violation. During the February 23, 2007 inspection, Summit stated samples of each drum are collected and analyzed onsite, and the disposal facility characterizes the waste. Summit was unable to clearly demonstrate how each drum identified during the November 17, 2006 inspection was characterized and disposed.

In order to abate this violation, Summit must submit a list of all hazardous waste generated at the facility along with the corresponding waste profile for each waste stream.

8. Emergency Equipment Inspections, OAC rule 3745-65-33:
During the February 23, 2007 inspection, Ohio EPA reviewed the completed emergency equipment inspection logs.

This violation has been abated and no further response is required.

11. Labeling, OAC rule 3745-52-34(A)(3):
During the February 23, 2007 inspection, Ohio EPA observed two 55-gallon drums of hazardous waste at the storage area that were not labeled with the words "hazardous waste." The drums were identified as "acid waste #2" and "sludge."

These new violations were abated during the inspection and no further response if required. However, the facility is required to complete personnel training identified in Violation 19.

12. Dating, OAC rule 3745-52-34(A)(2):
During the February 23, 2007 inspection, Ohio EPA observed a 55-gallon drum of hazardous waste at the storage area that did not have an accumulation start date. The drum was labeled "upstairs waste – full, end 12/22/06."

In order to abate this violation, the facility must state when this drum initially began accumulating and complete the training identified in Violation 19.

13. Inspections, OAC rule 3745-66-74:
During the February 23, 2007 inspection, Ohio EPA reviewed the completed container inspection logs.

This violation has been abated and no further response is required.

14. Land Disposal Restriction Forms, OAC rule 3745-270-07(A)(8):
The facility submitted the requested LDR form information.

This violation has been abated and no further response is required.

15. Mixtures of Used Oil, OAC rule 3745-279-21:
The facility submitted a copy of their oil sample handling procedure and documentation of employee training.

This violation has been abated and no further response is required.

16. Used Oil Labeling, OAC rule 3745-279-22(C):
The facility submitted a photograph showing a drum was labeled with the words "used oil." However, during the February 23, 2007 inspection, Ohio EPA observed a 55-gallon drum of used oil in the downstairs laboratory that was not labeled with the words "used oil."

This violation was abated during the inspection and no further response is required.

17. Used Oil Release, OAC rule 3745-279-22(D):
The facility submitted a photograph of the former spill area. In addition, no releases were observed during February 23, 2007 inspection.

This violation has been abated and no further response is required.

Generator Category:

During the November 17, 2006 inspection, Ohio EPA identified:

- 26, 55-gallon drums of waste at the storage area;
- 70 cardboard boxes of expired samples in jars; 17 boxes of expired samples in vials; 4 boxes of expired solid waste samples in bags; 3 boxes labeled "Freon waste"; and 1 box labeled turpine samples at the storage area; and
- 40 cardboard boxes of mixed, expired samples inside the laboratory.

Summit submitted documentation in its January 4, 2007 and February 13, 2007 response letters which stated waste evaluation was performed and the hazardous waste was sent off-site for disposal. Based upon the submitted documentation, Summit disposed of approximately 5,600 pounds of hazardous waste on December 12, 2006 and 3,880 pounds of hazardous waste on January 2, 2007. Based upon this information, Summit was notified in Ohio EPA's January 24, 2007 letter that the facility is a large quantity generator (LQG) of hazardous waste and required to comply with the LQG requirements.

On February 5, 2007, this writer discussed the LQG requirements with you. You stated that Summit's recent disposal of hazardous waste was not a normal amount and you thought the facility was SQG. Based on this information, Ohio EPA instructed the facility to make a demonstration that it is a small quantity generator (SQG) by tracking the amount of hazardous waste generated by the facility on a monthly basis.

During the follow-up inspection conducted on February 23, 2007, Ohio identified the following containers of waste at the storage area:

- 6, 55-gallon drums of hazardous waste generated in December 2006;
- Approximately 1,520 pounds of expired chemicals generated in December 2006;
- At least 7, 55-gallon drums of hazardous waste generated in January 2007; and
- 56 cardboard boxes of mixed solid and liquid samples and 16 boxes of VOA samples generated since the November 17, 2006 inspection (to be evaluated).

In addition, Ohio EPA observed approximately 37 cardboard boxes of mixed samples located outside the cooler in the laboratory from January 2007 (to be evaluated).

The quantities of hazardous waste observed on site during the February 23, 2007 inspection (generated in December 2006 and January 2007) indicate that Summit was a LQG of hazardous during the two months proceeding Ohio EPA's November 17, 2006 inspection. **Summit is required to comply with the LQG requirements and respond to Violations 19 and 20 within 30 days of the date of this letter.**

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 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 the training materials or description of training topics (on hazardous waste management procedures and contingency plan implementation) 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 hazardous waste management training (if the training is conducted in-house by a Summit employee); and**
- **The personnel training documents/records required by OAC rule 3745-65-16(D)(1-4).**

At a minimum, the training should cover the hazardous waste management topics found in Ohio EPA's Generator Handbook (November 2005) at: <http://www.epa.state.oh.us/dhwm/guidancedocuments.html>

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 develop and submit a contingency plan to Ohio EPA for review along with documentation (certified mail receipt or cover letter) of its distribution to emergency authorities. An example contingency plan may be found in Ohio EPA's Generator Handbook (November 2005) at: <http://www.epa.state.oh.us/dhwm/guidancedocuments.html>

During the February 23, 2007 inspection, Ohio EPA identified two new violations of Ohio's hazardous waste laws. In order to abate these violations, Summit must do the following and send me the required information **within 30 days** of the date of this letter.

21. Incompatible Waste, OAC rule 3745-66-77(C):

A storage container holding a hazardous waste that is incompatible with any waste or other materials stored nearby in other containers shall be separated from the other materials or protected from them by means of a dike, berm, wall, or other device.

Summit failed to store incompatible wastes in accordance with this rule. Ohio EPA observed 20 cardboard boxes containing approximately 1,520 pounds of mixed chemicals from the laboratory at the storage area. Summit stated during the inspection that the chemicals were removed from the laboratory in December 2006 and the facility no longer had a use for them. A chemical inventory list provided to Ohio EPA during the inspection indicated that the 20 boxes contained: flammables, water reactive, oxidizers, toxics, acids, and bases.

In order to abate this violation, Summit must submit documentation which demonstrates incompatible waste is being stored in accordance with this rule.

If the wastes have been sent off-site for disposal, please indicate how the facility will comply with this rule in the future, and submit a copy of the hazardous waste manifest and LDR form documenting their disposal.

22. Annual Report, OAC rule 3745-52-41(A):

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 Ohio EPA forms EPA 9027, EPA9028, and EPA9029.

Summit was a large quantity generator in 2006 (at least during December 2006) and failed to prepare and submit the "Annual Hazardous Waste Report" by March 1, 2007.

In order to abate this violation, Summit must prepare and submit the "Annual Hazardous Waste Report" to Ohio EPA's Central Office (using Ohio EPA forms EPA9027, EPA9028, and EPA9029). A copy of the form should also be submitted to my attention.

Instructions on completing the report may be found at:
http://www.epa.state.oh.us/dhwm/ann_report.html

23. Concern:

Please submit documentation (copy of hazardous waste manifest and LDR) to Ohio EPA that demonstrates when hazardous waste generated in December 2006 was sent off-site for disposal. As a LQG, Summit may accumulate hazardous waste on-site for 90 days. The following containers of hazardous waste were generated in December 2006 and observed during the February 23, 2007 inspection:

- 55-gallon drum, start date 12/6/06;
- 55-gallon drum, start date 12/11/06;
- 55-gallon drum, start date 12/15/06;
- 55-gallon drum, start date 12/18/06;
- 55-gallon drum, start date 12/22/06;
- 55-gallon drum, end date 12/22/06; and
- Approximately 1,520 pounds of expired chemicals.

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, Ohio EPA, DES
Tammy Heffelfinger, DHWM, CO

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. Please be aware that present or past instances of non-compliance may continue as subjects of pending or future enforcement actions.