



State of Ohio Environmental Protection Agency

Northeast District Office

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

April 20, 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 March 28, 2007, and April 10, 2007, the Ohio Environmental Protection Agency (Ohio EPA), received Summit Environmental Technologies' (Summit) response to the Agency's March 9, 2007 NOV letter.

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 revised Hazardous Waste SOP to address this violation, and stated the boxes of samples observed during the February 23, 2007 inspection were not yet expired.

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

- (1) **A copy of Summit's sample retention policy/procedure stating the timeframes for retaining samples and a description of how the samples will be managed during the retention period;**
- (2) **The dates when each of the samples observed during the February 23, 2007 (see list below) will expire;**
- (3) **A written procedure describing how hazardous waste samples will be managed when returned to the sample collector (i.e. how the facility will track the samples; where and how the samples will segregated and staged prior to shipment; and how the samples will be packaged, labeled and shipped); and**
- (4) **A revised SOP: Section 2.8 must be revised to state "Oil that has a halogen content of greater than 1000 ppm will classified as hazardous waste."**

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

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

3. Waste Evaluation, OAC rule 3745-52-11, 26 Drums:
Summit submitted the following waste profile sheets: hazardous liquid waste, hazardous sludge waste, hazardous solvent waste, and non-hazardous solids.

Summit has addressed this violation and no further response is required.

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."

Summit stated this drum began accumulating on-site on approximately December 1, 2006. However, this drum also contained contents which were present on-site during Ohio EPA's initial inspection conducted on November 17, 2006 (drum identified as S23).

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

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:
Summit submitted a facility contingency plan and copies of cover letters documenting the plan was sent to emergency authorities.

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

21. Incompatible Waste, OAC rule 3745-66-77(C):
Summit submitted a copy of hazardous waste manifest #000888009 documenting the off-site shipment of the hazardous chemicals observed during the February 23, 2007 inspection. In addition, the Hazardous Waste SOP states how incompatible waste will be managed in the future.

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

22. Annual Report, OAC rule 3745-52-41(A):
Summit submitted a copy of the facility's 2006 Annual Hazardous Waste Report.

Violations or deficiencies in the report will be addressed under a separate cover by Ohio EPA's Central Office.

Based upon a review of the information submitted in Summit's March 26, 2007 response letter and discussions with the facility, Ohio EPA has identified Summit to be in violation of the following:

23. Unpermitted Storage, ORC §3734.02 (E) and (F):
No person shall store, treat, or dispose of hazardous waste identified or listed under this chapter and rules adopted under it, regardless of whether generated on or off the premises where the waste is stored, treated, or disposed of, or transport or cause to be transported any hazardous waste identified or listed under this chapter and rules adopted under it to any other premises, except at or to a hazardous waste facility operating under a permit issued in accordance with this chapter or those listed in ORC §3734.02(F)(2) through (5).

Summit conducted unpermitted storage of hazardous waste since a 55-gallon drum of hazardous waste was stored on-site in excess of 90 days without a permit or an extension from the director. This drum was identified by Ohio EPA during the February 23, 2007 inspection and had an accumulation "end" date of 12/22/06 (i.e. the drum was not dated with an accumulation start date). In response to violation 12 above, Summit stated the drum began accumulating on-site on approximately 12/01/07. Therefore, summit conducted unpermitted storage of a hazardous waste since this drum accumulated on-site for at least 95 days. In addition, the facility's analytical results indicate this drum also contained hazardous waste that was observed by Ohio EPA (drum identified as S23) during the November 17, 2006 inspection.

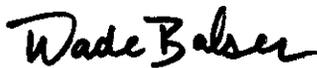
Summit submitted a copy of hazardous waste manifest #002773261 documenting the drum of hazardous waste was transported off-site for disposal on March 6, 2007.

No further action is required at this time. At a minimum, Summit is required to complete generator closure of the hazardous waste storage area once it is no longer used for the storage of hazardous waste. Since Summit violated ORC §3734.02(E) and (F), the facility is subject to all applicable general facility standards found in OAC chapters 3745-54 and 55. Additionally, at any time Ohio EPA may assert its right to have Summit begin facility-wide cleanup pursuant to the Corrective Action process under Ohio law.

Please be aware that Summit Environmental Technologies Inc. is being referred to Ohio EPA's Compliance Assurance Section for consideration of escalated enforcement activities.

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, CO
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.