



State of Ohio Environmental Protection Agency

Northeast District Office

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

August 12, 2009

Gwendolyn McDay
Environmental Assurance Engineer
The Lubrizol Corporation
155 Freedom Road
Painesville, OH 44077-1234

**RE: LUBRIZOL PAINESVILLE, TSD, LQG, OHD 004 172 623, LAKE COUNTY
NOTICE OF VIOLATION/RETURN TO COMPLIANCE**

Dear Miss McDay:

On July 7, 2009, The Lubrizol-Painesville notified Ohio EPA of an incident of non-compliance with its Part B hazardous waste permit. The incident involved the accidental incineration of a 3.5 gallon pail of spent Hach vials containing digestion solution for chemical oxygen demand (COD) analysis. The waste contained in the vials carries the following waste codes: D002 (sulfuric acid), D009 (mercuric sulfate), D007 (chromic acid, and D011 (silver sulfate). Approximately 0.01 lbs each of mercuric sulfate and chromic acid and 0.03 lbs of silver sulfate were incinerated.

A full written report detailing the incident and the remedial actions taken by the Lubrizol Corporation was received by Ohio EPA Northeast District Office on July 21, 2009.

The cause of the incident was a miscommunication between operators during a shift change regarding which pails of waste to incinerate.

The incident is a violation of the following provision of the Ohio Administrative Code (OAC) and Lubrizol-Painesville's Part B Hazardous Waste Permit:

OAC 3745-57-44(A) New wastes: trial burns or permit modifications.

The owner or operator of a hazardous waste incinerator may burn only wastes specified in his permit and only under operating conditions specified for those wastes under rule 3745-57-45 of the Administrative Code

Permit Section I(A).2(c)

The Permittee shall not feed any hazardous waste whose current Ohio EPA hazardous waste code number does not appear in the Part A application under the process code T03

Lubrizol-Painesville's remedial actions included the following:

- Refresher training for the operator.
- Switching from burnable 3.5 gallon plastic pails for spent COD vials to either 5 gallon pails that will not fit in the incinerator drop chute or pails with metal handles which are not burnable.

Based upon the remedial actions taken, Ohio EPA has determined that Lubrizol Painesville has taken sufficient effort to correct the violation and help prevent it from recurring in the future.

No response to this letter is required.

Failure to list specific deficiencies in this communication does not relieve Lubrizol from the responsibility of complying with all applicable hazardous waste regulations. This letter does not relieve Lubrizol from liability for any past or present violations of Ohio's hazardous waste laws.

Please feel free to contact me at (330) 963-1170 if you have any questions.

Sincerely,



Edward J. D'Amato
Environmental Specialist
Division of Hazardous Waste Management

EJD:ddw

cc: John Nyers, DHWM, CO
Regional Offsite Administrator, DE-9J, USEPA, Region V
ec: Natalie Oryshkewych, DHWM, NEDO
Frank Popotnik, DHWM, NEDO
Harry Sarvis, DHWM, CO