



State of Ohio Environmental Protection Agency

Northeast District Office

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

August 21, 2008

Curt Jerauld  
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 Mr. Jerauld:

On August 1, 2007, Ohio EPA, represented by Ed D'Amato and Robert Almquist, conducted a compliance evaluation inspection of the Lubrizol Corporation's Painesville, Ohio facility. The purpose of the inspection was to determine Lubrizol's compliance with its hazardous waste permit and Ohio's hazardous waste laws and regulations found under the Ohio Revised Code (ORC) and the Ohio Administrative Code (OAC). Lubrizol was represented by you.

Ohio EPA has determined that Lubrizol has violated the following hazardous waste regulations

**1. Dating of Hazardous Waste Container Labels  
OAC 3745-52-34 (A)(2)**

*A generator may, for ninety days or less, accumulate and/or conduct treatment of hazardous waste that is generated on site, provided that...The date upon which each period of accumulation...begins is clearly marked and visible for inspection on each container*

Two containers in Lubrizol's less-than-90 day accumulation area were not labeled with an accumulation date. This violation was abated at the time of the inspection the dates were added.

In addition to the above violations, the following concern was noted:

1. Some tree branches along the fence line on the north side of the facility were observed growing into the fence.

LUBRIZOL PAINESVILLE  
AUGUST 21, 2008  
PAGE – 2 –

Lubrizol has addressed this concern. On August 20, 2008, you e-mailed photographs showing that the vegetation has been removed.

Enclosed is a copy of the checklist used for the inspection.

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

Enclosure

ec: Frank Popotnik, DHWM, NEDO  
Robert Almquist, DHWM, NEDO

cc: Regional Offsite Administrator, DE-9J, USEPA, Region V

**LUBRIZOL—PAINESVILLE  
OHIO PART B PERMITTED FACILITY  
RCRA INSPECTION CHECKLIST**

Facility: Lubrizol—Painesville Ohio Permit: 02-43-078  
 Address: 155 Freedom Rd USEPA ID: OHD 004 172 623  
Painesville, OH 44077  
 County: Lake Phone: (440) 943-1200  
 Inspection Date:  / /

Was advanced notice given?  Yes  No

|                | <u>Name</u>             | <u>Agency/Title</u> | <u>Phone</u>          |
|----------------|-------------------------|---------------------|-----------------------|
| Inspectors:    | <u>Ed D'Amato</u>       | <u>OEPA-DHWM</u>    | <u>(330)963-1170</u>  |
|                | <u>Robert Almqvist</u>  | <u>"</u>            | <u>(330) 963-1200</u> |
| Facility Reps: | <u>Gwendolyn Mc Day</u> |                     |                       |
|                | <u>Ed Zapach</u>        |                     |                       |

Is facility operating as a generator?  Yes  No

**PERMIT STATUS**

Permit Issued: March 31, 2004 LDR Checklist Attached?  Yes  No  
 Permit Effective Date: March 31, 2004 Used Oil Checklist Attached?  Yes  No  
 Permit Expiration Date: March 31, 2014 Generator Checklist Attached?  Yes  No  
 Permit Renewal Date: \_\_\_\_\_ Permit Modification Date: \_\_\_\_\_

**AUTHORIZED ACTIVITIES**

| <b>STORAGE</b> |                     | <b>TREATMENT</b> |                   | <b>DISPOSAL</b> |                     |
|----------------|---------------------|------------------|-------------------|-----------------|---------------------|
|                | Containers          | <b>X</b>         | Tanks             | N/A             | Injection Well      |
| <b>X</b>       | Tanks               | <b>X</b>         | Incinerator       | N/A             | Landfill            |
|                | Waste Pile          |                  | Thermal Treatment | N/A             | Land Application    |
|                | Surface Impoundment |                  | Post-Closure      | N/A             | Surface Impoundment |

Post-Closure Care  Corrective Action

## TABLE OF CONTENTS

|  |           |
|--|-----------|
| <b>GENERAL PERMIT COMPLIANCE AND ACTIVITIES.....</b>     | <b>3</b>  |
| Permit Modification, Revision, Revocation.....           | 5         |
| Site Entry-Availability of Records.....                  | 5         |
| <b>RECORDKEEPING/OPERATING REQUIREMENTS .....</b>        | <b>6</b>  |
| Operating Record.....                                    | 6         |
| Documents To Be Maintained At Facility .....             | 6         |
| Annual Report Requirement .....                          | 7         |
| Sampling Monitoring and Recordkeeping Requirements ..... | 7         |
| <b>WASTE MINIMIZATION REQUIREMENTS .....</b>             | <b>8</b>  |
| <b>WASTE ACCEPTANCE AND GENERATION .....</b>             | <b>8</b>  |
| <b>OFF-SITE SHIPMENTS/MANIFEST REQUIREMENTS.....</b>     | <b>9</b>  |
| <b>WASTE ANALYSIS/WASTE ANALYSIS PLAN .....</b>          | <b>10</b> |
| <b>GENERAL INSPECTION REQUIREMENTS.....</b>              | <b>10</b> |
| Security Requirements .....                              | 11        |
| Facility Operations.....                                 | 11        |
| <b>PERSONNEL TRAINING.....</b>                           | <b>11</b> |
| <b>REQUIRED EQUIPMENT .....</b>                          | <b>12</b> |
| <b>CONTINGENCY PLAN – EMERGENCY PROCEDURES.....</b>      | <b>12</b> |
| Emergency Coordinator.....                               | 13        |
| Implementation of Contingency Plan .....                 | 14        |
| <b>CLOSURE REQUIREMENTS .....</b>                        | <b>18</b> |
| <b>LAND DISPOSAL RESTRICTION REQUIREMENTS.....</b>       | <b>15</b> |
| <b>CORRECTIVE ACTION .....</b>                           | <b>19</b> |
| <b>TANK STORAGE, TREATMENT, AND MAINTENANCE .....</b>    | <b>16</b> |

**GENERAL PERMIT COMPLIANCE AND ACTIVITIES**

- 1. Has the expiration date of the permit passed? If so: Yes \_\_\_ No  N/A \_\_\_ RMK# \_\_\_
  - a. Is the permittee continuing any activity regulated by the permit after the expiration date of the permit? Yes \_\_\_ No \_\_\_ N/A  RMK# \_\_\_
  - b. Has the facility submitted an application for a permit renewal to the director no later than 180 days prior to the expiration date of the permit? (Condition A.6) Yes \_\_\_ No \_\_\_ N/A  RMK# \_\_\_
  
- 2. Has the permittee submitted the annual permit fee, Payable to "Treasurer, State of Ohio", to Ohio EPA on or before the anniversary of the date of issuance during the term of the permit? Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_
  
- 3. Is the permittee conducting any hazardous waste management activities (not otherwise exempt by law) which are not authorized by the permit? [Conditions A.1(b) and A.5] Yes \_\_\_ No \_\_\_ N/A \_\_\_ RMK# \_\_\_
  
- 4. Have any provisions of the permit been identified as Invalid? [Condition A.4] Yes \_\_\_ No  N/A \_\_\_ RMK# \_\_\_
  
- 5. Has the facility identified any instances of noncompliance with the permit (ORC Chapter 3734), which may endanger human health or the environment? If so: Yes \_\_\_ No  N/A \_\_\_ RMK# \_\_\_
  - a. Did the facility immediately report the following information as specified in Condition A.20?
    - i. Information concerning a release of any hazardous waste that may cause an endangerment to the public drinking water supplies; and Yes \_\_\_ No \_\_\_ N/A  RMK# \_\_\_
    - ii. Information concerning a release of hazardous waste, fire, or explosion at the facility which could threaten human health or the environment outside the facility including a description of:
      - a). Name address telephone number of the owner/operator Yes \_\_\_ No \_\_\_ N/A \_\_\_ RMK# \_\_\_
      - b). Name, address, and telephone number of facility? Yes \_\_\_ No \_\_\_ N/A \_\_\_ RMK# \_\_\_
      - c). Name and quantity of material(s) involved. Yes \_\_\_ No \_\_\_ N/A \_\_\_ RMK# \_\_\_
      - d). The extent of injuries, if any? Yes \_\_\_ No \_\_\_ N/A  RMK# \_\_\_

e). An assessment of the actual or potential hazard to the environment and human health outside the facility? Yes \_\_\_ No \_\_\_ N/A  RMK# \_\_\_

f). Estimated quantity and disposition of recovered material that resulted from the incident? Yes \_\_\_ No \_\_\_ N/A \_\_\_ RMK# \_\_\_

6. Did the permittee provide a written report to Ohio EPA within five days of becoming aware of the circumstances? Yes \_\_\_ No \_\_\_ N/A  RMK# \_\_\_

**Note:** The permittee need not comply with the five day written report requirement if the director, upon good cause shown by the permittee, waives that requirement and the permittee submits a written report within 15-days of the time the permittee became aware of the circumstances. [Condition A.21].

7. Has the permittee identified other instances of noncompliance not provided for in Condition A.22, if so: Yes \_\_\_ No  N/A \_\_\_ RMK# \_\_\_

a. Did the permittee report these instances to Ohio EPA, DHWM? [Condition A.22]? Yes \_\_\_ No \_\_\_ N/A  RMK# \_\_\_

b. Do the reports provided contain the information set forth in Condition A.20? Yes \_\_\_ No \_\_\_ N/A  RMK# \_\_\_

c. Has the permittee taken all steps necessary to minimize releases to the environment or prevent any adverse impact on human health or the environment? Yes \_\_\_ No \_\_\_ N/A  RMK# \_\_\_

8. Has the permittee planned any changes in the permitted facility or activity which may result in noncompliance with the conditions of the permit? Yes \_\_\_ No \_\_\_ N/A  RMK# \_\_\_

a. If so, has the facility provided Ohio EPA with advance notice of such changes? [Condition A.17] Yes \_\_\_ No \_\_\_ N/A  RMK# \_\_\_

**Note:** Such notification does not waive the permittee's duty to comply with the permit [Condition A.17]

9. Has the permittee become aware that it failed to submit any relevant facts in the permit or issuance proceedings or that it submitted incorrect or incomplete information in permit issuance proceedings or other submissions to Ohio EPA? If so: Yes \_\_\_ No  N/A \_\_\_ RMK# \_\_\_

a. Has the permittee filed a ~~request~~ ~~modification, revision, or revocation~~ since permit issuance? [Condition A.2] Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_

**Permit Modification, Revision, Revocation**

- 10. Has the permittee filed a request for a permit modification revision, or revocation since permit issuance? [Condition A.2] Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_
  - a. Were the changes made per OAC 3745-50-51? [Condition A.15] Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_
- 11. Has the permit been transferred to a new owner/operator? Yes \_\_\_ No  N/A \_\_\_ RMK# \_\_\_
  - a. Were the changes made per OAC 3745-50-51? [Condition A.15] Yes \_\_\_ No \_\_\_ N/A  RMK# \_\_\_
- 12. Has the permittee submitted reports to Ohio EPA for each compliance Schedule of the permit by the scheduled date, unless otherwise specified? [Condition A.19] Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_
- 13. Has the permittee furnished to Ohio EPA upon request relevant information to determine whether cause exists for modifying, revising, revoking, or suspending the permit? [Condition A.10] Yes \_\_\_ No  N/A \_\_\_ RMK# \_\_\_
- 14. Has the facility furnished Ohio EPA, upon request, with copies of records required to be kept by the permit? [Condition A.10] Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_
- 15. Has the permittee maintained records of all data used to complete the application and any amendments, revisions or modifications to the application? [Condition A.14(c)] Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_
- 16. Has the permittee retained a complete copy of the approved application on-site? [Condition A.14(c)] Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_
- 17. Has the permittee given notice to the Director as soon as possible of any physical alterations or additions to any of the permitted portions of the facility? If so:
  - a. Were all such changes made per OAC3745-50-51? [Condition A.15] Yes \_\_\_ No \_\_\_ N/A  RMK# \_\_\_

**Site Entry-Availability of Records**

- 18. As specified in Condition A.11, has the permittee allowed the director or an authorized representative, upon proper identification to:
  - a. Enter at reasonable times upon the premises where a regulated activity is located or where records are kept under the conditions of the permit? Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_

- b. Have access to and copy, at reasonable times, any records required to be kept under the conditions of the permit? Yes  No\_\_\_ N/A\_\_\_ RMK#\_\_\_
- c. Inspect, at any time, facilities, equipment (including control and monitoring equipment), practices or other operations regulated under the conditions of the permit? Yes  No\_\_\_ N/A\_\_\_ RMK#\_\_\_
- d. Sample, document, photograph or monitor, at reasonable times, any substances or parameter at the location of the facility to assure compliance with the permit or as otherwise authorized by ORC Chapter 3734 and the rules adopted thereunder? Yes  No\_\_\_ N/A\_\_\_ RMK#\_\_\_

**RECORDKEEPING/OPERATING REQUIREMENTS**

**Operating Record**

- 1. Does the permittee maintain an operating record per OAC 3745-54-73 and 3745-54-74 and Condition B.22 of the permit which contains the following information:
  - a. A description of the quantity of each hazardous waste and the method(s) and date(s) of its treatment or storage? Yes  No\_\_\_ N/A\_\_\_ RMK#\_\_\_
  - b. The location of each hazardous waste and quantity at each location, including cross-reference to specific manifest numbers? Yes \_\_\_ No\_\_\_ N/A\_\_\_ RMK#\_\_\_
  - c. Records and results of required waste analysis? Yes \_\_\_ No\_\_\_ N/A\_\_\_ RMK#\_\_\_
  - d. Summary reports and details of all incidents that required implementation of the contingency plan? Yes \_\_\_ No\_\_\_ N/A\_\_\_ RMK#\_\_\_
  - e. Records and results of required inspections? Yes \_\_\_ No\_\_\_ N/A\_\_\_ RMK#\_\_\_
  - f. Documents required to be maintained by LDR requirements of OAC 3745-270? Yes \_\_\_ No\_\_\_ N/A\_\_\_ RMK#\_\_\_

**Documents To Be Maintained At Facility**

- 2. Is the permittee maintaining the following documents at the facility?: [Condition A.28]
  - a. Waste analysis plan per OAC 3745-54-13? Yes  No\_\_\_ N/A\_\_\_ RMK#\_\_\_
  - b. Contingency plan per OAC 3745-54-53? Yes  No\_\_\_ N/A\_\_\_ RMK#\_\_\_
  - c. Closure plan in per OAC 3745-55-12? Yes  No\_\_\_ N/A\_\_\_ RMK#\_\_\_

- d. Cost estimate for facility closure per OAC 3745-55-42?  
(Estimate only—adequacy will be evaluated by CO  
financial assurance personnel)[Condition B.36] Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_
- e. Personnel training plan and records required by OAC  
3745-54-15? Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_
- f. Inspection schedules developed per OAC 3745-54-15,  
3745-55-74 and 3745-55-95? [Condition B.5] Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_
- g. Operating record per OAC 3745-54-73? [Condition B.22] Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_
- h. Post-closure plan, as required by OAC 3745-55-18(A) Yes \_\_\_ No \_\_\_ N/A  RMK# \_\_\_
- i. Annually-adjusted cost estimate for facility closure  
and post-closure, as required by OAC 3745-55-42  
and 3745-55-44? [Condition A.28(a)(ix)] Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_
3. Is the permittee maintaining copies of all inspection logs at the  
facility for a period of at least three years from the date of the  
inspection? [Condition B.5] Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_
4. Have any of the documents in Question No. 2 been revised?  
[Condition A.15] If so, Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_
- a. Has the permittee submitted the revisions to  
Ohio EPA per OAC 3745-50-51? Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_
- b. Have all requirements of OAC 3635-50-51 been  
met, including Ohio EPA Approval where required? Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_

### Annual Report Requirement

5. Is the permittee in compliance with annual report require-  
ments set forth in OAC 3745-54-75 and the additional  
report requirements set forth in OAC 3745-54-77?  
[Condition B.25] Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_

### Sampling Monitoring and Recordkeeping Requirements

6. In compliance with Condition A.12(b) of the permit, do  
the perimeter's record of monitoring information specify the:
- a. Date(s), exact place(s), time(s) and method(s) of  
sampling or measurement? Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_
- b. Individual(s) who performed the sampling or  
measurement? Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_
- c. Date(s) analyses were performed? Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_
- d. Individual(s) who performed the analyses? Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_

- e. Analytical technique(s) or method(s) used? Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_
- f. Results of such analyses? Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_
7. Have the methods used to obtain a representative sample of the waste to be analyzed included the appropriate SW-846 method or an equivalent method specified in the approved waste analysis plan? [Condition A.12(a)] Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_
8. Per Condition A.14 of the permit, is the permittee retaining records of monitoring information as required by the permit for at least three years from the date of sampling including:
- a. All calibration and maintenance records. Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_
9. Has Ohio EPA requested submittal of any reports or other information from the permittee? If so:
- a. Have the submittals been signed and certified according to OAC 3745-50-42? [Condition A.13] Yes \_\_\_ No  N/A \_\_\_ RMK# \_\_\_

**WASTE MINIMIZATION REQUIREMENTS**

1. Does the permittee certify at least once every year that a program is in place to reduce the volume and toxicity of hazardous waste generated per Condition A.29(a) and OAC 3745-54-73? Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_
2. Did the permittee submit the waste minimization report to Ohio EPA within 180 days of journalization of this permit and biennially thereafter? [Condition A.29] Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_
3. Has the permittee reduced the amount of waste (hazardous waste, solid waste, air emissions, waste water discharges, etc) generated at their facility this year by implementing P2/waste minimization? Yes \_\_\_ No \_\_\_ N/A \_\_\_ RMK# \_\_\_

**WASTE ACCEPTANCE AND GENERATION**

1. Is the permittee storing any container of hazardous waste received from any off-site source that it is not permitted to store? Yes \_\_\_ No  N/A \_\_\_ RMK# \_\_\_
2. Has the permittee arranged to receive hazardous waste from a foreign or off-site source that it is not permitted to store? Yes \_\_\_ No  N/A \_\_\_ RMK# \_\_\_
3. Has the permittee notified the director at least four weeks prior to the date the permittee expects to receive hazardous waste from a foreign source? OAC 3745-54-12(A), [Condition B.2(a)] Yes \_\_\_ No \_\_\_ N/A  RMK# \_\_\_

**OFF-SITE SHIPMENTS/MANIFEST REQUIREMENTS**

1. Is the permittee complying with the following manifest requirements set forth in OAC 3745-52, 54-70, 54-71, 54-72, and 54-76 [Condition B.24] Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_
- a. Have all hazardous wastes shipped off-site been accompanied by a completed manifest in compliance with OAC 3745-52-20(A)? Yes \_\_\_ No \_\_\_ N/A \_\_\_ RMK# \_\_\_
- b. The manifest form used contains all information required by OAC 3745-52-20 and the minimum number of copies required by OAC 3745-52-22? Yes \_\_\_ No \_\_\_ N/A \_\_\_ RMK# \_\_\_
- c. Has the permittee designated at least on permitted disposal facility and has/will designate an alternate facility or return waste in compliance with OAC 3745-52-20(B),(C),and (D)? Yes \_\_\_ No \_\_\_ N/A \_\_\_ RMK# \_\_\_
- d. Have prepared manifests been signed by the permittee and initial transporter in compliance with OAC 3745-52-23? Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_
2. As a permittee that generates hazardous waste, are signed copies of all hazardous waste manifests and any documentation required for exception reports retained for at least three years at the facility as required by OAC 3745-52-40 and 3745-54-71(A)(5)? Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_
3. Does the permittee use only properly registered transporters when removing hazardous wastes? [Condition A.16] Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_
4. Does the permittee give one copy of the manifest to the transporter, send one copy to the generator within 30-days, and keep one copy for at least three years? [3745-54-71(B)] Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_
- a. If shipping papers are used in lieu of manifests (bulk shipments, etc.), are the same requirements met? [3745-54-71(B)] Yes \_\_\_ No \_\_\_ N/A  RMK# \_\_\_
- b. Are any significant discrepancies been reconciled within 15 days as required by 3745-54-72(B)? Yes \_\_\_ No \_\_\_ N/A  RMK# \_\_\_
5. Have any manifest discrepancies been reconciled within 15 days as required by 3745-54-72(B)? If not Yes \_\_\_ No \_\_\_ N/A  RMK# \_\_\_
- a. Has the owner/operator submitted the required information to the director? Yes \_\_\_ No \_\_\_ N/A  RMK# \_\_\_

**WASTE ANALYSIS/WASTE ANALYSIS PLAN**

- 1. Does the permittee have a detailed chemical and physical analysis of waste streams which contains all information of the waste in accordance with OAC Chapters 3745-54 to 57, 3745-218 and 3745-270 and the terms and conditions of the permit? [Condition B.3(a)] Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_
- 2. Does the permittee follow the procedures described in the WAP? (Section C of the Application)? [Condition B.3(b)] Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_
  - a. Is the schedule kept at the facility? [OAC 3745-54-15(B)(2)] Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_
- 3. Does the permittee repeat the waste analysis when the process or operation generating the hazardous waste has changed, or at least annually? [Condition B.3] Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_
- 4. Does the permittee place the results of all waste analyses in the facility operating record in accordance with OAC 3745-54-73? Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_

**GENERAL INSPECTION REQUIREMENTS**

- 1. Is the permittee following the inspection procedures and schedules set forth in the permit (Section F of the application) and the requirements of OAC 3745-54-15(A)(C) and (D)? [Condition B.5] Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_
- 2. Is the permittee following the approved inspection schedule for: monitoring equipment, safety equipment, emergency equipment, security devices, and operating and structural equipment as specified in OAC 3745-54-15(B) [Section F] Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_
- 3. Does the permittee remedy deterioration or any malfunctions discovered by an inspection in a timely manner (OAC 3745-54-15(c))? [Condition B.5] Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_
- 4. Do inspection records contain the following information (OAC 3745-54-15(D))?
  - a. Date and time of inspection? Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_
  - b. Name of inspector? Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_
  - c. Notation of observations made? Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_
  - d. Date and nature of any repairs or remedial actions? Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_

## Security Requirements

1. Is the permittee complying with OAC 3745-54-14 and Condition B.4 of the permit? [Section F]
- a. Does the permittee have a 24-hour surveillance system which continuously monitors and controls entry onto the active portion of the facility? Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_
- b. An artificial or natural barrier (in good repair) which completely surrounds the active portion of the facility? Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_
- c. A means to control entry, at all times, through gates or other entrances to the active portion of the facility? Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_
2. Per OAC 3745-54-14(c), does the permittee have signs reading "Danger-Unauthorized Personnel Keep Out" posted at the entrances to the active portions of the facility and other locations? Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_

## Facility Operations

3. Is construction, maintenance, and operation of the facility being conducted to minimize the possibility of a fire, explosion or unplanned release of hazardous waste or hazardous waste constituents to air, soil, ground or surface water? [OAC 3745-54-31; Condition B.1] Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_
4. Does the Permittee operate and maintain the facility in accordance with fire, explosion, or release prevention procedures, practices and design specification provided in Sections D, F, and G, of the Part B permit application [OAC 3745-54-31, Condition B.1] Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_
5. Does the permittee properly maintain and operate the facility to achieve compliance with the terms and conditions of the permit [Condition A.9] including:
- a. Effective management practices? Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_
- b. Adequate funding? Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_
- c. Adequate operator staffing and training? Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_
- d. Adequate laboratory and process controls? Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_

## PERSONNEL TRAINING

1. Is the permittee conducting personnel training per Section H of the Application and the following requirements of OAC 3745-54-16? [Condition B.6]:
- a. Personnel training which includes instruction in safe equipment operation and emergency procedures and implementation of the contingency plan? [OAC 3745-54-16(A)(B)(C)] Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_

- b. Personnel training to new employees within six months after their date of employment [OAC 3745-54-16(B)]? Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_
- c. Annual refresher training [OAC 3745-54-16(C)] Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_
2. Is the permittee maintaining personnel training records as per OAC 3745-54-16(D) and Section H, including: written job titles, job descriptions, and documented employee training records? [Condition B.6] Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_

**REQUIRED EQUIPMENT**

1. Has the permittee equipped the facility with the emergency equipment specified in Section G? [OAC 3745-54-32, Condition B.9]?
- a. An internal communications or alarm system? Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_
- b. A device capable of summoning emergency assistance from local emergency authorities? Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_
- c. Portable fire extinguishers and/or fire control equipment, spill control and decontamination equipment? Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_
- d. Water of adequate volume and pressure to supply water hose streams, foam producing equipment, automatic sprinklers or water spray systems? Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_
2. Is the permittee inspecting, testing, and maintaining the equipment specified to ensure its proper operation in accordance with OAC 3745-54-33 and Condition B.10? Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_
3. Has the permittee provided all personnel involved in the operation with immediate access to an internal alarm or emergency communication device [OAC 3745-54-34, Condition B.11]? Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_

**CONTINGENCY PLAN – EMERGENCY PROCEDURES**

1. Per Condition B.13 of the permit and OAC 3745-54-37(A) and (B), does the permittee:
- a. Familiarize emergency response agencies with the facility layout, associated hazards, places where personnel will normally be working, entrances and evacuation routes? Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_
- b. Inform such agencies of safety equipment, supplies, proper emergency safety procedures that are applicable to the facility? Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_

- c. Familiarize the local hospital, police, fire dept., and other responders listed in the permit application with the properties of haz waste handled at the facilities and the types of injuries or illness that could result from fires, explosions and releases? Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_
2. Have any response agencies declined to enter into the arrangements set forth in OAC 3745-54-37(A)?, If so: Yes \_\_\_ No  N/A \_\_\_ RMK# \_\_\_
- a. Has the permittee documented the refusal in the operating record? (OAC 3745-37(B), [Condition B.13(b)])? Yes \_\_\_ No \_\_\_ N/A  RMK# \_\_\_
3. Has the permittee submitted a copy of the approved contingency plan (including amendments, revisions, or changes) to all local authorities, agencies, and response contractors designated in the approved contingency plan? [OAC3745-54-53, Condition B.18(b)] Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_
4. Has the permittee notified all parties identified in the contingency plan, in writing of amendments, modifications, or revisions to the plan within 10 days of the effective date of the change in the plan? [Condition B.18(b)] Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_
5. Has the permittee submitted a copy of the approved contingency plan and all revisions, amendments, modifications to the Ohio EPA, Division of Emergency and Remedial Response in accordance with OAC 3745-54-53? [Condition B.18(c)] Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_
6. Is the permittee reviewing the approved contingency plan at least annually and amending the plan immediately if needed as per OAC 3745-54-54 [Condition B.17] Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_

**Emergency Coordinator**

7. Is there an emergency coordinator on premises or on call at all times? [OAC 3745-54-55; Condition B.19] Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_
8. Is/are the emergency coordinator(s) at the facility familiar with the following [OAC 3745-54-55; Condition B.19]:
- a. Contingency Plan? Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_
- b. Facility operations/activities? Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_
- c. Waste characterization and location? Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_
- d. Location of all records in the facility? Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_
- e. Facility Layout? Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_
9. Does/do the emergency coordinator(s) have the authority to commit the resources needed to carry out the contingency plan? [OAC 3745-54-55; Condition B.19]? Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_

10. Does the permittee have a contingency plan for the facility that meets the following: [Condition B.19, Section G]
- a. Describes the actions facility shall take to comply with OAC 3745-54-51 through 3745-54-56 in response to fires, explosions, or any unplanned release of haz waste or haz waste constituents to air, soil, or surface water? Yes  No\_\_\_ N/A\_\_\_ RMK#\_\_\_
  - b. Describes arrangements agreed to by local police, fire departments, hospitals, contractors, and Ohio EPA and the local emergency response team to coordinate emergency services? Yes\_\_\_ No\_\_\_ N/A\_\_\_ RMK#\_\_\_
  - c. Includes and up-to-date list of names, addresses and phone numbers for all persons qualified to act as emergency coordinator in the order that they will assume responsibility for coordination of emergency response? Yes\_\_\_ No\_\_\_ N/A\_\_\_ RMK#\_\_\_
  - d. Includes a list of all emergency equipment, including fire extinguishing systems, spill control equipment, communications and alarm systems and decontamination equipment? Yes\_\_\_ No\_\_\_ N/A\_\_\_ RMK#\_\_\_
  - e. Includes the location and physical description of each item on the list referenced in Question 10(d), and a brief outline of its capabilities? Yes\_\_\_ No\_\_\_ N/A\_\_\_ RMK#\_\_\_
  - f. Includes an evacuation plan for the facility personnel describing signals to be used to begin evacuation, evacuation routes, and alternate evacuation routes in situations where the primary routes could be blocked by releases of hazardous waste? Yes  No\_\_\_ N/A\_\_\_ RMK#\_\_\_

**Implementation of Contingency Plan**

11. Has there been a fire, explosion or release of hazardous waste or hazardous waste constituents at the facility since the date of the last inspection? If so: Yes  No\_\_\_ N/A\_\_\_ RMK#\_\_\_
- a. Did the permittee immediately implement the approved contingency plan and follow the emergency procedures described in OAC 3745-54-56? Yes  No\_\_\_ N/A\_\_\_ RMK#\_\_\_
  - b. Did the permittee immediately notify the Ohio EPA's Division of Emergency and Remedial Response providing the following information [OAC 3745-54-56(D)(2)]:
    - i. Name and telephone number of the reporter Yes  No\_\_\_ N/A\_\_\_ RMK#\_\_\_
    - ii. Name and address of the facility? Yes  No\_\_\_ N/A\_\_\_ RMK#\_\_\_
    - iii. Time and type of incident? Yes  No\_\_\_ N/A\_\_\_ RMK#\_\_\_

- iv. Name and quantity of materials involved? Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_
- v. The extent of injuries? Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_
- vi. The possible hazards to human health or the environment? Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_
- c. Did the permittee collect and manage as hazardous waste all liquid or solid material resulting from fire, explosion, released material or emergency response materials until such time as the permittee can demonstrate to Ohio EPA that the wastes are not hazardous wastes? [Condition B.16(b)] Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_
- d. Within 15-days of the incident, did the permittee submit to the director a written report of the incident? If so: Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_
- e. Did the permittee note in the operating record the time, date, and details of any incident that required the implementation of the contingency plan? [OAC 3745-54-56(J); Condition B.23]. Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_

**LAND DISPOSAL RESTRICTION REQUIREMENTS**

- 1. Does the permittee comply with all applicable regulations regarding land disposal prohibition and restrictions as required by OAC 3745-270? Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_
- 2. Does the permittee comply with the notification and certification requirements of OAC 3745-270-07(A)? Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_
- 3. Does the permittee comply with the requirements of OAC 3745-270-03 and does not in any way dilute a restricted waste or treatment residue as a substitute for adequate treatment? Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_
- 4. Does the permittee retain supporting data used to determine if wastes managed at the facility are restricted from land disposal in the facility files as required by OAC 3745-270-07(A)(5)? Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_
  - a. Are copies of all notices, certifications, demonstrations waste analyses, and other documentation produced pursuant to OAC 3745-270 retained for a period of three years as required by OAC 3745-270-07(A)? Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_
- 5. Is the permittee in compliance with the requirements of OAC 3745-270-50 regarding the storage of wastes restricted or prohibited from land disposal under OAC 3745-270-50? Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_

**TANK STORAGE, TREATMENT, AND MAINTENANCE**

- 1. Is secondary containment in the form of an external liner being provided for all permitted hazardous waste tanks (W-Tank Farm)? [3745-66-93(A)(1) to (A)(5)] Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_
- 2. Has the permittee operated the secondary containment systems per the design plans and descriptions in Sections D and F of the permit application? [Condition D.3] Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_
- 3. Is the liner in the secondary containment compatible with the wastes stored in the tank system? Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_
- 4. Is the liner free of cracks and gaps? Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_
- 5. Is the liner provided with a leak detection system designed/operated to detect failure to primary or secondary containment or any release of hazardous waste within 24 hours or at the earliest practical time. Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_
- 6. Is the liner proved with a leak detection system designed/operated to detect failure to primary or secondary containment or any release of hazardous waste within 24-hours or at the earliest practicable time? Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_
- 7. Is any liquid which accumulates in the containment unit resulting from spills, leaks, or precipitation removed within 24 hours or at earliest practicable time? Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_
- 8. Is ancillary equipment to the tank systems provided with secondary containment (such as double-walled piping, jacketing or a trench)? Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_  
If not, is the ancillary equipment inspected daily, Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_
- 9. Is ancillary equipment to the tank systems provided with secondary containment (such as double-walled piping, jacketing or a trench)? Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_
- 10. Has the permittee stored or treated wastes in tanks consistent with the restrictions and prohibitions in Table C-1 of the Section C of the application? [Condition D.1(c)] Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_
- 11. Does the permittee prevent placement of hazardous waste or treatment reagents in tanks or secondary containment if such placement can cause the system to leak, rupture, corrode, or otherwise fail? [3745-66-94(A)] Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_
- 12. Does the permittee use controls appropriate to facility design to prevent spills or overflows from the system (e.g., check valves, dry disconnect couplings, high level alarms, etc.)? [3745-66-94(A)] Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_

13. Has the permittee conducted and documented inspections of the tank system per the inspection schedule in Section F of the application? [Condition D.6] Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_
14. Has the permittee documented these inspection in the operating record, including inspection of the following:
- a. Spill Control Equipment (daily)? Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_
  - b. Above ground portion of tank (daily)? Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_
  - c. Data from leak detection equipment (daily)? Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_
  - d. Construction materials and area immediately surrounding the tanks for signs of erosion or release of hazardous waste (daily)? Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_
15. Has the permittee had any leaks, spills or releases from the tank system (W-Tank Farm)? Yes \_\_\_ No  N/A \_\_\_ RMK# \_\_\_
16. If so, did the permittee do any of the following?
- a. Immediately stop the flow of hazardous waste into the tank system or secondary containment system and inspect the system to determine the cause of the leak? Yes \_\_\_ No \_\_\_ N/A  RMK# \_\_\_
  - b. Remove the waste within 24 hours or the after detection of the release, or at the earliest practicable time, remove as much of the waste as necessary to prevent further release to the environment and to allow inspection and repair of the tank system to be performed? [Condition D.7(a)(ii)]. Yes \_\_\_ No \_\_\_ N/A \_\_\_ RMK# \_\_\_
  - c. Immediately conduct a visual inspection of all releases to the environment and, based upon the inspection:
    - i. Prevent further migration of the release to soils or surface water and [Condition D.7(a)(iii)]. Yes \_\_\_ No \_\_\_ N/A \_\_\_ RMK# \_\_\_
    - ii. Remove and properly dispose of any visible contamination? [Condition D.7(a)(iii)]. Yes \_\_\_ No \_\_\_ N/A  RMK# \_\_\_
17. Report the release to Ohio EPA within 24 hrs of detection? [Condition D.8(a)]. Yes \_\_\_ No \_\_\_ N/A \_\_\_ RMK# \_\_\_
18. Was a written report submitted within 30 days of detecting the release that addressed the elements in [Condition D.8b]. Yes \_\_\_ No \_\_\_ N/A \_\_\_ RMK# \_\_\_
19. If major repairs to a tank system were required, was a certification submitted to Ohio EPA within 7 days of returning the tank system to use? [Condition D.7(c)] Yes \_\_\_ No \_\_\_ N/A  RMK# \_\_\_
20. Does the permittee have on file at the facility written statements by those persons required to certify the design and installation of the tank system? [Condition D.8(b)]. Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_

21. If the permittee was unable to repair and return the tank to service, was the tank system closed per 3745-66-97? [Condition D.9] Yes \_\_\_ No \_\_\_ N/A  RMK# \_\_\_
22. Is the permittee following the special provisions for ignitable or reactive wastes, is the waste stored or treated to protect it from materials or conditions which may cause ignition or reaction? Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_
23. For tanks used to treat or store ignitable or reactive wastes, is the waste stored or treated to protect it from materials or conditions which may cause ignition or reaction? Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_
24. Is the permittee following the special provisions for incompatible wastes specified in Condition D.11? Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_
25. Has the permittee placed incompatible wastes or materials into the same tank system that has not been decontaminated and which previously held an incompatible waste or material? Yes \_\_\_ No  N/A \_\_\_ RMK# \_\_\_
- a. If so, have the requirements of 3745-65-17(B) been met? Yes \_\_\_ No \_\_\_ N/A  RMK# \_\_\_
26. In addition to conducting the waste analysis required by 3745-65-13, when the tank system is used to store or treat a waste which is substantially different or uses a substantially different process than previously used, has the permittee done one of the following [OAC 3745-66-100]:
- a. Conducted waste analysis and trial treatment or storage tests? [OAC 3745-66-100(B)]; OR Yes \_\_\_ No \_\_\_ N/A  RMK# \_\_\_
- b. Obtained written documentation on similar waste under similar operating conditions to show that the proposed storage/treatment will meet the requirements of OAC 3745-66-94? [OAC 3745-66-100(B)] Yes \_\_\_ No \_\_\_ N/A  RMK# \_\_\_

### CLOSURE REQUIREMENTS

1. Does the permittee maintain the approved closure plan at the facility? [Condition B.29; Section I] Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_
2. Is the permittee keeping at the facility and submitting annually to the Ohio EPA, the latest closure cost estimate per OAC 3745-55-42(D)? [Condition B.36] Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_
3. Has the permittee amended the closure plan? If so: Yes \_\_\_ No  N/A \_\_\_ RMK# \_\_\_
- Has the plan been amended per OAC 3745-55-18(D)? [Condition B.28] Yes \_\_\_ No \_\_\_ N/A  RMK# \_\_\_

4. Has the permittee closed the facility? Yes \_\_\_ No  N/A \_\_\_ RMK# \_\_\_  
 If so:
- a. Did the permittee complete closure of the facility 180 days after receiving the final volume of hazardous waste, as per Condition B.31 of the permit? Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_
- b. Was closure conducted per the closure performance standard of OAC 3745-55-11? [Condition B.26] Yes \_\_\_ No \_\_\_ N/A \_\_\_ RMK# \_\_\_
- c. Did the permittee carry out the approved closure plan as set forth in Section I of the approved permit application [Condition B.27]? Yes \_\_\_ No \_\_\_ N/A \_\_\_ RMK# \_\_\_
- d. After receiving the final volume of hazardous waste, did the permittee remove all hazardous waste and complete closure activities as per the schedule specified in the approved closure plan? [OAC 3745-55-13; Condition B.31] Yes \_\_\_ No \_\_\_ N/A \_\_\_ RMK# \_\_\_
- e. Has the permittee decontaminated and/or disposed of all facility equipment, structures, and soils per OAC 3745-55-14 and the approved closure plan? [Condition B.33] Yes \_\_\_ No \_\_\_ N/A \_\_\_ RMK# \_\_\_
- f. Has the permittee certified that the facility has been closed per the specifications in the approved closure plan? [OAC 3745-55-15, Condition B.33] Yes \_\_\_ No \_\_\_ N/A \_\_\_ RMK# \_\_\_
- g. Has the permittee submitted a survey plat to the director and local zoning authority no later than the submission of certification of closure of each hazardous waste disposal unit? [Condition B.34] Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_

**CORRECTIVE ACTION**

1. Has the permittee submitted the monthly progress report for all corrective action activities? Yes \_\_\_ No \_\_\_ N/A  RMK# \_\_\_
2. Has the permittee identified any new WMU's or releases at the facility? [Condition E.3(f)] Yes \_\_\_ No \_\_\_ N/A  RMK# \_\_\_
- a. Did the permittee follow the steps in Condition E.10? Yes \_\_\_ No \_\_\_ N/A  RMK# \_\_\_



State of Ohio Environmental Protection Agency

**Northeast District Office**

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Twinsburg, Ohio 44087

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

September 22, 2008

Curt Jerauld  
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 - CORRECTION**

Dear Mr. Jerauld:

On August 1, 2008, Ohio EPA, represented by Ed D'Amato and Robert Almquist, conducted a compliance evaluation inspection of the Lubrizol Corporation's Painesville, Ohio facility. The purpose of the inspection was to determine Lubrizol's compliance with its hazardous waste permit and Ohio's hazardous waste laws and regulations found under the Ohio Revised Code (ORC) and the Ohio Administrative Code (OAC). Lubrizol was represented by you.

Ohio EPA has determined that Lubrizol has violated the following hazardous waste regulations

**1. Dating of Hazardous Waste Container Labels  
OAC 3745-52-34 (A)(2)**

*A generator may, for ninety days or less, accumulate and/or conduct treatment of hazardous waste that is generated on site, provided that...The date upon which each period of accumulation...begins is clearly marked and visible for inspection on each container*

Two containers in Lubrizol's less-than-90 day accumulation area were not labeled with an accumulation date. This violation was abated at the time of the inspection the dates were added.

In addition to the above violations, the following concern was noted:

1. Some tree branches along the fence line on the north side of the facility were observed growing into the fence.

LUBRIZOL PAINESVILLE  
SEPTEMBER 22, 2008  
PAGE - 2 -

Lubrizol has addressed this concern. On August 20, 2008, you e-mailed photographs showing that the vegetation has been removed.

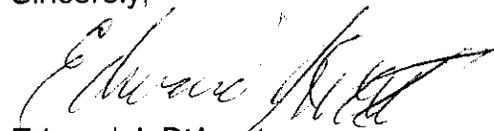
Enclosed is a copy of the checklist used for the inspection.

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

Enclosure

ec: Frank Popotnik, DHWM, NEDO  
Robert Almquist, DHWM, NEDO

cc: Regional Offsite Administrator, DE-9J, USEPA, Region V