



State of Ohio Environmental Protection Agency

Northwest District Office

347 North Dunbridge Road
Bowling Green, OH 43402-9398

TELE: (419) 352-8461 FAX: (419) 352-8468
www.epa.state.oh.us

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

Re: Sauder Woodworking Co.
OHD 005035167
Fulton County
Hazardous Waste
Partial Return to Compliance

September 26, 2007

Mr. Craig Drewes
Sauder Woodworking Company
502 Middle Street
Archbold, Ohio 43502

Dear Mr. Drewes:

I received your responses to my May 10, 2007, Notice of Violation (NOV) letter on May 25, June 8, June 22, June 29, and September 20, 2007. The documentation that you submitted included: an alternate hazardous waste transportation route, photos of labeled satellite accumulation drums, photos of properly labeled and dated waste accumulation drums, inspection records for various accumulation areas and emergency equipment, photos of universal waste battery accumulation area, job titles, job descriptions, a description of hazardous waste and universal waste training, training records, a contingency plan, a weekly inspection log for the Safety Building, and a record of contact with agencies regarding the contingency plan.

During my March 13, and March 16, 2007, inspection, I found the following violations of Ohio's hazardous waste laws. The status of each violation is noted below.

**1. Unpermitted Hazardous Waste Treatment, Storage or Disposal
ORC 3734.02(E)&(F)**

Sauder has established an unpermitted hazardous waste storage facility by: storing hazardous waste in its Safety Building from facilities that are not contiguous. This has occurred for years. **Sauder must immediately cease the storage of hazardous waste from non-contiguous facilities unless Sauder can transport its hazardous waste from Buildings B013 and B06 across Barre Road and down company owned Sauder Street while controlling access to both ends of Sauder Street**. Sauder must provide documentation that describes the procedures that will be taken, immediately; to ensure that unpermitted storage does not happen again.

Since Sauder has violated ORC Section 3734.02(E) & (F) by becoming an unpermitted storage facility (TSD), it is subject to OAC Rules 3745-55-10 through 3745-55-48 and 3745-55-97. Therefore, you may be required to close the storage area. A closure plan describes the steps necessary to investigate the extent of contamination and to clean up all contamination found.

Sauder also is subject to all applicable general facility standards found in OAC Chapters 3745-54 and 55 until such time as Sauder has demonstrated that it has ceased operations as an unpermitted storage facility. Additionally, at any time, Ohio EPA may assert its right to have Sauder begin facility-wide cleanup pursuant to the Corrective Action process under Ohio law.

In your letter, dated May 25, 2007, you explain that Sauder ceased transporting hazardous waste from Buildings B013 and B06 down Middle Street on March 13, 2007, the first day of my inspection. You have devised an alternate route in which Sauder will transport hazardous waste down Sauder owned Sauder Street while blocking traffic on both ends with standard 28" PVC traffic cones.

**2. Satellite Accumulation Labeling
OAC Rule 3745-52-34(C)(1)(b)**

A generator must mark his satellite accumulation containers with the words "Hazardous Waste" or with other words that identify the contents of the containers.

Sauder did not label or mark two satellite accumulation containers in this manner. Specifically, it did not label the acid catalyst accumulation drum in the wash station of the Myers Road Building (B012) and a drum of waste acetone in Saturation Department, behind the Eversheen Line, in the Sauder Street Building (B02).

In your letter, dated May 25, 2007, you provided photos of the properly labeled acid catalyst and waste acetone drums. Therefore, this violation has been corrected.

**3. Container Accumulation Date
OAC Rule 3745-52-34(A)(2)**

The date upon which each period of accumulation and/or treatment begins must be clearly marked and visible for inspection on each container.

Sauder did not mark one 55-gallon drum of spent Super Agitene (D001) in the container accumulation room of the Safety Building (B09) and one 55-gallon drum of spent acetone (F003) in the Mix Room of the Sauder Street Building (B02) with the date in which its period of accumulation began.

In order to correct this violation, Sauder must properly mark these containers and submit photographic documentation that they have been properly marked.

In your letter, dated May 25, 2007, you explain that the drum of Super Agitene was properly dated on March 13, 2007, the first day of my inspection. You provided a photo demonstrating that the drum of spent acetone was properly dated. Therefore, this violation has been corrected.

**4. Container Labeling
OAC Rule 3745-52-34(A)(3)**

While being accumulated on-site, each container must be labeled or marked clearly with the words "Hazardous Waste".

Sauder did not label or mark one 55-gallon drum of waste Super Agitene (D001) in the container accumulation room of the Safety Building (B09) and one 55-gallon drum of spent acetone (F003) in the Mix Room of the Sauder Street Building (B02) with the words "Hazardous Waste". In order to correct this violation, Sauder must properly mark these containers and submit photographic documentation that they have been properly marked.

In your letter, dated May 25, 2007, you explain that the drum of Super Agitene was properly labeled on March 13, 2007, the first day of my inspection. You provided a photo demonstrating that the drum of spent acetone was also properly labeled. Therefore, this violation has been corrected.

**5. Container Inspections
OAC Rule 3745-66-74**

The owner or operator must inspect areas where containers are stored, at least weekly, looking for leaks and for deterioration caused by corrosion or other factors. The owner or operator must record inspections in an inspection log or summary. For purposes of compliance with this rule, weekly means every seven days.

Sauder failed to conduct and record any inspections for, at least, the tote accumulation areas in the Myers Road Building (B012) and Sauder Street Building (B01) and the container accumulation area of the Mix Room in the Sauder Street Building (B02). Furthermore, Sauder failed to conduct and record an inspection of the container accumulation room in the Safety Building (B09) every seven days, on at least eleven occasions. In order to correct this violation, Sauder must conduct and record an inspection of each container of hazardous waste, every seven days, and submit to me a copy of the inspection log or summary for at least a four week period.

Enclosed with your letter, dated May 25, 2007, are inspection records for the tote accumulation areas in the Myers Road Building (B012) and Sauder Street Building (B01) and the accumulation area of the Mix Room. No records were provided for the accumulation room in the Safety Building (B09). Sauder must submit a copy of the inspection report for the most recent four week period. The records for the Myers Road Building (B012) and Sauder Street Building (B01) are sufficient. Sauder enclosed a copy of the inspection report for the Mix Room (B02) for only one week. Therefore, Sauder must submit a copy of the inspection report for the most recent four week period.

Enclosed with your June 22, 2007, letter is the inspection record for the Mix Room (B02). This record is sufficient. However, Sauder must still submit a copy of the inspection report for the most recent four week period for the accumulation room in the Safety Building (B09).

Enclosed with your September 20, 2007, letter is a copy of the inspection record for the Safety Building (B09). This record is sufficient. Therefore, this violation has been corrected.

6. **Job Titles**
OAC Rule 3745-65-16(D)(1)

The owner or operator must maintain the following documents and records at the facility: (1) The job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job.

Sauder did not have a document that listed the name of each employee with a job title related to hazardous waste management. In order to correct this violation, Sauder must submit written job titles.

Enclosed with your letter, dated June 8, 2007, is a list of job titles including: Hazardous Waste Manager/Industrial Hygienist, Safety Trainer, Safety Specialist, Forklift Operator, Laminator Operator, Feeder Operator, Stacker Operator, Glue Room Operator, Team Leader, EverSheen Operator, Support Resource, Mfg. Area Leader, Mfg. Engineer, Process Leader and Maintenance Technician. This appears to be a reasonable list of job titles. Therefore, this violation has been corrected.

7. **Job Descriptions**
OAC Rule 3745-65-16(D)(2)

The owner or operator must maintain the following documents and records at the facility: (2) A written job description for each position at the facility related to hazardous waste management. The description must include the requisite skill, education, or other qualifications, and duties of facility personnel assigned to each position.

Sauder did not have a document that explained the job descriptions for each position at the facility related to hazardous waste management. In order to correct this violation, Sauder must submit written job descriptions.

Enclosed with your letter, dated June 8, 2007, are job descriptions for the titles listed above. These appear to be reasonable descriptions of duties for employees that manage hazardous waste at your facility. Therefore, this violation has been corrected.

**8. Description of Training
OAC Rule 3745-65-16(D)(3)**

The owner or operator must maintain the following documents and records at the facility: (3) A written description of the type and amount of both introductory and continuing training that will be given to each person with a job title related to hazardous waste management.

Sauder did not have a document that described the type and amount of training given to each employee with a job title related to hazardous waste management. In order to correct this violation, Sauder must submit a description of the training it will provide. The training plan must include a statement that training will be given to new employees or persons filling a new position with a job title related to hazardous waste management within six months of filling that position and then annually thereafter.

Enclosed with your letter, dated June 8, 2007, are descriptions of the hazardous waste training for the job titles listed above. These appear to be reasonable training outlines. Therefore, this violation has been corrected.

**9. Training Provided - New Employees
OAC Rule 3745-65-16(B)**

Facility personnel must successfully complete the training program within six months after the date they are hired.

Sauder has not provided the initial training that is required by these rules. Many employees at the facility generate or handle hazardous waste. Sauder did not train all employees involved with the generation and management of hazardous waste and all employees that need to know about the contingency plan.

In order to correct this violation, Sauder must provide its hazardous waste training program for every new or newly assigned employee with a job title related to hazardous waste management, and submit the records that document that each employee has completed the training.

Enclosed with your letter, dated June 8, 2007, are records documenting completion of hazardous waste training. However, Stacker Operator Jerry Turney and numerous Maintenance Technicians still need training.

I spoke to you about this on September 7, 2007, and you explained that the training has been completed for the Maintenance Technicians and you would submit a revised training log demonstrating this. You explained that you would check on the status of Jerry Turney, since he may still be on medical leave.

Enclosed with your letter, dated September 20, 2007, are training records for Jerry Turney and the rest of the Maintenance Technicians. These records appear to document that all appropriate facility personnel have received necessary training. Therefore, this violation has been corrected.

**10. Training Provided - Annual Refresher
OAC Rule 3745-65-16(C)**

Facility personnel must take part in an annual review of the initial training.

Sauder has not provided the annual training that is required by this rule. For purposes of compliance with this rule, annual means every 365 days. Many employees at the facility generate or handle hazardous waste. Sauder did not train all employees involved with the generation and management of hazardous waste and all employees that need to know about the contingency plan.

In order to correct this violation, Sauder must provide its hazardous waste training program for every employee with a job title related to hazardous waste management, and submit the records that document that each employee has completed the training.

Enclosed with your letter, dated June 8, 2007, are records documenting completion of hazardous waste training. However, Stacker Operator Jerry Turney and numerous Maintenance Technicians still need training. I spoke to you about this on September 7, 2007, and you explained that the training has been completed for the Maintenance Technicians and you would submit a revised training log demonstrating this. You explained that you would check on the status of Jerry Turney, since he may still be on medical leave.

Enclosed with your letter, dated September 20, 2007, are training records for Jerry Turney and the rest of the Maintenance Technicians. These records appear to document that all appropriate facility personnel have received necessary training. Therefore, this violation has been corrected.

**11. Training Documentation
OAC Rule 3745-65-16(D)(4)**

The owner or operator must maintain the following documents and records at the facility: (4) Records that document that the training or job experience required has been given to, and completed by, facility personnel.

Sauder has not properly maintained records that document that training has been performed, according to the above cited rules. In order to correct this violation, Sauder must provide its hazardous waste training program for every employee with a job title related to hazardous waste management, and submit the records that document that each employee has completed the training, and maintain these records.

Enclosed with your letter, dated June 8, 2007, are records documenting completion of hazardous waste training. However, Stacker Operator Jerry Turney and numerous Maintenance Technicians still need training. I spoke to you about this on September 7, 2007, and you explained that the training has been completed for the Maintenance Technicians and you would submit a revised training log demonstrating this. You explained that you would check on the status of Jerry Turney, since he may still be on medical leave.

Enclosed with your letter, dated September 20, 2007, are training records for Jerry Turney and the rest of the Maintenance Technicians. These records appear to document that all appropriate facility personnel have received necessary training. Therefore, this violation has been corrected.

12. **Contingency Plan, OAC Rules 3745-65-51(A) and (B); 3745-65-52(A), (B), (C), (D), (E) and (F); 3745-65-53(A) and (B); and 3745-65-55:** 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 waste constituents to air, soil, or surface water. The plan must be implemented immediately if there is a fire, explosion, or release of hazardous waste or hazardous waste constituents which could threaten human health or the environment. The plan must describe the actions personnel will take during an emergency, describe arrangements with responders, list the emergency contact and related information, list emergency equipment, and include an evacuation plan. A copy of the contingency plan must be maintained at the facility and submitted to entities that may be required to provide emergency services.

Sauder has violated all the applicable rules associated with the contingency plan requirements, as follows:

- (a) 3745-65-51(A) - The facility does not have a contingency plan.

Attached to your June 29, 2007, letter is a copy of the contingency plan for the Sauder facility. Therefore, this violation has been corrected.

- (b) 3745-65-51(B) - By not having a contingency plan, the facility is unable to implement such a plan during a fire, explosion, or release of hazardous waste.

Attached to your June 29, 2007, letter is a copy of the contingency plan for the Sauder facility. This plan describes the procedures for dealing with a fire, explosion, or release of hazardous waste. Therefore, this violation has been corrected.

- (c) 3745-65-52(A) - The facility does not have a contingency plan that describes the actions facility personnel must take.

Attached to your June 29, 2007, letter is a copy of the contingency plan for the Sauder facility. This plan describes the procedures for dealing with a fire, explosion, or release of hazardous waste. Therefore, this violation has been corrected.

- (d) 3745-65-52(C) - The facility does not have a contingency plan that describes the arrangements agreed to by local police departments, fire departments, hospitals, contractors, Ohio EPA, and local emergency responders.

Attached to your June 29, 2007, letter is a copy of the contingency plan for the Sauder facility. This plan does not describe the arrangements agreed to by emergency responders like those listed above. In order to correct this violation, this information must be submitted.

Enclosed with your September 20, 2007, letter are receipts documenting your communication with local emergency responders. You have also documented that a copy of the facility contingency plan has been submitted to these emergency responders. Furthermore, you explained that the local fire department is regularly involved with your facility. Therefore, this violation has been corrected.

- (e) 3745-65-52(D) - The facility does not have a contingency plan that lists the names, addresses, and phone numbers of persons qualified to act as emergency coordinator.

Attached to your June 29, 2007, letter is a copy of the contingency plan for the Sauder facility. This plan states that Craig Drewes is the Primary Emergency Coordinator and lists various phone numbers. However, it does not list his address or the names, addresses or phone numbers of alternates. In order to correct this violation, this information must be submitted.

Enclosed with your September 20, 2007, letter is a revised copy of the facility contingency plan.

This plan contains a list of emergency coordinators, including their names, addresses and business and home phone numbers. Therefore, this violation has been corrected.

- (f) 3745-65-52(E) - The facility does not have a contingency plan that lists the emergency equipment, including its location, physical description and a brief outline of capabilities.

Attached to your June 29, 2007, letter is a copy of the contingency plan for the Sauder facility. This plan includes a sufficient description of the emergency equipment available in the facility. Therefore, this violation has been corrected.

- (g) 3745-65-52(F) - The facility does not have a contingency plan that includes an evacuation plan.

Attached to your June 29, 2007, letter is a copy of the contingency plan for the Sauder facility. This plan does not include an evacuation plan. In order to correct this violation, this information must be submitted.

Enclosed with your September 20, 2007, letter is a diagram of the emergency exits and muster stations. This diagram, along with other descriptions of evacuation procedures in the contingency plan is sufficient. Therefore, this violation is corrected.

- (h) 3745-65-53(A) - The facility does not maintain a contingency plan.

Attached to your June 29, 2007, letter is a copy of the contingency plan for the Sauder facility. Therefore, this violation has been corrected.

- (i) 3745-65-53(B) - The facility has not submitted a copy of the contingency plan to all local police departments, fire departments, hospitals, and Ohio EPA and local emergency response teams, that may be requested to provide emergency services.

Attached to your June 29, 2007, letter is a copy of the contingency plan for the Sauder facility. There is no explanation in the plan that it has been submitted to emergency responders like those listed above. In order to correct this violation, this information must be submitted.

Enclosed with your September 20, 2007, letter are receipts documenting your communication with local emergency responders. You have also documented that a copy of the facility contingency plan has been submitted to these emergency responders.

Furthermore, you explained that the local fire department is regularly involved with your facility. Therefore, this violation has been corrected.

In order to correct these violations, Sauder must prepare a contingency plan and submit a copy to me for review. The plan must include all of the elements required above. Sauder must maintain the plan at the facility and submit a copy of the plan to agencies or organizations that may be required to provide emergency services. The contingency plan must demonstrate compliance with these rules.

**13. Testing and Maintenance of Equipment
OAC Rule 3745-65-33**

All facility communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, where required, must be tested and maintained as necessary to ensure its proper operation in time of emergency. The owner or operator must record the inspections in a log or summary.

Sauder failed to test or inspect the spill control and decontamination equipment required for the facility. Sauder also failed to record this inspection in a log or summary. In order to correct this violation, Sauder must conduct the required inspection, explain the frequency of future inspections and submit a copy(s) of the inspection report.

Enclosed with your letter, dated May 25, 2007, are inspection records for the tote accumulation areas in the Myers Road Building (B012) and Sauder Street Building (B01) and the accumulation area of the Mix Room. These records include observations of the various spill kits. No records were provided for the accumulation room in the Safety Building (B09). Sauder must submit a copy of the inspection report, including an inspection of the spill kit, for the most recent four week period. The records for the Myers Road Building (B012) and Sauder Street Building (B01) are sufficient. Sauder enclosed a copy of the inspection report for the Mix Room (B02) for only one week. Therefore, Sauder must submit a copy of the inspection report, including an inspection of the spill kit, for the most recent four week period.

Enclosed with your letter, dated June 8, 2007, is a copy of an inspection report for the accumulation room and spill kit in the Safety Building (B09) for only three weeks. Therefore, Sauder must submit a copy of the inspection report, including an inspection of the spill kit, for the most recent four week period.

Enclosed with your June 22, 2007, letter is the inspection record for the Mix Room (B02). This record is sufficient.

However, Sauder must still submit a copy of the inspection report for the most recent four week period for the accumulation room in the Safety Building (B09).

Enclosed with your September 20, 2007, letter is a copy of the inspection record for the Safety Building (B09). This record is sufficient. Therefore, this violation has been corrected.

**14. Universal Waste Labeling - Batteries
OAC Rule 3745-273-34(A)**

Universal waste batteries (i.e., each battery), or a container or tank in which the batteries are contained, must be labeled or marked clearly with any one of the following phrases: "Universal Waste - Batteries", or "Waste Batteries", or "Used Batteries".

Sauder did not properly label at least six Universal Waste Batteries, in the Sauder Street facility battery station, or the container they were placed on, with one of the required phrases. In order to correct this violation, Sauder must properly label each Universal Waste Battery or the container they are placed on and submit photographic documentation that this has been done.

Enclosed with your letter, dated May 25, 2007, are photos of the universal waste battery accumulation areas which demonstrate that the universal waste batteries are properly labeled. Therefore, this violation has been corrected.

**15. Universal Waste Labeling - Lamps
OAC Rule 3745-273-34(E)**

Each lamp or a container or package in which such lamps are contained must be labeled or marked clearly with any one of the following phrases: "Universal Waste-Lamps", or "Waste Lamps" or "Used Lamps".

Sauder did not properly label all of its lamps or containers or packages of lamps with one of the required phrases. In order to correct this violation, Sauder must properly label each lamp, or container, or package and submit photographic documentation that this has been done.

Enclosed with your letter, dated May 25, 2007, are photos of the universal waste lamp accumulation areas which demonstrate that the universal waste lamps are properly labeled. Therefore, this violation has been corrected.

**16. Accumulation Time for Universal Waste Batteries and Lamps
OAC Rule 3745-273-35(C)**

A large quantity handler of universal waste shall be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received.

Sauder was not able to demonstrate the length of time the universal waste batteries and lamps were accumulated. There were no dates on the lamps at the Sauder Street facility, in the Compressor Room of the Brush Creek facility and in the Safety Building. There were no dates on the batteries in the Sauder Street facility battery station. In order to correct this violation, Sauder must place a date on each battery or lamp, or on the container they are placed on or in, with the earliest date that a battery or lamp is placed on or in the container. Sauder must submit photographic documentation that this has been done.

Enclosed with your letter, dated May 25, 2007, are photos of the universal waste lamp and battery accumulation areas which demonstrate that the universal waste lamps and batteries are properly dated. Therefore, this violation has been corrected.

**17. Universal Waste Employee Training
OAC Rule 3745-273-36**

A large quantity handler of universal waste shall ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relative to their responsibilities during normal facility operations and emergencies.

Sauder has not ensured that all employees are thoroughly familiar with proper waste handling and emergency procedures. In order to correct this violation, Sauder must describe, through a training outline, how it will thoroughly familiarize (train) its universal waste lamp and battery handlers in proper handling and emergency procedures. Sauder must submit some form of documentation demonstrating that this training has been accomplished. The training must also include compliance with all rules for the handling of universal waste batteries and lamps and the corrective actions for all violations of universal waste rules, cited above.

You explained in your June 8, 2007, letter that universal waste training was given during the hazardous waste management training sessions. Also, you explained that Central Stores employees were given the training on May 31, 2007. However, Stacker Operator Jerry Turney and numerous Maintenance Technicians still need training. I spoke to you about this on September 7, 2007, and you explained that the training has been completed for the Maintenance Technicians and you would submit a revised training log demonstrating this. You explained that you would check on the status of Jerry Turney, since he may still be on medical leave.

Enclosed with your letter, dated September 20, 2007, are training records for Jerry Turney and the rest of the Maintenance Technicians. These records appear to document that all appropriate facility personnel have received necessary training. Therefore, this violation has been corrected.

Ohio EPA considers these violations to be serious violations, ones for which further enforcement action may be taken. If you have any questions about my inspection, or this letter, please feel free to call me at (419) 373-3074. You can find copies of the rules and other information about used oil and hazardous waste management on the division's web page at <http://www.epa.state.oh.us/dhwm>. Ohio EPA also has helpful information about pollution prevention at the following web address: <http://www.epa.state.oh.us/ocapp/ocapp.html>.

Sincerely,



Don North
District Representative
Division of Hazardous Waste Management

/llr

pc: Colleen Weaver, DHWM, NWDO
Cindy Lohrbach, DHWM, NWDO
NWDO, DHWM, Fulton County, Sauder Woodworking File
ec: Don North, DHWM, NWDO

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.