



State of Ohio Environmental Protection Agency

Northwest District Office

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

Re: **Unarco Material Handling, Inc.**
OHD 987 044 807
Putnam County
DHWM, NWDO
Complaint 2635
Partial Return to Compliance/
Notice of Violation

May 14, 2008

Mr. Greg Christy, General Manager
Unarco Material Handling, Inc.
407 East Washington Street
Pandora, Ohio 45877

Dear Mr. Christy:

Thank you for sending the following responses to the Ohio Environmental Protection Agency's (Ohio EPA's) Notice of Violation (NOV) dated January 30, 2008:

- Electronic mail including two photographs titled *FW*: dated and received by Ohio EPA on March 3, 2008, 10:45 AM;
- Electronic mail including eight photographs titled *FW*: dated and received by Ohio EPA on March 3, 2008, 10:50 AM;
- Letter with attachments dated March 3, 2008, received by Ohio EPA on March 7, 2008.

Ed Pulido, Janis Kielczewski, and I revisited Unarco Material Handling, Inc. (UMHI) on March 27, 2008, to conduct sampling of the waste paint filters and also review the container storage area (CSA) and satellite areas at the facility.

The following is a summary of the violations cited in the January 30, 2008, NOV and the facility's compliance with respect to each violation:

Violations:

1. **Ohio Revised Code (ORC) Section 3734.02(E)&(F), Unpermitted Hazardous Waste Treatment, Storage & Disposal:** "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 any of the following: (1) A hazardous waste facility operating under a permit issued in accordance with this chapter; (2) A facility in another state operating under a license or permit issued in accordance with the "Resource Conservation and Recovery Act of 1976" 90 Stat. 2806, 42 U.S.C.A. 6921, as amended ..."

During the inspection, it was noted by Ohio EPA that a period of greater than 180 days was found between hazardous waste shipments according to the dates on the hazardous waste manifests. This period was from May 18, 2005, through January 9, 2006. UMHI stated that they would check to see if any other hazardous waste manifests exist for the period in question. On January 10, 2008, you sent an electronic mail that stated no other hazardous waste manifests were found at the facility and that Chemtron Corporation did not have any other manifests in their files either.

According to the manifests on site, 16 55-gallon drums (880 gallons) of hazardous waste (D001) were generated between January 19, 2005 and May 18, 2005. Then, 27 55-gallon drums (1485 gallons) were generated between May 18, 2005, and January 9, 2006. During this span of time, UMHI appears to have been a SQG since the average number of drums generated per month is approximately 3.5 55-gallon drums. This means that approximately 6.5 drums of waste were stored for 56 days past the 180 day limit.

UMHI has become an unpermitted hazardous waste storage facility by storing hazardous waste at the property for greater than 180 days. UMHI must immediately cease unpermitted storage of its hazardous waste.

UMHI must do the following:

- UMHI must immediately begin properly shipping hazardous waste off site within 180 days of the accumulation start date.
- UMHI must create a management plan that describes how their hazardous waste will be managed in the future to ensure storage of waste over 180 days does not happen again. This management plan should include, but is not limited to, the type of container the waste will be stored in, where the waste will be stored at the facility, how the container will be labeled, where UMHI will send the hazardous waste, and how often the hazardous waste will be picked up. This management plan must be sent to Ohio EPA *within 30 days of receipt of this letter*.

Since UMHI has violated ORC Section 3734.02(E) & (F) by becoming an unpermitted treatment, storage, and disposal facility (TSDF), it is subject to Ohio Administrative Code (OAC) Rules 3745-55-10 through 3745-55-48 and 3745-55-97. Therefore, UMHI may be required to submit a closure plan. A closure plan describes the steps necessary to investigate the extent of contamination and to clean up all contamination found.

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

UMHI was given the fact sheet titled A Guide to the Administrative Enforcement Process within the Division of Hazardous Waste Management to help answer any questions UMHI may have regarding this violation and further enforcement actions.

On March 7, 2008, Ohio EPA received documentation that included a brief description of how hazardous wastes will be managed at the facility in the future.

2. **OAC Rule 3745-52-11, Hazardous Waste Determination:** "Any person who generates a waste, as defined in rule 3745-51-02 of the Administrative Code, must determine if that waste is a hazardous waste..."

UMHI failed to evaluate the following waste streams to determine if they were a hazardous waste in accordance with OAC Rule 3745-52-11, prior to sending them off site:

- A. waste paint filters,
- B. paint related wastes from painting and flushing the lines, and
- C. spent bulbs.

In order to abate this violation, UMHI must do the following:

- UMHI must evaluate the following waste streams for the specified parameters:
 - A. Waste paint filters-A representative sample of the waste paint filters should be taken before they are placed into the oven. If the waste paint filters can be considered a liquid as defined in OAC Rule 3745-51-21, then the flashpoint of the material must be evaluated. Also, the waste paint filters should be evaluated for toxic characteristic leaching procedure (TCLP) volatile organic compounds (VOCs) and TCLP Resource Conservation and Recovery Act (RCRA) metals.
 - B. Paint related wastes from painting and flushing the lines-During the inspection, one of the hazardous waste documents listed this waste stream as having the F003 waste code. This is a listed hazardous waste code. Due to the lack of details listed on the material safety data sheets for the paint and solvent used at the facility, more

information is needed from the manufactures to determine if the F003 waste code is valid. UMHI should contact the manufactures of the solvent and paint used at the facility to determine the ingredient lists and the percentage of the ingredients used.

Also, one of the hazardous waste manifests listed this waste stream as having the D007 (chromium) and D008 (lead) characteristic waste codes. However, UMHI has not verified that these are valid waste codes for this waste stream. This waste stream should be sampled for TCLP VOCs and TCLP RCRA metals to determine if these codes are valid.

- C. Spent bulbs-UMHI did not know how they disposed of the spent bulbs during the inspection. However, in a January 11, 2008, electronic mail, you stated that they are thrown in the trash to be disposed of at the landfill.

UMHI failed to have waste evaluation documentation or an established recycling plan in place for the fluorescent bulbs generated at the facility.

UMHI must immediately cease disposing of the fluorescent bulbs as non-hazardous waste until a proper waste evaluation has been completed. Fluorescent bulbs typically contain mercury and other heavy metals which could make them a hazardous waste. Hazardous waste bulbs are considered "spent materials" and remain hazardous waste even when recycled. Hazardous waste lamp generators have the option of handling their lamps as hazardous waste or as universal waste. Managing hazardous waste lamps under the universal waste rules eases certain regulations imposed on generators of spent lamps.

UMHI must submit to Ohio EPA documentation to demonstrate how you plan to properly manage your fluorescent bulbs. If UMHI decides to sample the bulbs, then UMHI must evaluate all types and brands of lamps at the facility using a TCLP test for RCRA metals. The other alternative is that UMHI can begin to manage spent bulbs as universal waste. Ohio EPA recommends that spent bulbs be managed as a universal waste and recycled.

UMHI was given the following fact sheets on spent bulbs for UMHI's information: Universal Waste Rules for Handlers of Lamps, dated June 2005; Fluorescent Lamps: What You Should Know, dated January 2007; and Computer, Fluorescent Lamp and Ballast Recyclers, dated December 2007.

If UMHI decides to manage their bulbs as a hazardous waste, then UMHI will need to sample each type and brand of bulb at the facility and submit the analytical results to Ohio EPA. Otherwise, UMHI should submit a bulb management plan that outlines how the spent bulbs will be managed as universal waste and where they will be shipped.

- UMHI must immediately begin evaluating all new waste streams prior to sending them off site.
- UMHI must submit a management plan that states how UMHI will evaluate new waste streams in the future. This should be submitted to Ohio EPA within 30 days of receipt of this letter. To assist with this task, UMHI was given the following fact sheets titled Identifying Your Hazardous Waste, dated November 2006 and Use of Generator Knowledge In Complying with OAC Rule 3745-52-11, Hazardous Waste Evaluation dated July 18, 2005.

Due to the cost of TCLP testing, UMHI may instead decide to complete total VOCs and total RCRA metals testing as a screening tool. However, if any of the analytical results from the total VOCs or total RCRA metals tests indicate that the waste stream does contain VOCs or RCRA metals, then a TCLP test will be required for that parameter to determine compliance with the hazardous waste rules and regulations. The analytical results from these tests should be sent to Ohio EPA within 30 days of receipt of this letter.

Please contact me five days prior to sampling so that I or another Ohio EPA representative can be present during sampling.

A. Waste Paint Filters: On March 7, 2008, Ohio EPA received documentation that included the following: Volatile Product Data Sheets for: S-3715 Fast VOC Free Thinner, 98048C Unarco Blue 3-515 2.99 VOC W/R A/D Enamel, and 591144 Unarco Orange 5-481 2.99 VOC Bake Enamel; CAS # Breakdowns of: 98048C Unarco Blue 2.99 VOC W/R Air Dry Enamel, and 591144 Unarco Orange 5-418 2.99 VOC Bake Enamel; and Material Safety Data Sheets for: 591144 Unarco Orange 5-418 2.99 VOC Bake Enamel, 98048C Unarco Blue 3-515 2.99 VOC W/R A/D Enamel, and S-3715 Reducer.

Since no analytical information was sent in to Ohio EPA verifying the generator knowledge of the waste paint filters, Ohio EPA determined that a sample of the waste should be taken. In an email dated March 5, 2008, UMHI stated that UMHI did not believe a sample needed to be taken. Therefore, Ohio EPA sampled the waste paint filters and the paint related wastes on March 27, 2008.

Ohio EPA received the results of this sampling event on May 1, 2008. Based on the sampling results the waste paint filters are considered a non-hazardous waste. UMHI may continue to dispose of these filters at the local landfill as long as they do not contain any liquids. However, if any process changes occur that would affect the waste generated in the paint booth, UMHI is required to reevaluate the waste from this process.

B. Paint related wastes from painting and flushing the lines: On March 7, 2008, Ohio EPA received documentation that showed the F003 waste code was not needed for this waste stream. UMHI's response also stated that the D007 and D008 listings were a mistake. Ohio EPA's sampling on March 27, 2008, verified that the D007 and D008 codes were not needed for this waste stream. However, the D001 waste code may still be valid for this waste stream.

C. Spent bulbs: On March 7, 2008, Ohio EPA received documentation that UMHI will manage spent bulbs as a universal waste. UMHI included a summary of how they will manage the spent bulbs prior to Chemtron Corporation picking up this waste stream.

With this information, all portions of this violation are considered abated.

3. **OAC Rule 3745-65-34(A), Access to communications or alarm systems:**
"Whenever hazardous waste is being poured, mixed, spread, or otherwise handled, all personnel involved in the operation shall have immediate access to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee, unless such a device is not required under rule 3745-65-32 of the Administrative Code."

UMHI failed to have a device, such as a telephone or a hand-held two-way radio immediately available at the scene of the hazardous waste container storage area.

To abate this violation, UMHI must install a telephone or provide a hand-held radio communication device for summoning emergency assistance in the hazardous waste management area. UMHI should submit photographic documentation to Ohio EPA that a device has been provided within 30 days of receipt of this letter.

On March 3, 2008, Ohio EPA received photographic documentation that showed UMHI has installed alarms near the hazardous waste CSA.

With this information, this violation is considered abated.

4. **OAC Rule 3745-52-34(C)(1)(b), Accumulation time of hazardous waste:** "A generator may accumulate as much as fifty-five gallons of hazardous waste or one quart of acutely hazardous waste listed in paragraph (E) of rule 3745-51-33 of the Administrative Code in containers at or near any point of generation where

wastes initially accumulate, which is under the control of the operator of the process generating the waste, without a permit and without complying with paragraph (A) of this rule provided he...mark his containers either with the words "Hazardous Waste" or with other words that identify the contents of the containers..."

UMHI failed to mark one 55 gallon drum containing paint waste in two of the satellite areas with the words "Hazardous Waste" or with other words that identify the contents of the containers.

In order to abate this violation, UMHI must do the following:

- UMHI must immediately begin properly labeling the containers in the satellite areas.
- UMHI must submit a management plan that states how UMHI will ensure that the containers in the satellite area will be properly labeled from this day forward.
- UMHI must also submit photographic documentation that these containers have been properly labeled. This information should be submitted to Ohio EPA within 30 days of receipt of this letter.

On March 3, 2008, Ohio EPA received photographic documentation that the containers located in the satellite accumulation area were properly labeled with the words "Hazardous Waste". On March 7, 2008, Ohio EPA received documentation that included a management plan outlining the steps taken to ensure the satellite drums are properly labeled.

It appears from the response to Ohio EPA that UMHI may be confused with the proper terms for the hazardous waste storage areas at the facility. The area near the paint booths where paint/solvent waste is placed into a 55 gallon drum after cleaning the paint line is considered a satellite accumulation area by Ohio EPA. This area is limited to accumulating only 55 gallons of hazardous waste and is under the control of an operator. In this case the operator is the painter on the paint line.

It should be noted that UMHI does not need to mark the date on a drum located in the satellite accumulation area until the drum becomes full. Once 55 gallons of waste has been accumulated in the satellite area, the date the drum became full must be marked on the drum. UMHI then has three days from the date the drum becomes full to move it to the hazardous waste CSA.

The hazardous waste CSA is the area that needs to be inspected on a weekly basis and does not have a limit on the amount of hazardous waste stored in this area. Unlike the satellite accumulation area, the CSA is not under the control of an operator at all times.

For more information I have enclosed the fact sheet titled Satellite Accumulation Under Ohio Hazardous Waste Rules, dated July 2004.

With this information, this violation is considered abated.

5. **OAC Rule 3745-52-34(D)(4), Accumulation time of hazardous waste:** A generator may accumulate hazardous waste that is generated on site, provided that "the date upon which each period of accumulation and/or treatment begins is clearly marked and visible for inspection on each container and while being accumulated and/or treated on-site, each container and tank is labeled or marked clearly with the words "Hazardous Waste"..."

UMHI failed to properly label one drum in the container storage area (CSA) with the words "Hazardous Waste." Additionally, all six drums in the CSA did not have an accumulation start date on them.

In order to abate this violation, UMHI must do the following:

- UMHI must immediately begin to label all drums in the CSA with the words "Hazardous Waste" and the accumulation start date for each drum.
- UMHI must submit a management plan that states how UMHI will ensure that the containers in the CSA will be properly labeled from this day forward.
- UMHI must also submit photographic documentation that all containers in the CSA have been properly labeled with the words "Hazardous Waste" and the accumulation start date for each drum. This information must be submitted to Ohio EPA within 30 days of receipt of this letter.

On March 3, 2008, Ohio EPA received photographic documentation that the containers located in the CSA have been properly labeled with the words "Hazardous Waste" and the accumulation start date for each drum has also been marked. On March 7, 2008, Ohio EPA received documentation that included a management plan outlining the steps taken to ensure the drums are properly labeled.

With this information, this violation is considered abated.

6. **OAC Rule 3745-66-74: Inspections:** "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."

UMHI failed to inspect the less than 180 day hazardous waste storage area and to record the inspections in an inspection log or summary.

In order to abate this violation, UMHI must do the following:

- UMHI must immediately begin inspecting the storage areas every seven days.
- UMHI must also write a management plan outlining how UMHI will ensure that inspections are completed every seven days. This plan must be submitted to Ohio EPA along with copies of four weeks of inspection logs for the storage areas.

It should be noted that Ohio EPA defines "weekly" as "every seven days" and not a calendar week. This means that if UMHI plans on conducting the weekly inspection on Wednesdays, then every Wednesday an inspection of the CSA should be conducted and not a day later. If UMHI will be shut down for any amount of time that includes a Wednesday, then someone will need to come in to conduct an inspection on the Wednesdays during shutdown. The only exception would be the following scenario:

Assuming Monday through Friday work weeks, if UMHI will be shutdown Wednesday the 23rd through Sunday the 27th of this month, then an inspection would need to be conducted on Tuesday the 22nd. Seven days from that day would be Tuesday the 29th, so an inspection would need to be conducted on the 29th. Then to resume the Wednesday inspection schedule, an inspection should also be completed on the 30th. Please call me if you have any questions regarding this rule and inspection schedules.

UMHI was given an example of an inspection log for your convenience. You may use the one previously sent or create an inspection log of your own that includes all information included in the cited rule.

On March 7, 2008, Ohio EPA received documentation that UMHI had completed weekly inspections of the hazardous waste CSA for the month of February 2008. During the site visit on March 27, 2008, Ohio EPA spoke to UMHI concerning the weekly inspections being conducted on the paint locker located south of the main building. During this time, Ohio EPA became aware that UMHI is not storing hazardous waste in the paint locker as previously explained.

Currently, UMHI is storing the hazardous waste in the CSA near the paint booths. However, this CSA was not being inspected on a weekly basis at the time of the March 27, 2008, site visit. At this time, Ohio EPA explained that weekly inspections needed to be conducted on the area where UMHI was storing the hazardous waste.

To abate this violation, UMHI must immediately begin completing weekly inspections on the hazardous waste CSA. UMHI must submit two weeks worth of weekly inspections that have been completed on the hazardous waste CSA.

UMHI may have more than one hazardous waste CSA at the facility, however, each location where hazardous waste is being stored must be inspected on a weekly basis. This information must be submitted to Ohio EPA within 30 days of receipt of this letter.

Based on the information provided to Ohio EPA on March 7, 2008, additional violations have been cited which are listed below.

Additional Violations:

7. **OAC Rule 3745-65-33, Testing and Maintenance of equipment:** "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 assure its proper operation in time of emergency. The owner or operator must record the inspections in a log or summary."

UMHI failed to record the inspections of the spill control and decontamination equipment in a log or summary.

In order to abate this violation, UMHI must do the following **within 30 days of receipt of this letter:**

- UMHI must immediately begin conducting spill control and decontamination equipment inspections and recording these inspections in a log or summary. It is recommended that the log include the following information: date and time of test, name of person conducting the test, observations made and date/nature of any repairs.
- UMHI must submit a summary outlining how they will assure these inspections are conducted and what frequency the inspections will take place.
- UMHI must also submit a copy of a completed inspection log to verify compliance with this rule.

For your convenience, I have enclosed a copy of an example inspection log.

8. **OAC Rule 3745-65-16(A)(1-3), (B), (C), (D) (1-4), and (E): Personnel training:** Facility personnel must successfully complete training on hazardous waste management procedures. This training must be conducted within six months after the date the employee is hired and an annual review of the training must be completed thereafter. The owner or operator must maintain records including, but not limited to, job title, job description, and training of each employee. Records must be retained for current personnel until closure of the facility and former personnel for at least three years from the date the employee last worked at the facility.

On March 7, 2008, Ohio EPA received documentation that UMHI failed to conduct personnel training. UMHI violated all the applicable requirements of this rule as follows:

- a. OAC Rule 3745-65-16(A)(1-3)-UMHI did not conduct personnel training for employees involved in the handling or management of hazardous waste at the facility. This personnel training must be directed by a person trained in hazardous waste management procedures. This training shall include, but is not limited to, hazardous waste management procedures, instruction in safe equipment operation, emergency procedures, and the implementation of the contingency plan. It must also familiarize employees with procedures for using, inspecting, repairing, and replacing facility emergency and monitoring equipment.
- b. OAC Rule 3745-65-16(B)-UMHI did not train employees within six months of beginning employment at UMHI on hazardous waste management procedures.
- c. OAC Rule 3745-65-16(C)-Employees do not receive annual refresher hazardous waste management training. Ohio EPA defines annual as at least once every 365 days.
- d. OAC Rule 3745-65-16(D)(1-4)-UMHI does not maintain personnel training records which include, but are not limited to, employee name, job title, job descriptions, and type and amount of introductory and continuous training for employees responsible for waste handling and spill response duties.
- e. OAC Rule 3745-65-16(E)-UMHI did not maintain training records on current and former employees.

In order to abate this violation, UMHI must do the following:

- UMHI must develop a personnel training plan that includes procedures for handling and managing hazardous waste. The training should also include the procedures for using, inspecting, repairing, and replacing emergency and monitoring equipment, what to do in case of fire or explosion in a hazardous waste area, what wastes are considered hazardous, how to label hazardous wastes, what to do in case of waste spills, how to inspect waste storage areas, procedures for implementing the contingency plan, evacuation routes, and communication and alarm systems. UMHI must develop records that document the training has been successfully completed by the appropriate facility personnel.
- Prior to conducting training, a copy of the training program or plan shall be submitted to Ohio EPA for review. UMHI must also submit a copy of the instructor's name, credentials, resume, and work experience or OSHA 40-hour certificate which shows they have been trained in hazardous waste management procedures.

- Once Ohio EPA has approved the training program, UMHI shall immediately conduct training for all personnel handling and managing hazardous waste. UMHI should submit sign-in sheets containing all appropriate personnel signatures showing that they have successfully completed this training.
- UMHI must immediately begin to train new employees within six months of their initial date of employment or switching to a new position involving hazardous waste management. To demonstrate a return to compliance, UMHI shall submit to Ohio EPA a description of how UMHI ensures new employees are properly trained.
- UMHI shall immediately establish a written procedure to provide annual refresher training and shall submit a copy of this procedure to Ohio EPA. Annual refresher training must be completed at least once every 365 days.
- UMHI must submit to Ohio EPA written job titles, job descriptions, name of each employee filling that position, description of the type and amount of introductory and continued training that will be given to each person in a position, and documentation that all applicable training has been completed for all employees involved in the handling and management of hazardous waste.
- UMHI must submit to Ohio EPA a copy of a written internal policy that ensures all personnel training records will be maintained. Specifically, records should be maintained for current employees until facility closure and former employees for three years. UMHI must immediately begin maintaining all training information.
- This violation will be abated once the personnel training has been completed and class sign-in sheets from those attending have been received by Ohio EPA.

I have enclosed an example of a Sample Personnel Training Plan which you may find useful.

During the March 27, 2008, site visit, UMHI stated that personnel training was to be given on March 29, 2008, by Chemtron Corporation. Ohio EPA reviewed the outline of the training plan and told UMHI to proceed. However, UMHI still needs to submit the above information to abate this violation.

9. **OAC Rule 3745-65-52(C), Content of contingency plan:** "The contingency plan must describe arrangements agreed to by local police departments, fire departments, hospitals, contractors, and Ohio EPA and local emergency response teams to coordinate emergency services, pursuant to rule 3745-65-37 of the Administrative Code."

UMHI failed to describe arrangements agreed to by local police departments, fire departments, hospitals, contractors, Ohio EPA, and local emergency response teams in the contingency plan that was submitted to Ohio EPA on March 7, 2008.

In order to abate this violation, UMHI must revise the contingency plan to include the arrangements made with the above listed emergency authorities. UMHI must submit the revised plan to these agencies or organizations and provide documentation to Ohio EPA that this has been accomplished by submitting a certified mail receipt, signed copy of receipt, or other similar documentation. The revised plan should also be submitted to Ohio EPA. UMHI must submit this information **within 30 days of receipt of this letter.**

10. **OAC Rule 3745-65-52(E), Content of contingency plan:** "The contingency plan must include a list of all emergency equipment at the facility [such as fire extinguishing systems, spill control equipment, communications, and alarm system (internal and external), and decontamination equipment], where this equipment is required. This list must be kept up to date. In addition, the contingency plan must include the location and a physical description of each item on the list, and a brief outline of its capabilities."

UMHI failed to list the spill control and decontamination equipment located at the facility in the contingency plan submitted to Ohio EPA on March 7, 2008. The contingency plan did not list the location, physical description of each item, and a brief outline of the capabilities of the spill control and decontamination equipment.

In order to abate this violation, UMHI must revise the contingency plan to include the location, physical description of each item, and a brief outline of the capabilities of the spill control and decontamination equipment. The revised plan should also be submitted to Ohio EPA and also to the emergency authorities listed in the previous violation. UMHI must submit this information **within 30 days of receipt of this letter.**

General Concerns:

- A. **Emergency Equipment Inspections:** OAC Rule 3745-65-33 states "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 assure its proper operation in time of emergency. The owner or operator must record the inspections in a log or summary."

During the inspection, Ohio EPA did not determine if UMHI was completing emergency equipment inspections and tracking these inspections in a log book in accordance with OAC Rule 3745-65-33. Ohio EPA did note that the fire extinguishers in the CSA area had been recently inspected, but no other equipment was checked during the inspection.

UMHI must submit information that includes the following: if these inspections are being conducted, how often these inspections are being conducted, what equipment is being included in these inspections, and how the inspections are tracked. If UMHI is completing these inspections, UMHI should also submit a copy of the most recent inspection log. If UMHI is visually completing these inspections but does not track them in a log book, UMHI should describe this process as well. Please submit this information to Ohio EPA within 30 days of receipt of this letter.

On March 7, 2008, Ohio EPA received documentation that the fire extinguishers are inspected annually and the riser pipes are inspected quarterly. A copy of the riser pipe inspection log was sent to Ohio EPA. However, no inspection logs for spill control or decontamination equipment were submitted to Ohio EPA. During the site visit on March 27, 2008, UMHI told Ohio EPA that an inspection log for the spill control and decontamination equipment did not exist.

Due to this, an additional violation is being cited as described above. No further information needs to be submitted to address this general concern. However, UMHI must work to abate the additional violation.

- B. Episodic Generator Status:** During the inspection, Ohio EPA determined that UMHI is an episodic generator. This means that UMHI's hazardous waste generation fluctuates between two generator categories. In this case, UMHI fluctuates between an SQG and an LQG. According to the hazardous waste manifests, UMHI appears to have been an LQG during the time periods of January 2006 through November 2006 and September 2007 through November 2007. Due to the fact that UMHI was an episodic generator over the past three years, UMHI must be able to produce records that the additional LQG rules and regulations were followed while they were an LQG. Two of the additional requirements for LQGs are yearly personnel training and the maintenance of a contingency plan. These are discussed in more depth in the next two general concerns.

Please note that in the future if UMHI becomes an episodic LQG in any given month, UMHI must comply with all applicable LQG requirements for hazardous wastes generated that month, for as long as that waste remains on site. If UMHI reverts back to SQG status the following month, you must continue to manage the hazardous waste generated during the month you became an LQG according to all applicable LQG requirements. Hazardous waste generated during the month you were an SQG can be managed under SQG requirements. For more information, UMHI was given the fact sheet titled Hazardous Waste Generator Categories and Episodic Generation dated March 2007.

No further information needs to be submitted for this general concern.

- C. **Personnel training:** During the inspection, Ohio EPA determined that UMHI is an episodic generator. One of the additional requirements for LQGs is yearly personnel training.

OAC Rule 3745-65-16(A)(1-3), (B), (C), (D) (1-4), and (E) states that facility personnel must successfully complete training on hazardous waste management procedures. This training must be conducted within six months after the date the employee is hired and an annual review of the training must be completed thereafter. The owner or operator must maintain records including, but not limited to, job title, job description, and training of each employee. Records must be retained for current personnel until closure of the facility and for former personnel until at least three years from the date the employee last worked at the facility.

Ohio EPA did not determine if UMHI conducted personnel training while UMHI was an LQG, during the inspection. UMHI must submit records that address all the applicable requirements of this rule as follows:

1. OAC Rule 3745-65-16(A)(1-3)-UMHI must conduct personnel training for employees involved in the handling or management of hazardous waste at the facility. This personnel training must be directed by a person trained in hazardous waste management procedures. This training shall include, but is not limited to, hazardous waste management procedures, instruction in safe equipment operation, emergency procedures, and the implementation of the contingency plan. It must also familiarize employees with procedures for using, inspecting, repairing, and replacing facility emergency and monitoring equipment.
2. OAC Rule 3745-65-16(B)-UMHI must train all employees that will handle hazardous waste within six months of beginning employment at UMHI on hazardous waste management procedures.
3. OAC Rule 3745-65-16(C)-UMHI must conduct annual refresher hazardous waste management training. Ohio EPA defines annual as at least once every 365 days.
4. OAC Rule 3745-65-16(D)(1-4)-UMHI must maintain personnel training records which include, but are not limited to, employee name, job title, job descriptions, and type and amount of introductory and continuous training for employees responsible for waste handling and spill response duties.
5. OAC Rule 3745-65-16(E)-UMHI must maintain training records on current and former employees.

This information should be submitted to Ohio EPA within 30 days of receipt of this letter. If UMHI does not conduct personnel training, then UMHI should submit this process to Ohio EPA as well.

Likewise, if UMHI completes a portion of these requirements, then UMHI should describe which portions have been completed.

On March 7, 2008, Ohio EPA received documentation that UMHI did not complete personnel training. Due to this, an additional violation is being cited as described above. No further information needs to be submitted to address this general concern. However, UMHI must work to abate the additional violation.

- D. Contingency Plan:** During the inspection, Ohio EPA determined that UMHI is an episodic generator. Due to the fact that UMHI was an LQG within the past year, UMHI must be able to produce records that the additional LQG rules and regulations were followed while they were an LQG. One of the additional requirements for LQGs is maintaining an updated contingency plan.

The following rules make up the contingency plan rules for an LQG: OAC Rule 3745-65-51(A), (B): Purpose and Implementation of contingency plan; OAC Rule 3745-65-52(A), (C), (D), (E), (F): Content of contingency plan; OAC Rule 3745-65-53(A), (B): Copies of contingency plan; and OAC Rule 3745-65-55: Emergency coordinator. These combined rules state that a facility shall have a contingency plan which will be implemented during an emergency. The contingency plan must describe the following: actions personnel will take during an emergency, arrangements with emergency responders, current emergency contact and related information for emergency coordinators, emergency equipment location at the facility, and 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. A facility must have a designated emergency coordinator who is familiar with all aspects of the contingency plan, available to respond to an emergency, and has the authority to commit the resources needed to implement a contingency plan.

Ohio EPA did not determine if UMHI maintained a contingency plan while UMHI was an LQG, during the inspection. UMHI must submit records that address all the applicable requirements of this rule as follows:

1. OAC Rule 3745-65-51(A)-UMHI has a contingency plan.
2. OAC Rule 3745-65-51(B)-UMHI is able to implement such a plan during a fire, explosion, or release of hazardous waste.
3. OAC Rule 3745-65-52(A)-UMHI has a plan that describes actions the personnel must take in response to fires, explosions, or releases of hazardous waste.
4. OAC Rule 3745-65-52(C)-UMHI has a contingency plan that describes arrangements agreed to by local police departments, fire departments, hospitals, contractors, Ohio EPA, and other local emergency responders.

5. OAC Rule 3745-65-52(D)-UMHI has a contingency plan that lists the names, home addresses, home phone numbers, and office numbers of persons qualified to act as emergency coordinator.
6. OAC Rule 3745-65-52(E)-UMHI has a contingency plan that lists emergency equipment at the facility.
7. OAC Rule 3745-65-52(F)-UMHI has a contingency plan that includes an evacuation plan.
8. OAC Rule 3745-65-53(A)-UMHI has maintained a contingency plan at the facility.
9. OAC Rule 3745-65-53(B)-UMHI has submitted a contingency plan to all local police departments, fire departments, hospitals, Ohio EPA, and local emergency response teams that may be requested to provide emergency services.
10. OAC Rule 3745-65-55-UMHI has designated an emergency coordinator.

This information should be submitted to Ohio EPA within 30 days of receipt of this letter. If UMHI does not maintain a contingency plan, then UMHI should submit this information to Ohio EPA as well. However, if UMHI has portions of these requirements met, then this should be explained as well.

On March 7, 2008, Ohio EPA received UMHI's contingency plan. However, a few pertinent items were not included in the contingency plan. Due to this, an additional violation is being cited as described above. No further information needs to be submitted to address this general concern. However, UMHI must work to abate the additional violation.

- E. Name/Address Change:** UMHI failed to notify Ohio EPA when the name of the company was changed in March 2007. It should be noted that if UMHI changes names, owners, locations, or any other important information then Ohio EPA should be notified. UMHI should submit an updated notification form to Ohio EPA once this change takes place. The Notification of Regulated Waste Activity Form can be found on our website, which is listed below.

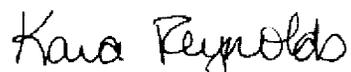
No further information needs to be submitted for this general concern.

Should you have any questions, please feel free to call me at (419) 373-3065.

Mr. Greg Christy
May 14, 2008
Page 18

Please send all correspondence **within 30 days of receipt of this letter** to Ohio EPA, Northwest District Office, Attn: Kara Reynolds, 347 North Dunbridge Road, Bowling Green, Ohio 42402.

Sincerely,



Kara Reynolds
Environmental Specialist
Division of Hazardous Waste Management

/llr

Enclosures

pc: Colleen Weaver, DHWM, NWDO
Kara Reynolds, DHWM, NWDO
Cindy Lohrbach, DHWM, NWDO
DHWM, NWDO Putnam County File: Unarco Material Handling, Inc. (Clymer Enterprises) 1993-, with enclosures

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.