



State of Ohio Environmental Protection Agency

Northwest District Office

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Bowling Green, OH 43402-9398

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

Re: Sommer Generator
Complaint #2680
Richland County
OHR000143602
Notice of Violation

October 26, 2007

Geordi Mason
Sommer Generator
P.O. Box 28
Shelby, Ohio 44875

Dear Mr. Mason:

On October 2, 2007, Ohio EPA conducted a compliance evaluation inspection of Sommer Generator (Sommer) located at 135 N Gamble Street in Shelby, Ohio. The purpose of the inspection was to determine Sommer's generator status and compliance with Ohio's hazardous waste laws as found in Chapter 3734. of the Ohio Revised Code (ORC), and Ohio's hazardous waste regulations as adopted under Chapter 3745, of the Ohio Administrative Code (OAC).

Ohio EPA conducted a complaint investigation on August 2, 2007, and sent a letter dated August 16, 2007, requiring that Sommer collect their resin/xylene waste (D001, F003) for 30 days in order to determine their hazardous waste generator status. During the October 2, 2007, inspection Ohio EPA determined Sommer to be a small quantity generator (SQG) of hazardous waste due to the fact that they generate between 25-300 gallons of hazardous waste in a calendar month. Sommer generates approximately 100 gallons of hazardous waste per month at this time.

Also, during the August 2, 2007, complaint investigation, Sommer had 5 drums of resin/xylene waste onsite that were accumulated over the past 3 years. During the past 3 years Sommer was a conditionally exempt small quantity generator (CESQG) of hazardous waste. In August of 2007, production increased and Sommer began storing over 5 drums of resin/xylene waste causing them to move into SQG status. All drums onsite are now subject to SQG standards even though 5 drums were generated during CESQG status. Sommer currently has a total of 9 hazardous waste drums on site.

During the October 2, 2007, inspection, Sommer notified Ohio EPA that they would be moving their facility in late October/early November. When this occurs, Sommer needs to send in another RCRA Subtitle C Site Identification form to update the site

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identification information (provide new address). At this time, Ohio EPA will issue you a new EPA ID # for your new address. I have enclosed the RCRA Subtitle C form for your convenience.

Ohio EPA found the following violations of Ohio's hazardous waste laws. In order to correct these violations you must do the following and send me the required information **within 30 days** of your receipt of this letter.

1. Emergency Information, OAC Rule 3745-52-34(D)(5)(b)

All Small Quantity Generators (SQG) of hazardous waste must have the following posted by the telephone: Name and telephone number of emergency coordinator, location of fire and spill control equipment, and the telephone number of the local fire department.

Sommer failed to have the above information posted by the phones in the shop area. In order to abate this violation, Sommer must submit photo documentation to my attention showing that the above information has been placed by the phone.

2. Weekly 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. Ohio EPA considers "weekly" to mean every seven days. The owner or operator must also record inspections in an inspection log.

Sommer failed to inspect their container storage area every seven (7) days.

In order to abate this violation, Sommer must submit four weeks of weekly inspections for the container storage area to my attention. I have enclosed a sample weekly inspection form for your convenience.

3. Satellite Container Labeling, OAC Rule 3745-52-34(C)(1)(b)

All satellite containers must be labeled or marked clearly with the words "Hazardous Waste", or with other words identifying the contents of the container.

Sommer failed to have their resin/xylene waste satellite container located in the oven area labeled with the words "Hazardous Waste" or other identifying words.

In order to abate this violation, Sommer must submit photo documentation to my attention showing that the words "Hazardous Waste", or other identifying words have been placed on the satellite container.

4. Management of Containers, OAC Rule 3745-52-34(D)(4)

As a SQG of hazardous waste Sommer is required to mark all containers storing hazardous waste with the words "Hazardous Waste" and the accumulation date of when hazardous waste was initially stored in the container.

Sommer failed to have the accumulation start date and the words "Hazardous Waste" on 9 drums located in the container storage area.

In order to abate this violation, Sommer must submit photo documentation showing the accumulation start date and the words "Hazardous Waste" have been placed on the drums.

5. Management of Containers, OAC Rule 3745-66-73(A)

A container holding hazardous waste shall always be closed during storage, except when it is necessary to add or remove waste.

Sommer failed to have the 9 drums storing hazardous waste located in the container storage area closed. The lids currently have multiple small holes on the tops which need to be closed

In order to abate this violation, Sommer must submit photo documentation showing the lids have been closed properly.

6. Management of Containers, OAC Rule 3745-52-34(C)(1)(a)

A satellite container holding hazardous waste shall always be closed except when adding waste.

Sommer failed to keep the two satellite containers closed when the employees were not cleaning off the stators with the xylene rinse. The top of the drums have multiple small holes which must be able to be closed up when the satellite containers are not being used.

In order to abate this violation, Sommer must submit photo documentation showing the satellite containers have been properly closed.

7. Used Oil Labeling, OAC Rule 3745-279-22(C)(1)

Containers used to store used oil shall be labeled or marked clearly with the words "Used Oil."

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Sommer failed to mark all their containers that store used oil with the words "Used Oil."

In order to abate this violation, Sommer must mark or label the containers that store used oil with the words "Used Oil" immediately. In addition, Sommer must submit photo documentation showing that the used oil drums have been properly labeled.

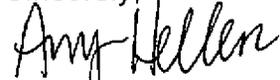
If you find ways to recycle, reduce, or altogether eliminate the amount of waste your company generates you may be able to reduce treatment and disposal costs. Furthermore, you may possibly reduce your regulatory requirements. Ohio EPA has helpful information about pollution prevention at the following web address:
<http://www.epa.state.oh.us/ocapp/ocapp.html>.

The Division of Hazardous Waste Management (DHWM) has created an electronic news service to provide you with quick and timely updates on events and news related to hazardous waste activities in Ohio. If you haven't already, we encourage you to sign-up for this free service. You can find more information at the following Web link <http://www.epa.state.oh.us/dhwm/listserv.html>. Please feel free to share this information with your colleagues.

You can find copies of Ohio EPA's rules and other information 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>.

Enclosed you will find a copy of the checklists that I completed during the inspection. Please address all correspondence to Amy Heller, Ohio EPA, 347 N. Dunbridge Road, Bowling Green, Ohio 43402. If you have any questions, please feel free to contact me at (419) 373-3058.

Sincerely,



Amy Heller

Division of hazardous Waste Management

/lb

Enclosure

pc: Colleen Weaver, DHWM, NWDO
Cindy Lohrbach, DHWM, NWDO

~~DHWM, NWDO File: Sommer Generator, Richland-County~~ →

ec: Amy Heller, 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.

**SM QUANTITY GENERATOR REQUIREMENTS
COMPLETE AND ATTACH A PROCESS, WASTE, P2 SUMMARY SHEET**

CESQG: ≤ 100 Kg. (approximately 25-30 gallons) of waste in a calendar month or < 1 Kg. of acutely hazardous waste.
 SQG: Between 100 and 1,000 Kg. (about 25 to under 300 gallons) of waste in a calendar month
 LQG: ≥1,000 Kg. (-300 gallons) of waste in a calendar month or ≥1 Kg. of acutely hazardous waste in a calendar month

NOTE: To convert from gallons to pounds: Amount in gallons x Specific Gravity x 8.345 = Amounts in pounds

Safety Equipment Used:

GENERAL REQUIREMENTS

- 1. Have all wastes generated at the facility been adequately evaluated? [3745-52-11] Yes No N/A
 - 2. Has the generator obtained a U.S. EPA I.D. number? [3745-52-12] Yes No N/A
 - 3. Has the generator transported or caused to be transported hazardous waste to **other** than a facility authorized to manage the hazardous waste? [ORC 3734.02 (F)] Yes No N/A
 - 4. Has the generator disposed of hazardous waste **on-site without a permit** or at another facility **other** than a facility authorized to dispose of hazardous waste? [ORC 3734.02 (E) & (F)] Yes No N/A
 - 5. Does the generator accumulate hazardous waste? Yes No N/A
- NOTE: If the SQG does not accumulate or treat hazardous waste, it is not subject to 52-34 standards. All other requirements might still apply, e.g. manifest, marking, LDR, etc.
- 6. Has the generator accumulated hazardous wastes in excess of (180/270) days without a permit or an extension from the Director? [3745-52-34; ORC §3734-02(E)&(F)] Yes No N/A

NOTE: SQG's shipping waste to a facility greater than 200 miles away can accumulate on-site for 270 days. [3745-52-34 (E)]

- 7. Is the generator accumulating more than 6,000 kg on site? [3745-52-34(D)] Yes No N/A
- NOTE: 6,000 kg = approximately 27, 55-gallon drums. If the facility is accumulating waste for greater than 180/270 days without an extension/permit or is accumulating greater than 6,000 kg on-site, it is classified as a storage facility and TSD standards apply. Complete applicable TSD checklists.
- 8. Does the generator treat hazardous waste in a:
 - a. Container that meets 3745-66-70 to 3745-66-77? Yes No N/A
 - b. Tank that meets 3745-66-90 to 3745-66-101 except 3745-66-97 (C)? Yes No N/A
 - c. Drip pads that meet 3745-69-40 to 3745-69-45? Yes No N/A
 - d. Containment building that meets 3745-256-100 to 3745-256-102? Yes No N/A

NOTE: Complete appropriate checklist for each unit.
 NOTE: If waste is treated to meet LDRs, use LDR checklist.

MANIFEST REQUIREMENTS

- 9. Are all hazardous wastes either reclaimed under a contractual agreement as defined in OAC rule 3745-52-20(E), or shipped off-site accompanied by a manifest (U.S. EPA Form 8700-22)? [3745-52-20(A)] Yes No N/A
- 10. Are wastes reclaimed under a contractual agreement? If so: [3745-52-20(E)]
 - a. Does the contractual agreement specify the type of waste and frequency of shipment? Yes No N/A
 - b. Is the transport vehicle owned and operated by the reclaimer? Yes No N/A
 - c. Is a copy of the reclamation agreement kept on-site for at least three years after termination/expiration of the agreement? Yes No N/A

NOTE: If wastes are reclaimed under a contractual agreement and an answer to questions 10(a) through 10(c) is no, the generator is in violation of 3745-52-20 (A) (B) & (D), 3745-52-22 and 3745-52-23. Even if the waste is being reclaimed under agreement, LDRs still apply. Complete LDR checklist.

- 11. Have items 1 through 20 of each manifest been completed?[3745-52-20(A)] Yes No N/A
- NOTE: U.S. EPA Form 8700-22(A) (the continuation form) may be needed in addition to Form 8700-22. In these situations, items (21) through (35) must also be complete. [3745-52-20 (A)]
- 12. Does each manifest designate at least one facility which is permitted to handle the waste? [3745-52-20(B)] Yes No N/A

NOTE: The generator may designate on the manifest one alternative facility to handle the waste in the event of an emergency which prevents the delivery of waste to the primary designated facility. [3745-52-20(C)]

- 13. If the transporter was unable to deliver a shipment of hazardous waste to the designated facility did the generator designate an alternative TSD facility or give the transporter instructions to return the waste? [3745-52-20(D)] Yes No N/A

[Facility Name/Inspec
][
 SQG/Febr
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14. Have the manifests been signed by the generator and initial transporter? Yes No N/A
 [3745-52-23 (A) (1) and (2)]
- NOTE: Remind the generator that the certification statement they signed indicates: 1) they have properly prepared the shipment for transportation and 2) they have made a good faith effort to minimize their waste generation.
15. If the generator did not receive a return copy of each completed manifest within 60 days of being accepted by the transporter did the generator submit to Ohio EPA, a copy of the manifest with some indication that the generator has not received confirmation of delivery? 3745-52-42(B)] Yes No N/A
16. Are signed copies of all manifests being retained for at least three years? [3745-52-40] Yes No N/A

NOTE: Waste generated at one location and transported along a publicly accessible road for temporary consolidated storage or treatment on a contiguous property also owned by the same person is not considered "on-site" and manifesting and transporter requirements must be met. To transport "along" a public right-of-way the destination facility has to act as a transfer facility or have a permit because this is considered to be "off-site." For additional information see the definition of "on-site" in OAC rule 3745-50-10.

PREPAREDNESS AND PREVENTION

17. Is an emergency coordinator available at all times (on-site or on-call)? [3745-52-34(D)(5)(a)] Yes No N/A
18. Has the following been posted by the telephone: [3745-52-34(D)(5)(b)]
- a. Name and telephone number of emergency coordinator? Yes No N/A
 - b. Location of fire and spill control equipment, and, if present, fire alarm(s) Yes No N/A
 - c. Telephone number of local fire department? Yes No N/A
19. Are employees familiar with waste handling and emergency procedures [3745-52-34(D)(5)(c)] Yes No N/A
20. Has the facility properly responded to all fires and spills? [3745-52-34(D)(5)(d)] Yes No N/A
21. Is the facility operated to minimize the possibility of fire, explosion, or any unplanned sudden or nonsudden release of hazardous waste? [3745-65-31] Yes No N/A
22. Does the generator have the following equipment at the facility if it is required due to actual hazards associated with the waste:
- a. Internal Alarm system? [3745-65-32(A)] Yes No N/A
 - b. Emergency communication device? [3745-65-32(B)] Yes No N/A
 - c. Portable fire control, spill control and decon equipment? [3745-65-32(C)]? Yes No N/A
 - d. Water of adequate volume/pressure per documentation or facility rep? [3745-65-32(D)] Yes No N/A
23. Is emergency equipment tested (inspected) as necessary to ensure its proper operation in time of emergency? [3745-65-33] Yes No N/A
- a. Are inspections recorded in a log or summary? [3745-65-33] Yes No N/A
24. Do personnel have immediate access to an internal alarm or emergency communication device when handling hazardous waste (unless the device is not required under OAC 3745-65-32)? [3745-65-34(A)] Yes No N/A
25. If there is only one employee on the premises is there immediate access to a device (ex. phone, hand-held two-way radio) capable of summoning external emergency assistance? (Unless not required under 3745-65-32?) [3745-65-34(B)] Yes No N/A
26. Is adequate aisle space provided for unobstructed movement of emergency or spill control equipment? [3745-65-35] Yes No N/A
27. Has the generator attempted to familiarize emergency authorities with possible hazards and facility layout? [3745-65-37(A)] Yes No N/A
28. Where authorities have declined to enter into arrangements or agreements, has the generator documented such a refusal? [3745-65-37(B)] Yes No N/A

SATELLITE ACCUMULATION AREA REQUIREMENTS

29. Does the generator ensure that satellite accumulation area(s):
- a. Are at or near a point of generation? [3745-52-34(C)(1)] Yes No N/A
 - b. Are under the control of the operator of the process generating the waste? [3745-52-34(C)(1)] Yes No N/A
 - c. Do not exceed a total of 55 gallons of hazardous waste per waste stream? [3745-52-34(C)(1)] Yes No N/A
 - d. Do not exceed one quart of acutely hazardous waste at any one time? [3745-52-34(C)(1)] Yes No N/A
 - e. Containers are closed, in good condition and compatible with wastes stored in them? [3745-52-34(C)(1)(a)]. Yes No N/A

- f. Containers are marked with the words "Hazardous Waste" or other words identifying the contents? [3745-52-34(C)(1)(b)] Yes No N/A
30. Is the generator accumulating hazardous waste(s) in excess of the amounts listed in the preceding question? If so: Yes No N/A
- a. Did the generator comply with 3745-52-34(A)(1) through (4) or other applicable generator requirements within three days? [3745-52-34(C)(2)] Yes No N/A
- b. Did the generator mark the container(s) holding the excess with the accumulation date when the 55 gallon (one quart) limit was exceeded? [3745-52-34(C)(2)] Yes No N/A

NOTE: The satellite accumulation area is limited to 55 gallons of hazardous waste accumulated from a distinct point of generation in the process under the control of the operator of the process generating the waste (less than 1 quart for acute hazardous waste). There could be individual waste streams accumulated in an area from different points of generation.

USE AND MANAGEMENT OF CONTAINERS

31. Has the generator marked containers with the words "Hazardous Waste"[3745-52-34(D)(4)] Yes No N/A
32. Is the accumulation date on each container? [3745-52-34(D)(4)] Yes No N/A
33. Are hazardous wastes stored in containers which are:
- a. Closed (except when adding/removing wastes)? [3745-66-73(A)] Yes No N/A
- b. In good condition? [3745-66-71] Yes No N/A
- c. Compatible with wastes stored in them? [3745-66-72] Yes No N/A
- d. Handled in a manner which prevents rupture/leakage? [3745-66-73(B)] Yes No N/A

NOTE: Record location on process summary sheets and photograph the area.

34. Is the container accumulation area(s) inspected at least weekly? [3745-66-74] Per ORC§1.44(A) "Week" means seven(7) consecutive days. Yes No N/A
- a. Are inspections recorded in a log or summary? [3745-66-74] Yes No N/A
35. Are containers of incompatible wastes stored separately from each other by means of a dike, berm, wall or other device? [3745-66-77(C)] Yes No N/A
36. If the generator places incompatible wastes, or incompatible wastes and materials in the same container, is it done in accordance with 3745-65-17(B) 3745-66-77(A)] Yes No N/A
37. If the generator places hazardous waste in an unwashed container that previously held an incompatible waste, is it done in accordance with 3745-65-17(B) ? [3745-66-77(B)] Yes No N/A

NOTE: OAC 3745-65-17(B) requires that the generator treat, store, or dispose of ignitable or reactive waste, and the mixture or commingling of incompatible wastes, or incompatible wastes and materials so that it does not create undesirable conditions or threaten human health or the environment.

PRE-TRANSPORT REQUIREMENTS

38. Does each generator package/label its hazardous waste in accordance with the applicable DOT regulations? [3745-52-30, 3745-52-31 and 3745-52-32(A)] Yes No N/A
39. Does each container ≤100 gallons have a completed hazardous waste label? [3745-52-32(B)] Yes No N/A
40. Before off-site transportation, does the generator placard or offer the appropriate DOT placards to the initial transporter? [3745-52-33] Yes No N/A