



State of Ohio Environmental Protection Agency

Northwest District Office

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

**RE: Deco Plas Inc.
OHD 084 560 440
Williams County
DHWM, NWDO
Notice of Violation/
Return to Compliance**

February 6, 2008

Mr. Keith Alcini
Engineering Manager
Deco Plas Inc.
700 Randolph Street
Montpelier, OH 43543

Dear Mr. Alcini:

Thank you for sending the following responses to the Ohio Environmental Protection Agency's (Ohio EPA's) notice of violation (NOV) dated August 27, 2007:

- Electronic mail including two attachments titled *DECO: Deco Plas Inc. Annual Hazardous Waste Reports 2005 and 2006* dated and received by Ohio EPA on September 26, 2007;
- *Ohio EPA DHWM NOV Response* dated September 26, 2007, received by Ohio EPA September 27, 2007;
- Electronic mail including three attachments titled *RE: Deco Plas Inc. NOV* dated and received by Ohio EPA November 16, 2007;
- Electronic mail including one attachment titled *DECO: Deco Plas Bulbs Corrected Manifest* dated and received by Ohio EPA on December 21, 2007;
- Electronic mail including one attachment titled *DECO: Spent Lamps Program Revised* dated and received by Ohio EPA on December 28, 2007;
- Electronic mail including three attachments titled *DECO: Contingency Plan* dated and received by Ohio EPA on January 8, 2008;

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- Electronic mail including one attachment titled *DECO: Final NOV Submittal Information* dated and received by Ohio EPA on January 17, 2008, and
- Electronic mail including one attachment titled *DECO: Contingency Plan Receipts* dated and received by Ohio EPA on January 22, 2008.

Amber Hicks and I revisited Deco Plas Inc. (DPI) on January 15, 2008, to review production records and other documents at the facility.

My review of all the documentation submitted reveals that DPI has adequately demonstrated abatement of the violations discovered during the August 2, 2007, inspection, and cited in the August 27, 2007, NOV.

The following is a summary of the violations cited and the facility's compliance with respect to each violation:

1. **OAC Rule 3745-52-41(A): Annual Report:** "A generator who ships any hazardous waste off-site must prepare and submit to Ohio EPA the "Annual Hazardous Waste Report" by March first of each year. The generator must prepare the "Annual Hazardous Waste Report" using Ohio EPA forms EPA 9027, EPA 9028, and EPA 9029 provided by the director upon the request of the generator..." This report should describe the type and amount of waste generated and shipped off-site in the previous calendar year and include the names and EPA ID numbers of transporters and initial receiving facilities used.

DPI failed to prepare and submit Annual Hazardous Waste Reports for the calendar years 2005 and 2006.

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

- DPI must immediately prepare and submit to Ohio EPA the Annual Hazardous Waste Reports for the calendar years 2005 and 2006. The Annual Hazardous Waste Reports should be mailed to Ohio EPA-DHWM, Attn: Tammy Heffelfinger, Annual Report Coordinator, P.O. Box 1049, Columbus, Ohio 43216-1049. A copy should also be sent to Ohio EPA-DHWM, Attn: Kara Reynolds, 347 North Dunbridge Road, Bowling Green, Ohio 43402. Forms for these reports can be obtained from Ohio EPA's website, listed at the end of this letter.

- DPI must submit a management plan to Ohio EPA that explains how DPI will ensure that these reports are filed correctly in the future.
- DPI is required to submit annual reports to Ohio EPA in accordance with this rule as long as DPI maintains the LQG status. Since DPI has generated waste in 2007 as an LQG, DPI must submit an Annual Hazardous Waste Report for calendar year 2007 by March 1, 2008.

On September 27, 2007, DPI submitted documentation that included Annual Hazardous Waste Reports for calendar years 2005 and 2006. DPI also submitted a management plan that explains how DPI will ensure that these reports are filed correctly in the future, including the report for calendar year 2007.

With this information, this violation is considered abated.

2. **OAC Rule 3745-52-40(B): Recordkeeping:** "The generator must keep a copy of each annual report and exception report for a period of at least three years from the due date of the report."

DPI failed to retain a copy of each annual report for a period of at least three years from the due date of the report.

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

- DPI must immediately begin retaining a copy of the annual report for a period of at least three years from the due date of the report.
- DPI must also prepare and submit to Ohio EPA a management plan outlining how the annual reports will be retained for a period of at least three years from the due date of the report.

On September 27, 2007, DPI submitted documentation that included a management plan that explains how DPI will ensure the Annual Hazardous Waste Reports will be retained for a period of at least three years from the due date of the report.

With this information, this violation is considered abated.

3. **OAC Rule 3745-52-42(A)(1) and (A)(2): Exception Report:** "A generator...who does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within thirty-five days of the date the waste was accepted by the initial transporter shall contact the transporter and/or the owner or operator of the designated facility to determine the status of the hazardous waste. A generator...shall submit an exception report to the Ohio EPA if he has not received a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within forty-five days of the date the waste was accepted by the initial transporter..."

DPI failed to ensure the hazardous waste shipments reached their destination and subsequently file exception reports on several occasions. There were no exception reports available to review at the time of the inspection nor were any submitted to Ohio EPA. DPI violated all the applicable requirements of this rule as follows:

- a. 3745-52-42(A)(1): DPI failed to contact the transporter and/or owner or operator of the designated facility to determine the status of the hazardous waste within 35 days of the date the waste was accepted on the following occasions: manifest 14240, dated September 29, 2005; manifest 83467, dated August 30, 2006; and manifest 0002000, dated December 20, 2006.
- b. 3745-52-42(A)(2): DPI failed to submit exception reports to Ohio EPA for the following manifests after 45 days of the date the waste was accepted: manifest 14240, dated September 29, 2005; manifest 83467, dated August 30, 2006; and manifest 0002000, dated December 20, 2006.

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

- DPI must immediately begin contacting the transporter and/or owner or operator of the designated facility to determine the status of the hazardous waste if DPI does not receive a manifest with the handwritten signature of the designated facility within 35 days of the date the waste was accepted by the initial transporter.

- DPI must immediately begin filing exception reports with Ohio EPA within 45 days of the date the waste was accepted if manifests are not returned with a handwritten signature from the destination facility.
- DPI must file an exception report for all of the above listed manifests. DPI must also submit copies of the above listed manifests with the designated facility's signature.
- DPI must also submit a management plan outlining how DPI will ensure that the manifests are filled out completely, how the transporter and/or owner or operator will be contacted once 35 days have passed and the certified manifest has not been received, and how the exception report will be completed and filed with Ohio EPA after 45 days from the date the waste was accepted.

I was unable to locate an example of an exception report. However, OAC Rule 3745-52-42(A)(2) states "... the exception report shall include: (a) A legible copy of the manifest for which the generator does not have confirmation of delivery; and (b) A cover letter signed by the generator or his authorized representative explaining the efforts taken to locate the hazardous waste and the results of those efforts." As long as you can provide all information required by rule in an electronic mail, then that option is available to you if you chose not to mail in a hard copy of the exception report.

On September 27, 2007, DPI submitted documentation that included copies of the referenced manifests showing the signature of the designated facility and a management plan that explains the procedures DPI will implement after a signed manifest has not been received from the treatment, storage, or disposal facility (TSDF). On November 16, 2007, DPI submitted documentation that included exception reports for the referenced manifests.

With this information, this violation is considered abated.

4. **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.

DPI failed to conduct personnel training. There was no training plan available to review at the time of the inspection. DPI violated all the applicable requirements of this rule as follows:

- a. OAC Rule 3745-65-16(A)(1-3)-DPI 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. According to you, Rick Alt, all painters, and yourself are the only employees that manage hazardous waste as part of your job duties.
- b. OAC Rule 3745-65-16(B)-DPI did not train Rick Alt, all painters, or yourself within six months of beginning employment at DPI on hazardous waste management procedures.
- c. OAC Rule 3745-65-16(C)-Rick Alt, all painters, or yourself 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)-DPI 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)-DPI did not maintain training records on current and former employees.

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

- DPI 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. DPI 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. DPI 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, DPI shall immediately conduct training for all personnel handling and managing hazardous waste. DPI should submit sign-in sheets containing all appropriate personnel signatures showing that they have successfully completed this training.
- DPI 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, DPI shall submit to Ohio EPA a management plan that ensures new employees are properly trained.
- DPI 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.

- DPI 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.
- DPI 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. DPI 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.

DPI submitted documentation on November 16, 2007, that included an outline of a hazardous waste generator training program put together by the University of Findlay and the training instructor's name, credentials, and resume. On January 8, 2008, DPI submitted documentation that included signed records that indicated employees attended the hazardous waste training program. During the site visit on January 15, 2008, Ohio EPA viewed information such as job titles, job descriptions, and the description of the type and amount of training required for each position. On January 17, 2008, Ohio EPA received a management plan that describes how DPI will train all new employees within 6 months, maintain annual refresher training every 365 days, and retain all records properly.

With this information, this violation is considered abated.

5. OAC Rule 3745-65-51(A), (B): Purpose and Implementation of contingency plan; 3745-65-52(A), (C), (D), (E), (F): Content of contingency plan; 3745-65-53(A), (B): Copies of contingency plan; and 3745-65-55: Emergency coordinator: 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.

DPI failed to maintain a contingency plan. There was no contingency plan available to review at the time of the inspection. DPI violated all the applicable requirements of this rule as follows:

- a. OAC Rule 3745-65-51(A)-DPI does not have a contingency plan.
- b. OAC Rule 3745-65-51(B)-By not having a contingency plan, DPI is unable to implement such a plan during a fire, explosion, or release of hazardous waste.
- c. OAC Rule 3745-65-52(A)-DPI does not have a plan that describes actions the personnel must take in response to fires, explosions, or releases of hazardous waste.
- d. OAC Rule 3745-65-52(C)-DPI does not have a contingency plan that describes arrangements agreed to by local police departments, fire departments, hospitals, contractors, Ohio EPA, and other local emergency responders.
- e. OAC Rule 3745-65-52(D)-DPI does not have a contingency plan that lists the names, home addresses, home phone numbers, and office numbers of persons qualified to act as emergency coordinator.
- f. OAC Rule 3745-65-52(E)-DPI does not have a contingency plan that lists emergency equipment at the facility.
- g. OAC Rule 3745-65-52(F)-DPI does not have a contingency plan that includes an evacuation plan.

- h. OAC Rule 3745-65-53(A)-DPI does not maintain a contingency plan at the facility.
- i. OAC Rule 3745-65-53(B)-DPI has not 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.
- j. OAC Rule 3745-65-55-DPI failed to designate an emergency coordinator.

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

- DPI must immediately prepare a contingency plan and submit a copy to Ohio EPA for review. This plan must include all the contents to demonstrate compliance with this rule.
- DPI must maintain a contingency plan at its facility and submit the plan to agencies or organizations that may be required to provide emergency services. DPI must provide documentation that this has been accomplished by submitting to Ohio EPA a certified mail receipt, signed copy of receipt, or other similar documentation.
- DPI must designate an emergency coordinator and identify this person in its contingency plan. The contingency plan must demonstrate compliance with this rule.

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

On January 8, 2008, the facility submitted a contingency plan which designated an emergency coordinator. Ohio EPA reviewed this plan at the facility on January 15, 2008. Ohio EPA received signed receipts that the contingency plan had been distributed to local authorities on January 22, 2008.

With this information, this violation is considered abated.

6. **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."

DPI does conduct annual fire extinguisher inspections. However, DPI failed to test or maintain other facility emergency equipment such as the contents of the portable spill control buggies to assure emergency equipment is available and in proper working condition in the event of an emergency. DPI also failed to record the emergency equipment inspection in a log or summary. At the time of the inspection, the spill control buggy located in the paint storage/mix room had accumulated multiple buckets and other paint related equipment on top of the buggy, inhibiting the opening of the lid. In the case of an actual emergency, valuable time would have been lost due to the extra time spent on the removal of such equipment before the lid to the buggy could be opened.

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

- DPI must immediately begin conducting emergency 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.
- DPI must submit a management plan outlining how they will assure these inspections are conducted and what frequency the inspections will take place.
- DPI 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.

On September 27, 2007, DPI submitted documentation that included an emergency equipment inspection log example, a management plan that explains how DPI will ensure emergency equipment inspections are conducted, and a completed emergency equipment inspection log.

With this information, this violation is considered abated.

7. **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...provided he...marks his containers either with the words "Hazardous Waste" or with other words that identify the contents of the containers."

DPI failed to mark a five gallon bucket located in the clear paint booth satellite accumulation area of Line A with the words "Hazardous Waste" or other identifying words.

- **DPI marked the five gallon drum with the words "Waste Acetone" while Ohio EPA was on site.**

This violation was abated on August 2, 2007.

8. **OAC Rule 3745-52-34(A)(2): Accumulation time of hazardous waste:** "...a generator may, for ninety days or less, accumulate...hazardous waste that is generated on-site without an Ohio hazardous waste permit, provided that...the date upon which each period of accumulation...begins is clearly marked and visible for inspection on each container..."

DPI failed to mark the accumulation date on one 55 gallon drum in the less than 90 day storage area.

- **At the time of the inspection, all other drums in the storage area were dated and had been stored for less than 90 days. DPI stated that the unmarked drum was generated during the same time as the other drums in the storage area. All drums in the storage area were picked up by Safety Kleen during the Ohio EPA inspection on August 2, 2007.**

This violation was abated on August 2, 2007.

9. **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."

DPI failed to inspect the less than 90 day hazardous waste storage area and to record the inspections in an inspection log or summary.

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

- DPI must immediately begin inspecting the storage areas every seven days.
- DPI must also write a management plan outlining how DPI 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.

I have enclosed an example of an inspection log for your convenience.

On September 27, 2007, DPI submitted documentation that included a management plan that explains how DPI will ensure weekly inspections of the less than 90 day hazardous waste storage area are conducted. On November 16, 2007, DPI submitted completed inspection logs for the less than 90 day hazardous waste storage area showing the inspections were completed every seven days.

With this information, this violation is considered abated.

General Concerns:

- A. **Request for Manifests:** At the time of the inspection, DPI did not have a copy of all hazardous waste manifests, signed by the designated facility, on-site. After reviewing the hazardous waste manifests that DPI maintained on-site, two periods of greater than 90 days storage may have occurred. These greater than 90 day storage events may have occurred during the following periods: October 13, 2005, (manifest 96861) through February 13, 2006, (manifest 23499) and February 13, 2006, (manifest 23499) through June 8, 2006, (manifest 99301).

DPI contacted Safety Kleen during the inspection to send copies of other missing signed manifests. However, Safety Kleen had not responded to DPI prior to Ohio EPA's departure. DPI stated that during part of this time period, production had decreased due to the lack of work orders.

- DPI must submit copies of all hazardous waste manifests, signed by the designated facility, to Ohio EPA for the time period October 13, 2005, through June 8, 2006. DPI should include copies of manifests 96861, 23499, and 99301 in the submittal to Ohio EPA.
- DPI must also submit copies of ordering records for the acetone/solvent and paint utilized during the period of August 1, 2005, through August 1, 2006.
- DPI must describe, to the best of their ability, utilizing as much documentation as necessary, the fluctuation of production during the time period of October 13, 2005, through June 8, 2006.

Once Ohio EPA receives all of the documentation and information from DPI, a decision on the generator status of DPI for these months will be made, which may result in further violations.

On January 15, 2008, Amber Hicks and I revisited DPI to review production records for the facility. After reviewing the daily paint waste worksheets and other production related documents, it appears that DPI was not an LQG during the period of October 2005 through June 2006. Therefore, the potential violation for not shipping waste off site every 90 days is not valid.

This general concern has been addressed and does not require further information.

- B. Spent Lamps:** At the time of the inspection, Rick Alt of DPI stated that a closed, 55 gallon drum was used to store spent lamps. These lamps were shoved through a hole, sealed with a rubber flap in the lid of the drum and crushed by a stick. Rick explained that the drum was approximately one third full and had not been sent off-site. However, during the inspection the drum and homemade bulb crusher could not be located. The fact that a drum of potentially hazardous waste could not be located is very concerning.

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- DPI should immediately stop crushing spent lamps. Crushed lamps must be managed as hazardous waste. DPI may crush lamps according to the information on the enclosed fact sheets, but Ohio EPA recommends that lamps be managed as a universal waste.
- DPI must locate the drum of crushed lamps, close and label the drum, place it in the 90 day storage area, and manage it as hazardous waste.
- DPI should submit the waste manifest that includes the drum of crushed lamps to Ohio EPA. If the drum is not on-site, then DPI should describe in detail where the drum and bulb crusher are located, how long they have been at that location, how they were transported to their current location, and any other useful information relevant to the drum and homemade bulb crusher.
- DPI should submit to Ohio EPA a management plan that describes how DPI will manage spent lamps, as a hazardous waste or a universal waste. Ohio EPA recommends that DPI manage spent lamps as a universal waste according to OAC Rule 3745-273: Universal Waste Management. This type of management would include, but not be limited to, storing them in a closed container labeled "Universal Waste-Lamps" and dating the container with the first date a spent lamp is placed inside. This type of management would not require DPI to analyze each type of bulb utilized in the plant (which is part of the method for managing spent lamps as hazardous waste), but would manage all spent lamps in the same way.

DPI submitted documentation on December 21, 2007, that indicated the crushed bulbs were shipped off site as hazardous waste. On December 28, 2007, DPI submitted a universal waste management plan for the spent bulbs at the facility.

This general concern has been addressed and does not require further information.

New Violation

Based on the hazardous waste manifest received on December 21, 2007, the spent bulbs at the facility that were previously being crushed in a homemade bulb crusher, were shipped off site as a hazardous waste. However, since DPI failed to evaluate the bulbs prior to crushing them in the homemade bulb crusher, the following violation has been cited:

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10. **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..."

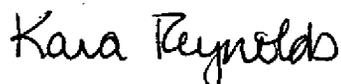
DPI failed to evaluate the spent bulbs prior to crushing them on site in the homemade bulb crusher.

On December 28, 2007, DPI submitted a universal waste management plan for the spent bulbs at the facility. DPI will be managing the spent bulbs as a universal waste from this point forward and will no longer be crushing them.

With this information, this violation is considered abated.

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

Sincerely,



Kara Reynolds
Environmental Specialist
Division of Hazardous Waste Management

/csl

Enclosure

cc: Colleen Weaver, DHWM, NWDO
Kara Reynolds, DHWM, NWDO
Cindy Lohrbach, DHWM, NWDO
DHWM, NWDO Williams County File: DECO PLAS 2003-

ec: Amber Hicks, 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.