



**Environmental
Protection Agency**

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

Re: **Cooper Farms Processing
OHD987024080
Mercer County
DMWM, NWDO
Return to Compliance**

January 18, 2012

Mr. Kevin Reed
Cooper Farms Processing
#1 Cooper Farms Drive
St. Henry, Ohio 45883

Dear Mr. Reed:

The Ohio Environmental Protection Agency (Ohio EPA) received documentation from Cooper Farms Processing (CFP) in response to Ohio EPA's Notice of Violation (NOV) dated December 29, 2011. CFP's response was received by Ohio EPA on January 4, 2012, and January 9, 2012. The response included emails, photographs, a cover letter, and information from Safety-Kleen.

My review of the submitted information reveals that CFP is a non-generator of hazardous waste. However, CFP will still generate universal waste lamps, used oil, spent forklift batteries (core exchange), and spent parts washer fluid (continued use program). CFP has abated all violations discovered during the December 8, 2011, compliance evaluation inspection as outlined below.

Violations:

1. **Ohio Administrative Code (OAC) Rule 3745-273-13(D)(1), Waste management-standards for small quantity handlers of universal waste:** "A small quantity handler of universal waste must contain any lamp in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions."

At the time of the inspection, CFP was storing universal waste lamps in six different containers. These containers included approximately 10-foot cardboard boxes, four-foot round cardboard drums, and another cardboard box. These containers were open. CFP failed to store the lamps in closed containers.

On January 9, 2012, Ohio EPA received photographs showing that all universal waste lamp containers are closed.

Therefore, this violation is considered abated on January 9, 2012.

2. **OAC Rule 3745-273-14(E), Labeling/marketing-standards for small quantity handlers of universal waste:** "Each lamp or a container or package in which such lamps are contained must be labeled or marked clearly with one of the following phrases: "Universal Waste-Lamp(s)" or "Waste Lamp(s)" or "Used Lamp(s)."

CFP failed to mark the cardboard box and the four 10-foot cardboard boxes holding the spent lamps with the words "Universal Waste-Lamp(s)" or "Waste Lamp(s)" or "Used Lamp(s)."

On January 9, 2012, Ohio EPA received photographs that show all universal waste lamp containers are properly labeled.

Therefore, this violation is considered abated on January 9, 2012.

3. **OAC Rule 3745-279-22 (C)(1), Used oil storage requirements for generators:** "Containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words 'Used Oil'".

CFP failed to mark three 55-gallon drums with the words "Used Oil".

On January 9, 2012, Ohio EPA received photographs that show all used oil containers are properly labeled.

Therefore, this violation is considered abated on January 9, 2012.

More Information Needed to Determine Compliance:

1. **Spent Parts Washer Fluid:** During the inspection, you did not know how your spent parts washer fluid was being managed. Ohio EPA reviewed paperwork showing Safety-Kleen services your parts washer approximately every three months. However, it was not clear if the parts washer fluid is being managed in a way that would be considered a continued use.

On January 4, 2012, Ohio EPA received documentation that CFP's spent parts washer fluid is enrolled in Safety-Kleen's continued use program. This was confirmed by CFP via email on January 9, 2012.

As long as the spent parts washer fluid is managed through Safety-Kleen's continued use program and is recycled, it is not considered a waste and does not count towards CFP's hazardous waste generator status. However, if the management method of the spent parts washer fluid changes and the material is disposed of as a waste, then CFP would become a conditionally exempt small quantity generator of hazardous waste.

No further information needs to be submitted at this time regarding this issue. This issue is considered addressed on January 9, 2012.

2. **Used Oil:** During the inspection, you did not know how the used oil from the compressors was managed or what company picked it up. You stated that it was previously picked up by Safety-Kleen, CW Oil, and that at one time it may have been given to an employee to be burned in their shop. However, none of these could be verified while I was on site.

On January 4, 2012, Ohio EPA received documentation that CFP's used oil will be picked up by Safety-Kleen and recycled through fuel blending. This was confirmed by CFP via email on January 9, 2012. This is an acceptable method of recycling used oil.

No further information needs to be submitted at this time regarding this issue. This issue is considered addressed on January 9, 2012.

General Concern:

1. **Accumulation Date for Universal Waste Lamps:** During the inspection, I reviewed paperwork that the universal waste lamps were shipped off-site in September 2011. However, one box of lamps was dated September 1, 2007, which was an incorrect accumulation start date according to the maintenance employees. I was told during the inspection that the box labeled with the September 1, 2007, date signifies the date that you began managing the lamps as universal waste. I was told that the lamps are removed from that container by the recycling company and that the container is reused.

Please be advised that this date could be misconstrued as the accumulation start date and that it would signify that the oldest lamp in the container has been stored on-site for over four (4) years. Storing universal waste lamps for greater than 365 days is a violation of the hazardous waste rules.

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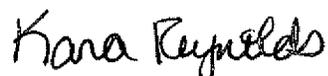
Ohio EPA recommends that CFP remove the date from the box or begin labeling the box with an appropriate accumulation start date each time the box is emptied and recycled and new spent lamps are being stored.

On January 9, 2012, Ohio EPA received photographs that show the updated accumulation start date has been placed on each universal waste lamp container.

No further information needs to be submitted at this time regarding this general concern. This general concern is considered addressed on January 9, 2012.

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

Sincerely,



Kara Reynolds
Environmental Specialist
Division of Materials and Waste Management

/llr

pc: Kara Reynolds, DMWM, NWDO
Cindy Lohrbach, DMWM, NWDO
Colleen Weaver, DMWM, NWDO

ec: Colleen Weaver, DMWM, 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.