



Environmental  
Protection Agency

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

Re: Libbey Inc.  
OHD005034459  
Lucas County  
DMWM, NWDO  
Partial Return to Compliance

November 30, 2011

Ms. Gina Rejent  
Libbey Inc.  
P.O. Box 919  
Toledo, Ohio 43697-0919

Dear Ms. Rejent:

Thank you for sending the documentation in response to the Ohio Environmental Protection Agency's (Ohio EPA's) Notices of Violation (NOV) dated April 12, 2011, and August 15, 2011. The documentation was received by Ohio EPA on September 16, 2011, via email and a hard copy was received September 22, 2011, via the US postal service. The documentation submitted by Libbey Inc. (Libbey) includes a cover letter, analytical results from a sample of soda ash taken by FMC Corporation, and additional refractory documents from SME Inc. and Glenn Hunter & Associates.

The following is a summary of the violations observed during the March 23, 2011, compliance evaluation inspection and the facility's compliance with respect to each violation. In an attempt to streamline this letter, details concerning previously abated violations or general concerns which have been addressed in previous correspondence have been omitted. **Please submit the required information within 30 days of receipt of this letter.**

**Violations:**

1. **Ohio Administrative Code (OAC) Rule 3745-279-22 (C)(1), Used oil storage requirements for generators:** This violation is considered abated on May 12, 2011.
2. **OAC Rule 3745-273-14 (E), Labeling/marketing - standards for small quantity handlers of universal waste:** This violation is considered abated on May 12, 2011.

3. **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.

Libbey failed to inspect the less than 90 day storage area every seven days between the following dates: December 22, 2008, to January 7, 2009; December 28, 2009, to January 6, 2010; and December 20, 2010, to January 5, 2011.

**On September 16, 2011, Ohio EPA received documentation that Libbey has formally scheduled weekly inspections utilizing their electronic calendar. As you are the main inspector, you can delegate this inspection to various trained personnel during your absence. Therefore, the weekly inspections should be continued every seven days during the holiday season despite holiday vacations.**

**Therefore, this violation is considered abated on September 16, 2011.**

4. **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..."

During the inspection, Ohio EPA reviewed bills of lading or shipping receipts showing that soda lime glass composition is being disposed of at Vienna Junction Landfill as a non-hazardous waste. You explained that this waste is an off-specification batch of raw materials that cannot be reworked into your process. This waste is composed of various raw materials including sand, soda ash, limestone, and gypsum.

During the inspection, Ohio EPA also reviewed hazardous waste manifests and analytical results that show the furnace fines generated at Libbey are hazardous wastes that are toxic for cadmium and chromium (D006, D007). On June 20, 2011, Ohio EPA received an electronic mail from you that stated the cadmium found in the furnace fines is believed to come from an impurity found in the soda ash used as a raw product.

On May 12, 2011, Ohio EPA received additional waste evaluation documentation for the soda lime glass composition from Libbey. The documentation included "recertification" paperwork from Republic Service, Inc. (RSI), waste profile paperwork from Allied Waste (AW), and several material safety data sheets (MSDSs).

The recertification paperwork from RSI and AW show that a sample of this material was not taken of this waste stream by either facility.

Since the furnace fines at Libbey are hazardous for cadmium and you believe the cadmium is coming from the raw product soda ash, Ohio EPA is concerned that the soda lime glass composition may also be a hazardous waste.

In order for Libbey to determine whether soda lime glass composition waste exhibits any hazardous waste characteristics, Libbey must obtain a chemical analysis of a representative sample of the waste. It should be noted that Libbey may need to analyze more than one batch of this waste stream since the composition of soda ash in each batch of waste may vary. One sample per batch of waste may not be a representative sample of the waste stream, depending on the amount of waste generated per batch and the attributes of the waste. Libbey will need to contract the services of an environmental laboratory to analyze this material. Libbey must determine the concentrations of Toxicity Characteristic Leaching Procedure (TCLP) volatile organic compounds (VOCs), TCLP semi-volatile organic compounds (SVOCs), and TCLP Resource Conservation and Recovery Act (RCRA) metals of the waste. If the waste can be considered a liquid, then Libbey must also determine the pH and flashpoint of the waste.

**On September 16, 2011, Ohio EPA received documentation that Libbey did not sample and analyze the soda lime glass composition. The documentation states that a representative sample of the soda lime glass composition was not generated after the August 15, 2011, NOV. Libbey also submitted additional information concerning the furnace fines and soda lime glass composition.**

**Ohio EPA has reviewed the additional information submitted by Libbey concerning this waste evaluation but does not accept this additional information as a substitute for a chemical analysis of a representative sample of this waste stream. Libbey must sample and analyze this waste stream as described above.**

**The soda lime glass composition waste stream is not generated on a regular basis. According to you, this waste is only generated when the raw ingredients are improperly combined due to human error. Since the generation of this waste is due to human error, it is unknown when the waste will be generated next. At this time, Ohio EPA will consider this violation addressed.**

However, Libbey must sample and analyze the soda lime glass composition for the above constituents the next time it is generated. Ohio EPA will verify that this waste stream has been properly sampled and analyzed during a future inspection.

This violation is considered abated on September 16, 2011.

Additional Information Requested to Determine Compliance:

1. Refractory Brick from B-Furnace- During the inspection, Ohio EPA reviewed analytical results from sampling "B Furnace Regenerator Brick" dated February 1, 2008, that showed the TCLP results for chromium at 9.39 milligrams per liter. On May 12, 2011, Ohio EPA received information that this hazardous brick was sent to SME in New Eagle, Pennsylvania utilizing bills of lading.

On September 16, 2011, Ohio EPA received additional information from Libbey. This information included the statement "Libbey does not consider the referenced spent refractory brick a waste, it is recycled...". Ohio EPA also received "SME Refractory Reuse Program" information and information concerning BPI (one of SME's customers).

Ohio EPA has reviewed this information and has concluded that Libbey has not submitted enough documentation to meet the requirements of OAC rule 3745-51-02(F). Libbey must be able to document that their refractory brick was used as an ingredient in a production process. Libbey must be able to track their refractory brick from their facility to every other facility the brick is transported to in a "cradle to grave" fashion. Libbey must be able to document exactly how the brick is processed at each facility. If Libbey cannot document the above information, then Libbey has not obtained the proper documentation to meet the exclusion or exemption found in OAC rule 3745-51-02(F).

At this time Libbey has not submitted enough documentation to meet the requirements of OAC rule 3745-51-02(F). Libbey has not submitted documentation to show exactly how the hazardous refractory brick was processed once it reached SME's facility. Libbey has not submitted documentation to show where the hazardous refractory brick was shipped after SME if SME was not the end facility. Within 30 days of receipt of this letter, Libbey must submit documentation that their refractory brick was used as an ingredient in a production process.

Libbey must submit documentation that tracks their refractory brick from their facility to every other facility the brick is transported to in a "cradle to grave" fashion. Libbey must submit documentation that shows exactly how the brick is processed at each facility. If Libbey cannot submit the required documentation to meet the exclusion or exemption in OAC rule 3745-51-02(F), then the hazardous refractory brick that was sent to SME does not meet the exclusion or exemption and this waste stream must be managed as a hazardous waste. Therefore, Libbey may be in violation of additional rules and regulations for not managing this hazardous waste stream properly if the exclusion or exemption was not met.

Any additional violations will be communicated in additional correspondence.

2. **Refractory Brick from G-Furnace-** The refractory brick sent to Glenn Hunter in March/April 2009 from G-Furnace was shipped utilizing bills of lading. According to you, chemical analyses of this brick were not taken prior to shipment because "there was no chrome brick removed."

On September 16, 2011, Ohio EPA received additional information from Libbey. This information included the statement "Libbey does not consider the referenced spent refractory brick a waste, it is recycled...". Ohio EPA also received a cover letter from Glenn Hunter & Associates, Inc. (GHA) to Susan Hardy of the Ohio EPA for GHA's yearly shipping and receiving tonnage and a "Summary of Shipping and Receiving" from GHA.

Ohio EPA has reviewed the additional information and has determined that at this time, Libbey has not submitted adequate waste evaluation information to document that the refractory brick sent to GHA is a non-hazardous waste. Simply stating that "no chrome brick was removed" is not a sufficient waste evaluation to show that the refractory brick is a non-hazardous waste without additional documentation to back up this claim.

Ohio EPA understands that Libbey does not consider this refractory brick a waste and is trying to meet the exclusion or exemption found in OAC 3745-51-02(F). However, Ohio EPA has reviewed the additional information and has concluded that Libbey has not submitted enough documentation to meet the requirements of OAC rule 3745-51-02(F). Therefore, the refractory brick that was sent to GHA does not meet the exclusion or exemption found in OAC rule 3745-51-02(F). This refractory brick is still considered a waste and must be managed as such.

Ms. Gina Rejent  
November 30, 2011  
Page 6

**Within 30 days of receipt of this letter, Libbey must submit all waste evaluation documentation for the refractory brick sent to GHA. Libbey must describe in detail why Libbey considers this brick a non-hazardous waste. In past conversations, Libbey stated that hazardous refractory brick is only found in certain parts of the furnace. If Libbey is basing part of their waste evaluation on this information, then Libbey needs to submit documentation that describes what part of the furnace the brick came from that was shipped to GHA and how Libbey has determined that certain parts of each furnace generate hazardous brick versus non-hazardous brick. If Libbey is basing part of the waste evaluation on analytical results from past furnace rebuilds, then Libbey must submit copies of these documents as well.**

Any additional violations will be communicated in additional correspondence.

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 43402.

Sincerely,

*Kara Reynolds*

Kara Reynolds  
Environmental Specialist  
Division of Materials and Waste Management

/lir

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