Ohio EPA

State of Ohio Environmental Protection Agency

Northeast District Office

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

February 20, 2007

RE: NPA AUTOMOTIVE FINISHES
CUYAHOGA COUNTY
OHR 000 005 033
PARTIAL RETURN TO COMPLIANCE

Karen Henrietta
NPA Automotive Finishes and Films
11110 Berea Road
Cleveland, Ohio 44102

Dear Ms. Henrietta:

On January 31, 2007, Ohio EPA received via e-mail a letter with attachments dated January 12, 2007 from NPA Automotive Finishes (NPA). This letter was in response to Ohio EPA's December 28, 2006 Notice of Violation letter (NOV). The response included the following:

Attachment 1 - Amended <90 day inspection log
Attachment 2 - Revised pages of Contingency Plan
Attachment 3 - Revised pages of Contingency Plan
Attachment 4 - Names of personnel in each job title
Attachment 5 - Job titles with descriptions
Attachment 6 - Attendance sheet

Also attached was a revised emergency coordinator list .

In addition, I spoke with you on the telephone on February 14, 2007 for additional clarification.

As stated in the December 2006 NOV, no further action was required for the following violations:

4. *Labeling Requirements for Hazardous Waste Containers, OAC rule 3745-52-34(A)(3).*
6. *Requirements for Hazardous Waste Containers, OAC 3745-66-73(A).*
12. *Labeling and Marking Standards for Handlers of Universal Waste [batteries], OAC rule 3745-273-14(A).*

Based on the information provided, it appears that NPA has adequately addressed the following violations from the December 2006 NOV:

2. *Inspections of Hazardous Waste Accumulation Areas, OAC rule 3745-66-74* (Please note, when the new <90 day accumulation area in Bldg. 113 is put into use, you must either add it to the current inspection log or create a new one for this area).

5. *Accumulation Date Marking Requirements for Hazardous Waste Containers, OAC rule 3745-52-34(A)(2)* (You stated on the telephone that all personnel were specifically trained after the Ohio EPA inspection to assure dates are placed on all containers).

8. *Contingency Plan Requirements, OAC rule 3745-65-54*
10. *Packaging of Universal Waste Lamps, OAC rule 3745-273-13(D)(1).*
12. *Labeling and Marking Standards for Handlers of Universal Waste, OAC rule 3745-273-14(A).*
13. *Response to releases - standards for small quantity handlers of universal waste, OAC 3745-273-17(A).*

Additional information is needed to abate the following violations:

1. *Waste Evaluation, OAC rule 3745-52-11:* Any person who generates a waste must evaluate the waste to determine if the waste is a hazardous waste in accordance with the criteria set forth in OAC Chapter 3745-51.

   In our telephone conversation, you stated that NPA has tried to use the zinc acetate and e-coat material noted in the December NOV but it was not effective in the process. You also stated that for disposal purposes the material will be managed as a non-hazardous waste.

   Please submit documentation demonstrating the material would be a non-hazardous waste.

3. *Required Aisle Space, OAC 3745-65-35:* The facility shall maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment and decontamination equipment in the hazardous waste accumulation areas.

   You state in your response that lines will be painted on the pavement to indicate proper aisle space.

   NPA should either submit three weeks of completed inspection logs or photographs indicating the aisle space is currently being maintained.

7. *Condition of Containers, OAC 3745-66-71:* If a container holding hazardous waste is not in good condition, or if it begins to leak, the owner or operator must transfer the hazardous waste from such container to a container that is in good condition or manage the waste in another manner that complies with the requirements of OAC 3745-65 to 69 and 3745-256.

   One of the gaylord boxes in the outside <90 day accumulation area was crushed on the top. NPA needs to evaluate this box to determine if it is acceptable for transportation. If the waste in the box needs to be transferred into a new container, please remember to maintain the accumulation date as it is currently found on the box.

It is unclear from your response if the container in question was placed in another container.

Please explicitly state what became of the container noted during the Ohio EPA inspection.

9. *Personnel Training, OAC rule 3745-65-16(D)(1) through (4)*
NPA violated the following applicable requirements of this rule as follows:

a. *Personnel Training, OAC rule 3745-65-16(D)(1):* The owner/operator must maintain a job title for each position at the facility related to hazardous waste management and the name of each employee filing each job.

b. *Personnel Training, OAC rule 3745-65-16(D)(2):* The owner/operator must maintain a written job description for each position <u>including</u> requisite skill, education or other qualifications.

c. *Personnel Training, OAC rule 3745-65-16(D)(3):* The owner/operator must maintain a written description of the type and amount of both introductory and continuing training that will be given to each person filling a position listed under paragraph (D)(1) above.

d. *Personnel Training, OAC rule 3745-65-16(D)(4):* The owner/operator must maintain records that document that the training or job experience required in rule 3745-65-16 (A), (B) and (C) has been given to, and completed by, facility personnel.

The response needs to be further clarified before Ohio EPA will abate the violations.

First, it does not appear that John Arenas was present for the RCRA Training for 2006. NPA must document that Mr. Arenas has been trained.

Second, NPA trained 38 people at the two RCRA Trainings held in 2006. Per the table submitted listing the personnel in Blending, Filling, Pre-Mix and Warehouse, including the two managers, equals 20 persons responsible for managing hazardous waste. This apparent discrepancy should be addressed.

Third, the list of job tiles and descriptions (Production Operator, Production supervisor and Production Materials Handler) does not match the table of 20 personnel submitted. NPA should clarify this apparent discrepancy. One possible way of addressing this may be to clarify which of the three titles submitted the personnel in Blending, Filling, Pre-Mix and Warehousing would be assigned.

Finally, the job descriptions do not specify what hazardous waste duties each of the jobs entails. Please refer to the example job titles and descriptions I gave you at the time of the inspection to assist you in addressing this issue.

11. *Labeling/marking-standards for small quantity handlers of universal waste, OAC rule 3745-273-14(E).* Universal waste [fluorescent] lamps shall be labeled as "Universal Waste - Lamps," "Waste Lamp(s)," or "Used Lamp(s)."

14. *Accumulation time limits – standards for small quantity handlers of universal waste, OAC rule 3745-273-15(C):* A facility must be able to demonstrate the length of time that a universal waste has been accumulated.

    Per our telephone conversation, all of the boxes on site were labeled and dated appropriately. **Please submit a written statement confirming this.**

It appears from the written response that all comments and concerns were adequately addressed.

Failure to list specific deficiencies and/or violations in this communication does not relieve NPA from the responsibility of complying with all applicable laws, rules and regulations.

Please submit the requested documentation by March 16, 2007. Should you have any questions, please feel free to call me or my supervisor, Frank Popotnik at this office.

Sincerely,

Karen Nesbit

Karen L. Nesbit
Division of Hazardous Waste Management

KLN:cl

cc: Natalie Oryshkewych, DHWM, NEDO

ec: Frank Popotnik, DHWM, NEDO
Sherry Slone, DHWM, NEDO
Harry Sarvis, DHWM, CO