



**Environmental
Protection Agency**

John R. Kasich, Governor

Mary Taylor, Lt. Governor

Scott J. Nally, Director

April 17, 2012

RE: HARRISON PAINT CO
STARK COUNTY
OHD 004 469 896
LQG, PRTC

Patrick Lauber
President
Harrison Paint Company
1329 Harrison Ave. SW
Canton, OH 44706

Dear Mr. Lauber:

Thank you for your response, dated April 4, 2012 and received on April 6, 2012, to my March 21, 2012 Notice of Violation (NOV) letter.

The documentation you submitted is discussed in the response below on each individual violation. For consistency and ease of reference, this letter retains the violation numbers from my NOV letter of March 21, 2012. Please refer to that letter for additional details of the violations cited.

This letter identifies those violations for which Harrison Paint is returned to compliance and those violations for which the response was inadequate and for which additional action is needed.

1. **ORC 3734.02(E) & (F) Facility must be permitted for treatment, storage, disposal**

Documentation provided indicates that the drums of spent solvent in the accumulation area have been shipped to an appropriate hazardous waste facility.

While no further action is being requested at this time, Ohio EPA may assert its right to complete generator closure pursuant to OAC Rule 3745-52-34.

VIOLATIONS FOR WHICH HARRISON PAINT IS RETURNED TO COMPLIANCE

2. **Content of contingency plan, OAC 3745-65-52 (A), (B) and (C):**

A copy of a hazardous waste contingency plan was submitted. The plan meets the requirements of OAC 3745-65-52.

The submitted contingency plan has abated these violations. Harrison Paint must distribute the plan to the local police department, fire department and hospital identified in the plan and provide proof (e.g., return receipts from certified mail) of such distribution to Ohio EPA within 10 days of receipt of this letter..

4. **OAC Rule 3745-52-34(A) (2) & (3) Accumulation time of hazardous waste**

Photos of containers of hazardous waste in the 90 day accumulation area marked with the words "Hazardous Waste" and an accumulation start date were provided.

These actions have abated these violations. No further action is required at this time.

5. **OAC Rule 3745- 66-74 Weekly Inspections of Hazardous Waste Containers**

Inspection forms for the 90 day accumulation area hazardous waste containers that were completed for 2 weeks were submitted.

These actions have abated this violation. No further action is required at this time.

6. **OAC Rule 3745-65-33 Testing and maintenance of equipment.**

Inspection forms for the emergency response equipment for the 90 day accumulation area hazardous waste containers that were completed for 2 weeks were submitted.

These actions have abated this violation. No further action is required at this time.

7. **OAC Rule 3745 52 34 (C)(1)(b) Satellite Accumulation of hazardous waste.**
OAC Rule 3745 52 34 (C)(1)(a) Satellite Accumulation of hazardous waste.

A photo was submitted by email on March 9, 2012 of a labeled and closed satellite accumulation. The e-mail also included a commitment to obtain a self-closing funnel and train employees

These actions abated these violations. No further action is required at this time.

8. **OAC 3745-273-14(E) Small Quantity Handler Must Label the Unit Holding Universal Waste Lamps**
OAC 3745-273-13(D)(1) Small quantity handler must contain lamps in proper containers or packaging and containers or packaging must be closed.

I received an email on March 9, 2012 with photographs of closed and labeled containers for the 4 foot and 8 foot lamps. These actions abated these violations. No further action is necessary at this time.

VIOLATIONS FOR WHICH HARRISON PAINT IS NOT RETURNED TO COMPLIANCE

3. **OAC Rule 3745-65-16 Personnel training.**

The submitted proposed personnel training plan is ambiguous with respect to which positions are included and apparently deficient in that it only includes one person, namely Mr. Laizure. Other persons at Harrison Paint have hazardous waste management duties. For example, the day after Mr. Laizure completed his training by Environmental Resource Center, Mr. Marconi signed the hazardous waste manifest for shipment of spent solvent to Hukill Chemical Corporation. Mr. Marconi is mentioned in the hazardous waste training plan, but with the implication that he will only receive DOT Training.

All personnel with hazardous waste management responsibilities must be included in the hazardous waste training plan. Hazardous waste management responsibilities include: transporting waste containers from the satellite accumulation areas to the 90 day area, labeling hazardous waste containers, completing the weekly inspection of the 90 day accumulation area, preparing the waste containers for shipment, transferring containers to transport vehicles, and signing the hazardous waste manifest. Personnel who are assigned these duties must be included in the personnel training program.

Sufficient number of persons must be trained so that hazardous waste management duties can be completed when others are away (e.g. primary person is away on business travel or on vacation). Employees whose only hazardous waste responsibility is to place hazardous waste in a satellite accumulation container need not be part of the formal personnel training program.

Inclusion in the personnel training program does not mean that each person must be trained in all aspects of the hazardous waste rules. Rather each person must have training “relevant to the positions in which they are employed”. Off-site training for these personnel is not required, provided that there is an on-site training program “directed by a person trained in hazardous waste management procedures”. Presumably Mr. Laizure’s training would qualify him to train other employees with hazardous waste management responsibilities.

Please submit a revised training program that includes all personnel with hazardous waste management responsibilities within 10 days of receipt of this letter.

CONCERNS

Comment on recycling of spent solvent sold for use as asphalt diluent

The response provided includes the statement “we were told that they were using this material to dilute materials used in the production of asphalt coatings.” Prior to recycling any material that would otherwise be a hazardous waste, any generator including Harrison Paint, should possess sufficient detailed knowledge of how the material will be used, so that the generator can assess whether the recycling process meets regulatory requirements. Detailed information on the recycling process is required and site visits may be needed to confirm how the materials are to be managed. Such actions are highly advised if any future recycling is contemplated.

Should you have any questions regarding this letter, please contact me at (330) 963-1165.

Sincerely,



Neil J. Wasilk
Environmental Specialist
Division of Materials and Waste Management

Enclosure

NJW:ddw

cc: Marlene Kinney, Ohio EPA, DMWM, NEDO
ec: Natalie Oryshkewych, Ohio EPA, DMWM, NEDO
Nyall McKenna, Ohio EPA, DMWM, NEDO
Jeff Mayhugh, Ohio EPA, DMWM, CO