



State of Ohio Environmental Protection Agency

Northeast District Office

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

January 6, 2009

Cheryl Hutson-Law
Henkel Corporation
18731 Cranwood Parkway
Cleveland, OH 44128

**RE: HENKEL CORPORATION, OHD 004 156 063
CUYAHOGA COUNTY, NOTICE OF VIOLATION**

Dear Ms. Hutson-Law:

On December 10, 2008, Ohio EPA's Division of Hazardous Waste Management, represented by Edward D'Amato and Robert Almquist, inspected Henkel Corporation in Cleveland for compliance with Ohio hazardous waste laws and regulations found in Chapters 3734 of the Ohio Revised Code (ORC) and 3745 of the Ohio Administrative Code (OAC). You represented Henkel during the inspection.

This letter will explain the violations we found and what you need to do to respond to them. We found the following violations. In order to correct them you must do the following and send me all requested information **within 30 days** of the date of this letter:

**1. Management of Containers
OAC 3745-66-73(A)**

A container holding hazardous waste shall always be closed during storage, except when it is necessary to add or remove waste

There was a hazardous waste drum in the UV/EB room that was not closed per this rule. A funnel with no lid was being used in the drum. To correct this violation, Henkel must submit a photograph showing the drum has been properly closed and explain what the company will do to prevent this violation from recurring.

**2. Used Oil Storage Requirements for Generators (Labels)
OAC 3745-279-22(C)**

Containers and above ground tanks used to store used oil at generator facilities shall be labeled or marked clearly with the words "Used Oil"

There was a drum of used oil in the cardboard bailing area that was not labeled per this rule. This violation was corrected when you applied a label bearing the words "used oil" to the drum.

3. **Labeling of Containers (Satellite Accumulation)**
OAC 3745-52-34 (C)(1)(b)

A generator may accumulate...hazardous wastes...at or near any point of generation where wastes initially accumulate, which is under control of the operator of the process generating the wastes...provided he...marks his containers either with the words Hazardous Waste or with other words that identify the contents of the containers

A red can containing discarded vials of nitro-methane was found in the laboratory. The can was not labeled per this rule. Henkel must either label the can or remove the contents. Henkel must also explain how it will prevent this violation from occurring in the future.

Ohio EPA has the following suggestions for Henkel Corporation, Cleveland Plant:

1. Henkel may benefit from an energy assessment.

The US Department of Energy has an energy assessment program. More information can be found at:

<http://www1.eere.energy.gov/industry/saveenergynow/assessments.html>

The Ohio Department of Development, Office of Energy Efficiency can also assist. More information can be found at:

<http://development.ohio.gov/cdd/oeec/services.htm>

2. Henkel has been managing metal cans that have some product smeared on them or small amounts of product in them as hazardous waste. Provided the cans meet the definition of "empty" as defined in OAC 3745-51-07, the cans may be recycled. OAC 3745-51-07 states that any hazardous waste residues remaining in an **empty** container are not subject to regulation. To be considered empty, all wastes must be removed by using the practices commonly employed to remove material from that type of container, e.g., pouring, pumping, or aspirating; and
 - a. no more than 2.5 centimeters of residue remain on the bottom of the container OR;
 - b. no more than 3% by weight of the total capacity of the container remains in the container or inner liner if the container is less than or equal to one hundred ten gallons in size OR;
 - c. no more than 0.3% percent by weight of the total capacity of the container remains in the container or inner liner if the container is greater than one hundred ten gallons in size.

If you have determined that the cans meet the criteria in this rule, you do not need to manage empty cans as a hazardous waste.

3. Henkel disposes of uncured epoxy resins as hazardous waste. Ohio EPA has determined that mixing epoxy resins and allowing them to cure is an acceptable form of generator treatment. Ohio EPA suggests Henkel explore this possibility with the epoxy resins it generates. Here is the link to Ohio EPA's Generator Treatment Fact Sheet:

http://www.epa.state.oh.us/dhwm/pdf/Generator_Treatment_Guidance.pdf

You may be able to reduce operating costs with waste minimization/pollution prevention practices. The Ohio EPA offers pollution prevention assessments to help you decide which practices would benefit your operations. If you would like to have a pollution prevention assessment, or would like more information, please contact Adrienne LaFavre at (330) 963-1250. The Office of Compliance Assistance and Pollution Prevention website at: <http://www.epa.state.oh.us/ocapp/ocappmain.html> is also a good source of information.

Enclosed are copies of the checklists used for the inspection.

Failure to list specific deficiencies in this communication does not relieve Henkel Corporation from the responsibility of complying with all applicable Ohio EPA laws and regulations. Please be advised that present or past instances of non-compliance can continue as subjects of pending or future enforcement actions.

Please feel free to contact me at (330) 963-1170 if you have any questions.

Sincerely,



Edward J. D'Amato
Environmental Specialist
Division of Hazardous Waste Management

EJD:ddw

Enclosures

cc: Natalie Oryshkewych, DHWM, NEDO
ec: Frank Popotnik, DHWM, NEDO



**USED OIL INSPECTION CHECKLIST
GENERATORS, COLLECTION CENTERS AND AGGREGATION POINTS**

NOTE: A facility is subject to the federal SPCC regulations (40 CFR 112) if it is non-transportation related (e.g., fixed) and has an aggregate above ground storage capacity greater than 1,320 gallons or a total underground storage capacity greater than 42,000 gallons of oil (including used oil), and there is reasonable expectation of a discharge to navigable waters.

PROHIBITIONS

1. Does the generator manage used oil in a surface impoundment or waste pile? If yes: Yes No N/A
- a. Is the surface impoundment or waste pile regulated as a hazardous waste management unit? [3745-279-12(A)] Yes No N/A
2. Is used oil used as a dust suppressant? [3745-279-12(B)] Yes No N/A
3. Is off-specification used oil fuel burned for energy recovery in devices specified in 3745-279-12(C)? Yes No N/A

NOTE: Multiple used oil checklists may be applicable if used oil handler is performing multiple tasks (e.g., if generating used oil and shipping directly to a burner, complete generator and marketer checklists at a minimum).

GENERATOR STANDARDS

4. Does the generator mix hazardous waste with used oil? If so, Yes No N/A
- a. Is the mixture managed as specified in 3745-279-10(B)? [3745-279-21(A)] Yes No N/A

NOTE: Used Oil mixed with listed (3745-51-30 to 3745-51-35) or characteristic (3745-51-20 to 3745-51-24) hazardous waste are subject to regulation as a hazardous waste, unless the listed hazardous waste is listed solely because it exhibits a hazardous characteristic, and the resultant mixtures do not exhibit a characteristic. Mixtures of used oil and CESQG hazardous waste are subject to OAC Chapter 3745-279.

5. Does the generator of a used oil containing greater than 1,000 ppm total halogens manage the used oil as a hazardous waste unless the presumption is rebutted successfully? [3745-279-21(B)] Yes No N/A

NOTE: If used oil contains greater than 1000 ppm total halogens, it is presumed to be listed hazardous waste until the presumption is successfully rebutted.

6. Does the generator store used oil in tanks; or containers; or a unit(s) subject to regulation as a hazardous waste management unit? [3745-279-22(A)] Yes No N/A
7. Are containers and aboveground tanks used to store used oil in good condition with no visible leaks? [3745-279-22(B)] Yes No N/A
8. Are containers, above ground tanks, and fill pipes used for underground tanks clearly labeled or marked "Used Oil"? [3745-279-22(C)] Yes No N/A

9. Has the generator, upon detection of a release of used oil, done the following: [3745-279-22(D)]

- a. Stopped the release? Yes No N/A
- b. Contained the release? Yes No N/A
- c. Cleaned up and properly managed the used oil and other materials? Yes No N/A
- d. Repaired or replaced the containers or tanks prior to returning them to service, if necessary? Yes No N/A

ON-SITE BURNING IN SPACE HEATER

10. Does the generator burn used oil in used-oil fired space heaters? [3745-279-23] If so:

Yes No N/A

a. Does the heater burn only used oil that owner/operator generates or used oil received from household do-it-yourself (DIY) used oil generators?

Yes No N/A

b. Is the heater designed to have a maximum capacity of not more than 0.5 million BTU per hour?

Yes No N/A

c. Are the combustion gases from heater vented to the ambient air?

Yes No N/A

GENERATOR TRANSPORTATION

11. If the generator self-transport used oil to an approved collection site or to an aggregation point owned by the generator: [3745-279-24]

Yes No N/A

a. Does the generator transport used oil in a vehicle owned by the generator or an employee of the generator?[3745-279-24]

Yes No N/A

b. Does the generator transport more than 55 gallons of used oil at any time?[3745-279-24]

Yes No N/A

NOTE: Used oil generators may arrange for used oil to be transported by a transporter without a U.S. EPA ID # if the used oil is reclaimed under a contractual agreement (i.e., tolling arrangement).

COLLECTION CENTERS AND AGGREGATION POINTS

12. Is the DIY used oil collection center in compliance with the generator standards in 3745-279-20 to 3745-279-24? [3745-279-30]

Yes No N/A

13. Is the non-DIY used oil collection center registered with Ohio EPA? [3745-279-31]

Yes No N/A

14. Is the used oil aggregation point in compliance with the generator standards in 3745-279-20 to 3745-279-24? [3745-279-32]

Yes No N/A

NOTE: Complete Used Oil Generator and any other applicable used oil handler checklist (e.g., marketer, burner, etc.) for used oil collection centers and aggregation points.

Keyword: UsedOilChecklistforGenerators.Oct.2007.doc

**LA...E QUANTITY GENERATOR REQUIREMENTS
COMPLETE AND ATTACH A PROCESS DESCRIPTION SUMMARY**

CESQG: #100Kg. (Approximately 25-30 gallons) of waste in a calendar month or < 1 Kg. of acutely hazardous waste.

SQG: Between 100 and 1,000 Kg. (About 25 to under 300 gallons) of waste in a calendar month.

LQG: ≥1,000 Kg. (~300 gallons) of waste in a calendar month or ≥1 Kg. of acutely hazardous waste in a calendar month.

NOTE: To convert from gallons to pounds: Amount in gallons x Specific Gravity x 8.345 = Amounts in pounds.

Safety Equipment Used:

GENERAL REQUIREMENTS

- | | | | |
|---|---|--|------------------------------|
| 1. Have all wastes generated at the facility been adequately evaluated? [3745-52-11] | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. Are records of waste determination being kept for at least 3 years?[3745-52-40(C)] | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 3. Has the generator obtained a U.S. EPA identification number? [3745-52-12] | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 4. Were annual reports filed with Ohio EPA on or before March 1 st ? [3745-52-41(A)] | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 5. Are annual reports kept on file for at least 3 years?[3745-52-40(B)] | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 6. Has the generator transported or caused to be transported hazardous waste to other than a facility authorized to manage the hazardous waste? [ORC 3734.02(F)] | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| 7. Has the generator disposed of hazardous waste on-site without a permit or at another facility other than a facility authorized to dispose of the hazardous waste? [ORC 3734.02(E) & (F)] | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| 8. Does the generator accumulate hazardous waste? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |

NOTE: If the LQG does not accumulate or treat hazardous waste, it is not subject to 52-34 standards. All other requirements still apply, e.g., annual reports, manifest, marking, record keeping, LDR, etc.

- | | | | |
|---|------------------------------|--|------------------------------|
| 9. Has the generator accumulated hazardous waste on-site in excess of 90 days without a permit or an extension from the director ORC §3734.02 (E) & (F)? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
|---|------------------------------|--|------------------------------|

NOTE: If F006 waste is generated and accumulated for > 90 days and is recycled see 3745-52-34(G) & (H).

- | | | | | |
|--|---|-----------------------------|---|--|
| 10 Does the generator treat hazardous waste in a: [ORC 3734.02(E)&(F)] | | | | |
| a. Container that meets 3745-66-70 to 3745-66-77? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> | |
| b. Tank that meets 3745-66-90 to 3745-66-101 except 3745-66-97 (C)? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> | |
| c. Drip pads that meet 3745-69-40 to 3745-69-45? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> | |
| d. Containment building that meets 3745-256-100 to 3745-256-102? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> | |

NOTE: Complete appropriate checklist for each unit.

NOTE: If waste is treated to meet LDRs, use LDR checklist.

11 Does the generator export hazardous waste? If so:

Yes No N/A

a. Has the generator notified U.S. EPA of export activity? [3745-52-53(A)]

Yes No N/A

b. Has the generator complied with special manifest requirements? [3745-52-54]

Yes No N/A

c. For manifests that have not been returned to the generator: has an exception report been filed? [3745-52-55]

Yes No N/A

d. Has an annual report been submitted to U.S. EPA? [3745-52-56]

Yes No N/A

e. Are export related documents being maintained on-site? [3745-52-57(A)]

Yes No N/A

MANIFEST REQUIREMENTS

12 Have all hazardous wastes shipped off-site been accompanied by a manifest? (U.S. EPA Form 8700-22) [3745-52-20(A)]

Yes No N/A

13 Have items (1) through (20) of each manifest been completed? [3745-52-20(A)]

Yes No N/A

NOTE: U.S. EPA Form 8700-22(A) (the continuation form) may be needed in addition to Form 8700-22. In these

situations items (21) through (35) must also be completed. [3745-52-20(A)]

14 Does each manifest designate at least one facility which is permitted to handle the waste? [3745-52-20(B)]

Yes No N/A

NOTE: The generator may designate on the manifest one alternate facility to handle the waste in the event

of an emergency which prevents the delivery of waste to the primary designated facility. [3745-52-20(C)].

15 If the transporter was unable to deliver a shipment of hazardous waste to the designated facility did the generator designate an alternate TSD facility or give the transporter instructions to return the waste? [3745-52-20(D)]

Yes No N/A

16 Have the manifests been signed by the generator and initial transporter? [3745-52-23(A)(1) & (2)]

Yes No N/A

NOTE: Remind the generator that the certification statement they signed indicates: 1) they have properly prepared

the shipment for transportation and 2) they have a program in place to reduce the volume and toxicity waste they generate.

17 If the generator did not receive a return copy of each completed manifest within 35 days of the waste being accepted by the transporter did the generator contact the transporter and/or TSD facility to check on the status of the waste? [3745-52-42(A)(1)]

Yes No N/A

18 If the generator has not received the manifest within 45 days, did the generator file an exception report with Ohio EPA? [3745-52-42(A)(2)]

Yes No N/A

19 Are signed copies of all manifests and any exception reports being retained for at least three years? [3745-52-40]

Yes No N/A

[Facility Name/Inspection Date]

[ID number]

LQG

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**NOTE: Waste generated at one location and transported along a public accessible road for temporary consolidated storage or treatment on a contiguous property also owned by the same person is not considered "on-site" and manifesting and transporter requirements must be met. To transport "along" a public right-of-way the destination facility has to act as a transfer facility or have a permit because this is considered to be "off-site." For additional information see the definition of "on-site" in OAC rule 3745-50-10.*

PERSONNEL TRAINING

- 20 Does the generator have a training program which teaches facility personnel hazardous waste management procedures (including contingency plan implementation) relevant to their positions? [3745-65-16(A)(2)] Yes No N/A
- 21 Does the personnel training program, at a minimum, include instructions to ensure that facility personnel are able to respond effectively to emergencies involving hazardous waste by familiarizing them with emergency procedures, emergency equipment and emergency systems (where applicable)? [3745-65-16(A)(3)(a-f)] Yes No N/A
- 22 Is the personnel training program directed by a person trained in hazardous waste management procedures? [3745-65-16(A)(2)] Yes No N/A
- 23 Do new employees receive training within six months after the date of hire (or assignment to a new position)? [3745-65-16(B)] Yes No N/A
- 24 Does the generator provide annual refresher training to employees? [3745-65-16(C)] Yes No N/A
- 25 Does the generator keep records and documentation of:
 - a. Job titles [3745-65-16D(1)]? Yes No N/A
 - b. Job descriptions [3745-65-16D(2)]? Yes No N/A
 - c. Type and amount of training given to each person [3745-65-16D(3)]? Yes No N/A
 - d. Completed training or job experience required [3745-65-16D(4)]? Yes No N/A
- 26 Are training records for current personnel kept until closure of the facility and are training records for former employees kept for at least three years from the date the employee last worked at the facility? [3745-65-16(E)] Yes No N/A

NOTE: The following section can be used by the inspector to document that all personnel who are involved with hazardous waste management have been trained. The employees who need training (written and/or on-the-job) may include the following: environmental coordinators, drum handlers, emergency coordinators, personnel who conduct hazardous waste inspections, emergency response teams, personnel who prepare manifest, etc.

Job Performed	Name of Employee	Date Trained

CONTINGENCY PLAN

- 27 Does the owner/operator have a contingency plan to minimize hazards to human health or the environment from fires, explosions or any unplanned release of hazardous waste? [3745-65-51(A)] Yes No N/A

28 Does the plan describe the following:

- a. Actions to be taken in response to fires, explosions or any unplanned release of hazardous waste [3745-65-52(A)]? Yes No N/A
- b. Arrangements with emergency authorities [3745-65-52(C)]. Yes No N/A
- c. A current list of names, addresses and telephone numbers (office and home) of all persons qualified to act as emergency coordinator? [3745-65-52(D)] Yes No N/A
- d. A list of all emergency equipment, including: location, a physical description and brief outline of capabilities? [3745-65-52(E)] Yes No N/A
- e. An evacuation plan for facility personnel where there is possibility that evacuation may be necessary? [3745-65-52(F)] Yes No N/A

NOTE: If the facility already has a "Spill Prevention, Control and Counter measures Plan" under CFR Part 112 or 40 CFR Part 1510, or some other emergency plan, the facility can amend that plan to incorporate hazardous waste management provisions that are sufficient to comply with OAC requirements. [3745-65-52(B)]

- 29 Is a copy of the plan (plus revisions) kept on-site and been given to all emergency authorities that may be requested to provide emergency services? [3745-65-53 (A) & (B)] Yes No N/A
- 30 Has the generator revised the plan in response to rule changes, facility, equipment and personnel changes, or failure of the plan? [3745-65-54] Yes No N/A
- 31 Is an emergency coordinator available at all times (on-site or on-call)? [3745-65-55] Yes No N/A

NOTE: The emergency coordinator shall be thoroughly familiar with: (a) all aspects of the facility's contingency plan; (b) all operations and activities at the facility; (c) the location and characteristics of waste handled; (d) the location of all records within the facility; (e) facility layout; and (f) shall have the authority to commit the resources needed to implement provisions of the contingency plan.

EMERGENCY PROCEDURES

- 32 Has there been a fire, explosion or release of hazardous waste or hazardous waste constituents since the last inspection? If so:
 - a. Was the contingency plan implemented? [3745-65-51(B)] Yes No N/A
 - b. Did the facility follow the emergency procedures in 3745-65-56(A) through (H)? Yes No N/A
 - c. Did the facility submit a report to the Director within 15 days of the incident as required by 3745-65-56(J)? Yes No N/A

NOTE: OAC 3745-65-51(b) requires that the contingency plan be implemented immediately whenever there is a fire, explosion, or release of hazardous waste or hazardous waste constituents, which could threaten human health and the environment.

PREPAREDNESS AND PREVENTION

- 33 Is the facility operated to minimize the possibility of fire, explosion, or any unplanned release of hazardous waste? [3745-65-31] Yes No N/A
- 34 Does the generator have the following equipment at the facility, if it is required due to actual hazards associated with the waste:
 - a. Internal communications or alarm system? [3745-65-32(A)] Yes No N/A

b. Emergency communication device? [3745-65-32(B)]

Yes No N/A

c. Portable fire control, spill control and decon equipment? [3745-65-32(C)]

Yes No N/A

d. Water of adequate volume/pressure per documentation or facility rep? [3745-65-32(D)]

Yes No N/A

NOTE: Verify that the equipment is listed in the contingency plan.

35 Is emergency equipment tested (inspected) as necessary to ensure its proper operation in time of emergency? [3745-65-33]

Yes No N/A

36 Are emergency equipment tests (inspections) recorded in a log or summary? [3745-65-33]

Yes No N/A

37 Do personnel have immediate access to an internal alarm or emergency communication device when handling hazardous waste (unless the device is not required under 3745-65-32)? [3745-65-34(A)]

Yes No N/A

38 If there is only one employee on the premises, is there immediate access to a device (ex.phone, hand held two-way radio) capable of summoning external emergency assistance? (Unless not required under 3745-65-32) [3745-65-34(B)]

Yes No N/A

39 Is adequate aisle space provided for unobstructed movement of emergency or spill control equipment? [3745-65-35]

Yes No N/A

40 Has the generator attempted to familiarize emergency authorities with possible hazards and facility layouts? [3745-65-37(A)]

Yes No N/A

41 Where authorities have declined to enter into arrangements or agreements, has the generator documented such a refusal? [3745-65-37(B)]

Yes No N/A

SATELLITE ACCUMULATION AREA REQUIREMENTS

42 Does the generator ensure that satellite accumulation area(s):

a. Are at or near a point of generation? [3745-52-34(C)(1)]

Yes No N/A

b. Are under the control of the operator of the process generating the waste? [3745-52-34(C)(1)]

Yes No N/A

c. Do not exceed a total of 55 gallons of hazardous waste per waste stream? [3745-52-34(C)(1)]

Yes No N/A

d. Do not exceed one quart of acutely hazardous waste at any one time? [3745-52-34(C)(1)]

Yes No N/A

e. Containers are closed, in good condition and compatible with wastes stored in them?[3745-52-34(C)(1)(a)]

Yes No N/A

f. Containers are marked with words "Hazardous Waste" or other words identifying the contents? [3745-52-34(C)(1)(b)]

Yes No N/A

43 Is the generator accumulating hazardous waste(s) in excess of the amounts listed in the preceding question? If so:

~~Yes~~ No N/A

a. Did the generator comply with 3745-52-34(A)(1)through(4) or other applicable generator requirements within three days? [3745-52-34(C)(2)]

Yes No N/A

b. Did the generator mark the container(s) holding excess with the accumulation date when the 55 gallon (one quart) limit was exceeded?[3745-52-34(C)(2)]

Yes No N/A

NOTE: The satellite accumulation area is limited to 55 gallons of hazardous waste accumulated from a distinct point of generation in the process under the control of the operator of the process generating the waste (less than 1 quart for acute hazardous waste). There could be individual waste streams accumulated in an area from different points of generation.

USE AND MANAGEMENT OF CONTAINERS IN <90 DAY ACCUMULATION AREAS

- 44 Has the generator marked containers with the words "Hazardous Waste?" [3745-52-34(A)(3)] Yes No N/A
- 45 Is the accumulation date on each container? [3745-52-34(A)(2)] Yes No N/A
- 46 Are hazardous wastes stored in containers which are:
 - a. Closed (except when adding/removing wastes)? [3745-66-73(A)] Yes No N/A
 - b. In good condition? [3745-66-71] Yes No N/A
 - c. Compatible with wastes stored in them? [3745-66-72] Yes No N/A
 - d. Handled in a manner which prevents rupture/leakage? [3745-66-73(B)] Yes No N/A

NOTE: Record location on process summary sheets, photograph the area, and record on facility map.

- 47 Is the container accumulation areas(s) inspected weekly? [3745-66-74] Per ORCS 1.44(A) "Week" means 7 consecutive days. Yes No N/A
 - a. Are inspections recorded in a log or summary? [3745-66-74] Yes No N/A
- 48 Are containers of ignitable or reactive wastes located at least 50 feet (15 meters) from the facility's property line? [3745-66-76] Yes No N/A
- 49 Are containers of incompatible wastes stored separately from each other by means of a dike, berm, wall or other device? [3745-66-77(C)] Yes No N/A
- 50 If the generator places incompatible wastes, or incompatible wastes and materials in the same container, is it done in accordance with 3745-65-17(B)? [3745-66-77(A)] Yes No N/A
- 51 If the generator places hazardous waste in an unwashed container that previously held an incompatible waste, is it done in accordance with 3745-65-17(B)? [3745-66-77(B)] Yes No N/A

NOTE: OAC 3745-65-17(B) requires that the generator treat, store, or dispose of ignitable or reactive waste, and the mixture or commingling of incompatible wastes, or incompatible wastes and materials so that it does not create undesirable conditions or threaten human health or the environment.

- 52 If the generator has closed a <90 day accumulation area does the closure appear to have met the closure performance standard of 3745-66-11? [3745-52-34(A)(1)] Yes No N/A

NOTE: Please provide a description of the unit and documentation provided by the generator for the file to demonstrate that closure was completed in accordance with the closure performance standards. If the generator has closed a <90 day tank, closure must also be completed in accordance with OAC 3745-66-97 (except for paragraph C of this rule). [3745-52-34]

PRE-TRANSPORT REQUIREMENTS

53 Does the generator package and label its hazardous waste in accordance with the applicable DOT regulations? [3745-52-30, 3745-52-31 and 3745-52-32(A)]

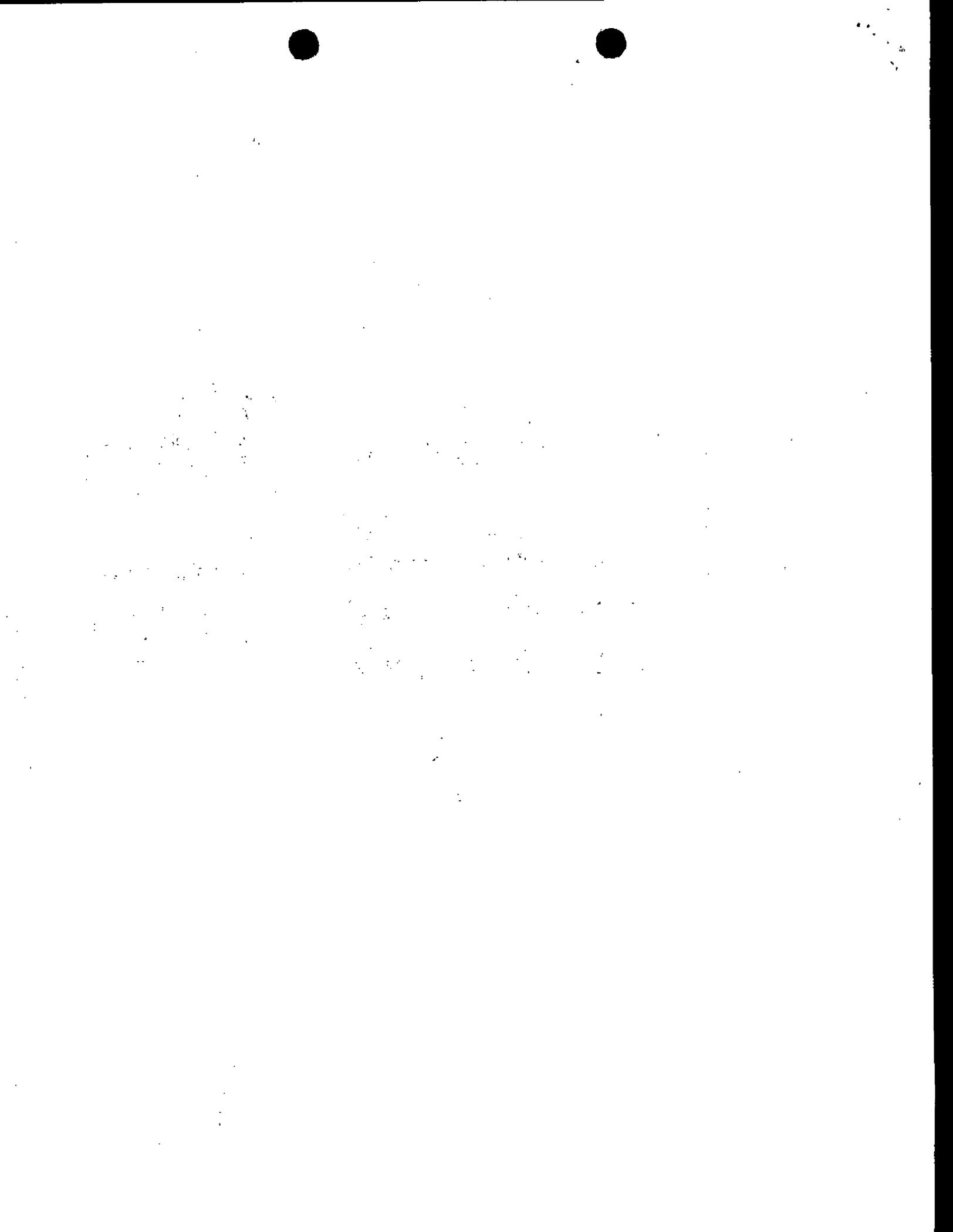
Yes No N/A

54 Does each container <110 gallons have a completed hazardous waste label? [3745-52-32(B)]

Yes No N/A

55 Before off-site transportation, does the generator placard or offer the appropriate DOT placards to the initial transporter? [3745-52-33]

Yes No N/A



**GENERATOR LDR CHECKLIST
DOES NOT APPLY TO CESQGS**

GENERAL REQUIREMENTS

1.	If LDRs do not apply, does the generator have a statement that lists how the HW was generated, why LDRs don't apply and where the HW went? [3745-270-07 (A)(7)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
2.	Did the generator determine if the HW/soil must be treated to meet the LDR treatment standard prior to disposal? Generator knowledge or testing may be used. [3745-270-07(A)(1)]	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>

NOTE: This is done by determining if the HW /soil contains levels of constituents greater than the levels given in its LDR treatment standard in 3745-270-40. However, if a specific treatment method is given in 3745-270-40 for the HW, no determination is required [3745-270-07 (A)(1)(b)]. If soil, generator can choose to have soil treated to LDR levels given in 3745-270-49 (alternative treatment levels for soils).

3.	Does the generator have documentation of how he determined whether the HW/soil meets or does not meet the LDR treatment standard in 2, above? [3745-270-07(A)(6)(a) or 3745-270-07(A)(6)(b)]	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
4.	Does the generator keep the documentation required in #2, above, on-site for at least three years from the last date the HW/soil was sent on-site/off-site for treatment/disposal? [3745-270-07(A)(8)]	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
5.	Does the generator generate a listed HW that exhibits a characteristic? If yes,	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
a.	Did the generator determine if the listed HW exhibits a characteristic that is not treated under the LDR treatment standard for the listed HW? [3745-270-09(A)]	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>

FOR EXAMPLE: F006 that exhibits the characteristic for silver or K062 that is corrosive, D002. Review LDR treatment standard in 3745-270-40 to determine what constituents the listed HW is treated for.

6.	Did the generator determine if its characteristic HW contains underlying hazardous constituents that need to be treated? [3745-270-09(A)]	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
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NOTE: This is done by evaluating which underlying hazardous constituents (UHC) are in the HW at levels above the universal treatment standards given in 3745-270-48. This requirement does not apply to high total organic carbon (i.e., contains >10% TOC) D001 wastes or listed HWs.

NOTE: Written documentation of this determination is not required.

7.	Did the generator treat his HW /soil on-site to meet the LDR treatment standard?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
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NOTE If a Yes@ see question #16.

8.	Did the generator send a one-time LDR notification form to the TSD with the first shipment to that facility?[3745-270-07(A)(2)]	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
9.	Did the generator resubmit the LDR notification form to the TSD when the HW changed or the generator used a new TSD? [3745-270-07(A)(2)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
10.	Does the generator have a copy of the LDR notification form on file?[3745-270-07(A)(2)]	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
a.	Is the form kept on file for three years after last HW shipped? [3745-270-07(A)(8)]	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>

NOTIFICATION FORM

11.	Does the LDR Notification form contain the following information:	
a.	Manifest number of the first waste shipment to the TSD?[3745-270-07(A)(2)]	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
b.	Applicable waste codes (includes characteristic codes for a listed HW if applicable)? [3745-270-07(A)(2)]	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
c.	A statement that conveys that the HW is subject to LDRs and must be treated to meet LDR treatment requirements? [3745-270-07(A)(2)]	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
d.	A designation whether the HW is a wastewater or non-wastewater? [3745-270-07(A)(2)].	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>

NOTE: A wastewater contains <1% by wt. total suspended solids(TSS) and <1% by wt. TOC. If you doubt the HW is a wastewater or non-wastewater, the HW can be tested using for example, Standard Methods (SM) 160.2 for TSS, SW-846 method 9060a for TOC.

e.	Designation of the waste subcategory when applicable? [3745-270-07(A)(2)]	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
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NOTE: Subcategories are found on the LDR treatment standards table under the applicable waste code. Not all HWs have subcategories

f.	A listing of the underlying hazardous constituents for which a characteristic waste must be treated? [3745-270-07(A)(2)]	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
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NOTE: Not required if the waste is high TOC D001 or the TSD tests its treatment residues for all underlying hazardous constituents.

g.	If the HW is F001-F005 or F039, did the generator note on the LDR form what solvents or constituents, respectively, the waste contains and must be treated for?[3745-270-07(A)(2)]	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
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NOTE: Not required if the TSD tests its treatment residues for all underlying hazardous constituents.

PROHIBITED DILUTION

12.	Is the HW treated by burning? If ANo@ go to #15.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
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13.	Is the HW a metal-bearing HW?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
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NOTE: Generally, metal-bearing HWs contain heavy metals above TCLP levels or were listed due to the presence of metals. A list of the restricted metal-bearing HWs are given in the Appendix to 3745-270-03.

14.	a.	Metal-bearing HWs cannot be incinerated, combusted or, blended and burned for fuel unless <u>one</u> of the following conditions apply. [3745-270-03(c)]	
	i.	Contains > 1% TOC?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
	ii.	Contains organic constituents or cyanide at levels greater than the UST levels?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
	iii.	Is made up of combustible material e.g., paper, wood, plastic?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
	iv.	Has a reasonable heating value (e.g., > 5000 Btu)?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
	v.	Co-generated with a HW that must be combusted?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>

	b.	If all responses to 14 a.i. through 14 a.v. are ANo@, HW is being improperly treated by dilution, violation of 3745-270-03(C). Is HW being treated by dilution?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
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15.	Was the HW treated by wastewater treatment?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
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	a.	Is a LDR treatment method, other than DEACT or a numerical value, specified for the waste? [3745-270-03(B) and 3745-270-40(A)(3)]	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
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NOTE: If Yes, HW is improperly being treated by dilution.

	b.	Does the waste carry the D001 code <u>and</u> contain $\geq 10\%$ TOC?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
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	c.	Does the wastewater treatment process include a process to separate/recover the organic phase of the waste?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
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NOTE: If the answers to b & c are Ayes@ and ANo@, respectively, waste is improperly being treated by dilution and generator is in violation of [3745-270-03(B) and 3745-270-40(A)(3)].

NOTE: A list of separation/recovery processes are given in 3745-270-42 under RORG.

GENERATOR TREATMENT

16.	Does the generator treat to meet LDRs on-site [3745-270-40(A)]?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
	Did the generator treat his hazardous waste/soil on-site in a tank, container, drip pad or containment building to meet the LDR treatment standard?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
If Yes ...complete the rest of the checklist. If No ...stop...you are done.		
a.	Does the generator have a written waste analysis plan (WAP) that describes the procedures he will follow to treat the HW/soil to the LDR treatment standard? [3745-270-07(A)(5)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
b.	Did the generator use a detailed chemical and physical analysis of the HW/soil in order to develop the WAP? [3745-270-07(A)(5)(a)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
NOTE: This is a laboratory analysis but it does not have to be kept by the generator.		
c.	Does the WAP contain all information necessary to treat the HW/soil to the LDR treatment standard? [3745-270-07(A)(5)(a)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
d.	Does the WAP include the testing frequency of the treated HW/soil to demonstrate that the LDR treatment standard is being met? [3745-270-07(A)(5)(a)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
e.	Does the generator keep the WAP on-site? [3745-270-07(A)(5)(b)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
f.	Is the WAP available for the inspector=s review during the inspection? [3745-270-07(A)(5)(b)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>

NOTIFICATION FORM

17.	a.	Contains all information in #11 a-g above and	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
	b.	If the treated HW/soil is listed....notification contains the following certification statement: A I certify under penalty of law that I personally have examined and am familiar with the waste, through analysis and testing or trough knowledge of the waste, to support this certification that the waste complies with the treatment stands specified in rule 3745-270-40 to 3745-270-49 of the Administrative Code. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.@	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
	c.	If the treated HW/soil no longer exhibits a characteristic and is no longer a HW, did the generator:	
	i.	Send a one-time notification to the director?[3745-270- 09 (D)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
	ii.	Maintain a copy of the notice onsite?[3745-270-09(D)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
	iii.	Include in the notification: [3745-270-09(D)(1)(a)]	
	1.	Name & address of receiving landfill?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
	2.	Description of HW when generated?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
	3.	HW code when generated?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
	4.	Treatability group when generated?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
	5.	Underlying hazardous constituents present when generated?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
	iv.	Contain the right certification statement as required by 3745-70-07(b)(4)?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>



11

PROCESS DESCRIPTION/WASTE ACTIVITIES SUMMARY

Facility Name: Henkel Corporation **Facility Type:** LQG **EPA ID#:** OHD 004 156 063

<i>Description of Waste</i>				<i>On-Site Management</i>		<i>Off-Site Management</i>
Process/Activity Generating Waste (e.g. plating bath, machining, baghouse, painting, etc)	Waste Generated (e.g. sludge, spent solvent, ash, etc)	EPA Waste Code	QTY Generated	Type of Accumulation/Storage (e.g. container, tank, etc)	Type of On-Site Treatment (recycle, wwt, etc)	Name, state, and type of activity occurring at the facility.
1 Mixing	off-spec materials, Excess raw materials	D001, D002, D003, D005, F003,	See annual report	Container		Disposed
2 Filling	contaminated solids	D001, D005, D006, D007, D008		Container		Disposed
3 Cleaning	Solvent contaminated rags and wipers, spent solvents	D001, F003		Container		Disposed
4 Tow motors and other portable electrical uses	Batteries	Universal Waste		Container		Recycled
5 Lighting	Spent lamps	Universal Waste		Container		Recycled



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Description of Waste

On-Site Management

Off-Site Management

Process/Activity Generating Waste <small>(e.g. plating bath, machining, baghouse, painting, etc)</small>	Waste Generated <small>(e.g. sludge, spent solvent, ash, etc)</small>	EPA Waste Code	QTY Generated	Type of Accumulation/ Storage <small>(e.g. container, tank, etc)</small>	Type of On-Site Treatment <small>(recycle, wwt, etc)</small>	Name, state, and type of activity occurring at the facility.
6 Floor Cleaning	Waste water	non-haz		Tank	none	Disposed
7 Raw materials	Excess Raw Materials	D002, D005				Disposed
8 Packaging	Cardboard	solid waste				Recycled
9 Packaging	PET Plastic	solid waste				Recycled
10 Excess/off-spec material	solids	Non-hazardous	largest waste stream			Disposed



PROCESS DESCRIPTION/WASTE ACTIVITIES SUMMARY

Facility Name: Henkel Corporation **Facility Type:** LQG **EPA ID#:** OHD 004 156 063

<i>Description of Waste</i>				<i>On-Site Management</i>		<i>Off-Site Management</i>
Process/Activity Generating Waste <small>(e.g. plating bath, machining, baghouse, painting, etc)</small>	Waste Generated <small>(e.g. sludge, spent solvent, ash, etc)</small>	EPA Waste Code	QTY Generated	Type of Accumulation/ Storage <small>(e.g. container, tank, etc)</small>	Type of On-Site Treatment <small>(recycle, wwt, etc)</small>	Name, state, and type of activity occurring at the facility.
11 Hydraulics	Used Oil	Used Oil				Recycled
12						
13						
14						
15						

