OhioEPA
State of Ohio Environmental Protection Agency
Northeast District Office

2110 East Aurora Rd.
Twinsburg, Ohio 44087

TELE: (330) 963-1200 FAX: (330) 487-0769
www.epa.state.oh.us

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

June 25, 2007

RE: JOHNSONITE
OHD 004 152 401
GEAUGA COUNTY
NOTICE OF VIOLATION

Charles Sahyers
Johnsonite
16910 Munn Road
Chagrin Falls, OH 44022

Dear Mr. Sahyers:

On June 13, 2007, Sherry Slone and I inspected Johnsonite Company 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 and Jim Brown represented Johnsonite during the inspection. Johnsonite Corporation manufactures extruded floor trim products.

Johnsonite's hazardous waste generator category is variable. The company is at times a Large Quantity Generator (LQG) or Small Quantity Generator (SQG) when facility clean-outs are done. At the time of the inspection, Johnsonite was a Conditionally Exempt Small Quantity Generator.

This letter will explain the violations we found, other general concerns we have, and what you need to do to respond to them. We found the following violations of Ohio's hazardous waste regulations. 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. **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 were two drums in the maintenance crib that were not labeled per this rule. This violation was abated during the inspection when you added the words "Used Oil" to the drum labels.

2. **Universal Waste Lamps– Containers**
   OAC 3735-273-13(D)(1)

   Containers and packages of Universal Waste Lamps must remain closed and lack evidence of leakage, spillage or damage.

There were two containers of lamps in the pole barn that were not closed. To abate this violation, you must properly close the containers, photograph them, and send copies of the photographs to this office. Also explain what operating procedures have been instituted to ensure future compliance with this rule.

3. General Inspection Requirements
OAC 3735-66-74(B)

The owner or operator shall record inspections in an inspection log or summary

During the months Johnsonite is a LQG and SQG, weekly inspections of the facility's hazardous waste accumulation area are not being conducted. Please be advised that whenever Johnsonite qualifies as a LQG or SQG, weekly inspections must be conducted and recorded in a log or summary. You must confirm that Johnsonite will comply with this requirement.

In addition to the above violations the following concerns were also found:

1. In its 2006 annual hazardous waste report, Johnsonite reported that 210 gallons of hazardous waste was generated. It was difficult to discern from the 2006 hazardous waste manifests how this total was calculated.

   The problem appears to be that there is a hazardous waste code(s) missing from the manifests in question (#002257008 and #000019232). Manifest #002275008 reports one hazardous waste code (D002 on line 2) in the amount of 100 gallons. Manifest #000019232 reports no hazardous waste codes.

   To address this concern, you must clarify how you arrived at 210 gallons. If the manifest is in error, you must address the discrepancy in accordance with OAC 3745-54-72.

2. The facility contingency plan does include a list of emergency equipment for responding to releases of hazardous waste, along with a list of locations where the equipment is located and a brief outline of its capabilities. Please be advised that for the months Johnsonite qualifies as an LQG, a contingency plan must be available. Please confirm that you will comply with this requirement.

Recommendations

You mentioned that there is some discussion occurring within the company as to whether or not a new building may be constructed for the facility. Ohio EPA recommends that if Johnsonite chooses to construct a new facility, it consider incorporating high performance green building technologies. Green buildings are proven to have lower operating costs, reduced energy and water use, increased employee productivity, and reduced employee absenteeism. Below is a list of references regarding high performance green building:

Why Green Buildings Fatten Your Bottom Line:
http://www.djc.com/news/en/11132991.html

US Green Building Council:
http://www.usgbc.org/

Cleveland Green Building Coalition:
http://www.clevelandgbc.org/

Green Building Costs and Financial Benefits
http://www.cap-e.com/ewebeditpro/items/O59F3481.pdf

Enclosed is a copy of the checklist used for the inspection.

The Division of Hazardous Waste Management has created an electronic news service to provide you with quick and timely updates on events and news related to hazardous waste activities in Ohio. If you haven't already, we encourage you to sign-up for this free service. More information can be found at the following link: http://www.epa.state.oh.us/dhwm/listserv.html. Please feel free to share this information with your colleagues.

Failure to list specific deficiencies in this communication does not relieve Johnsonite 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 Oryshkewich, DHWM, NEDO
ec: Frank Popotnik, DHWM, NEDO
Ron Shadrach, DHWM, NEDO
Harry Sarvis, DHWM, CO

E-mail this completed form to tammy.mcconnell@epa.state.oh.us or mail it to Tammy McConnell, Central Office	Ohio Environmental Protection Agency **RCRA SUBTITLE C SITE IDENTIFICATION/VERIFICATION FORM**	For Ohio EPA use only

2. Site EPA ID No.	**EPA ID Number:** OHD 004 152 401							
3. Site Name	**Name:** Johnsonite					**Website (optional:)**		
4. Site Location Information	**Street Address:** 16910 Munn Rd							
	City, Town, or Village: Chagrin Falls				**State:** OH			
	County Name:				**Zip Code:** 44022			
5. Site Land Type (check only one)	**Private**	**County**	**District**	**Federal**	**Indian**	**Municipal**	**State**	**Other**
	X							
6. NAICS code(s) www.census.gov/epcd/www/naics.html	A. 326192			B.				
	C.			D.				
7. Facility Representative:	**First Name:** Charles			**MI:** E	**Last Name:** Sahyers			
Additional names can be recorded in number 12.	**Phone Number:** (440) 543 8916				**Phone Number Extension:** 328			
	E-Mail Address: Csahyers@Johnsonite.com							
	Fax Number:				**Fax Number Extension:**			
Only provide address information if it is different than the site address.	**Street or P.O. Box:**							
	City, Town or Village:							
	State:		**Country:**		**Zip Code:**			
8. Legal Owner and Operator of the Site List Additional Owners and/or Operators in the Comment Section or on another copy of this form page.	A. **Name of Site's Legal Owner:** Tarkett SA			**Date Became Owner (mm/dd/yyyy):** 2007				
	Owner Type: Mark with an X	**Private**	**County**	**District**	**Federal**	**Indian**	**Municipal**	**State**	**Other**
		X							
	Street or P.O. Box: 2, rue de l'Egalité							
	City, Town, or Village: Nanterre Cedex			**Owner Phone #:**				
	State:			**Country:** France		**Zip Code:** F-92748		
	B. **Name of Site's Operator:**			**Date Became Operator (mm/dd/yyyy):**				
	Operator Type: Mark with an X	**Private**	**County**	**District**	**Federal**	**Indian**	**Municipal**	**State**	**Other**
	Street or P.O. Box:							
	City, Town, or Village:			**Operator Phone #:**				
	State:			**Country:**		**Zip Code:**		

9. Violations Cited?	☐	Yes	☐	No

10. Type of Regulated Waste Activity (Mark "X" in all of the appropriate boxes.)

☐ **Not Regulated**

10. Type of Regulated Waste Activity (Mark all of the appropriate boxes.)

A. Hazardous Waste Activities

(choose only one of the following categories)

- [ ] **UNKNOWN:** Cited for violation of 3745-52-11
- [x] a. **Large Quantity Generator (LQG):**
- [ ] b. **Small Quantity Generator (SQG)**
- [ ] c. **Conditionally Exempt Small Quantity Generator**
- [ ] d. **United States Importer of Hazardous Waste**
- [ ] e. **Mixed Waste (hazardous and radioactive) Generator**

- [ ] **3. Treater, Storer or Disposer of Hazardous Waste**
- [ ] **4. Recycler of Hazardous Waste**
- [ ] **5. Exempt Boiler and/or Industrial Furnace**
  - [ ] a. Small Quantity On-site Burner Exemption
  - [ ] b. Smelting, Melting, Refining Furnace Exemption
- [ ] **6. Underground Injection Control Facility**
- [ ] **7. Hazardous Waste Transporter**

B. Universal Waste Activities

- [x] **1. Small Quantity Handler of Universal Waste**

  (Indicate types of universal waste generated and/or accumulated (check all boxes that apply):

- [ ] **2. Large Quantity Handler of Universal Waste**

  (accumulates 5,000 kg or more).

- [ ] **3. Destination Facility for Universal Waste**

(Check all boxes below that apply for each of the three types of facilities above.)

	Generated	Accumulated
A. Batteries	[x]	[ ]
B. Pesticides	[ ]	[ ]
C.Thermostats	[ ]	[ ]
D. Lamps	[x]	[x]

C. Used Oil Activities

- [x] **1. Used Oil Generator**
- **2. Used Oil Transporter Indicate Type(s) of Activity(ies)**
  - [ ] Transporter
  - [ ] Transfer Facility
- **3. Used Oil Processor and/or Re-refiner**
  Indicate Type(s) of Activity(ies)
  - [ ] **Processor**
  - [ ] **Re-refiner**
- [ ] **4. Off-Specification Used Oil Burner**
- 5. Used Oil Fuel Marketer -

  Indicate Type(s) of Activity(ies)
  - [ ] a. Marketer Who Directs Shipment of Off- Specification Oil
  - [ ] b. Used Oil to Off-Specification Used Oil Burner

11. Waste Codes for Federally Regulated Hazardous Wastes. Please list the codes for the federally regulated hazardous waste handled at your site. List them in the order they are presented in the regulations (e.g., D001, D003, F007, U112). Use an additional page if more space is needed. If there are more than 7 waste codes and they are the same as listed in the most recent RCRAInfo source record, you do not need to list them all. Instead just indicate the date of the most recent source record.

D002	U028					

12. Comments: Use this area to describe whether the inspection was announced, whether the waste is stored in tanks or containers, etc.

Y / N	Announced ?	Additional Facility Representatives:	
Y / N	Tanks?	Other comments: Generator Category Varies.	
Y / N	Containers?		

13. Name of Inspector(s)	Name of Inspector(s)	Date of Inspection/Time (mm-dd-yyyy) (HH:MM)
Ed D'Amato	Sherry Slone	13-June-2007

14. OPTIONAL CERTIFICATION. I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature of owner, operator, or an authorized representative	Name and Title (Print)	Date (mm-dd-yyyy)

CONDITIONALLY EXEMPT SMALL QUANTITY GENERATOR REQUIREMENTS
COMPLETE AND ATTACH A PROCESS, WASTE, P2 SUMMARY SHEET

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:

WASTE EVALUATION

1. Have all wastes generated at the facility been adequately evaluated? [3745-52-11] Yes ☒ No ☐ N/A ☐

GENERATOR CLASSIFICATION

2. Does the generator produce <100 kg. of hazardous waste per month? [conditionally exempt small quantity generator ("CESQG")] Yes ☒ No ☐ N/A ☐

*NOTE: If quantities of hazardous waste accumulated on-site at any one time exceed 1,000 Kg. - or the generator produces between 100 and 1,000 Kg. of hazardous waste per month, it is operating as a Small Quantity Generator ("SQG"). **If so,** complete the Small Quantity Generator Requirements checklist.*

OFF-SITE SHIPMENT OF HAZARDOUS WASTE

3. Does the CESQG ensure delivery of hazardous waste(s) to an off-site permitted TSD? [3734.02(F)] Yes ☒ No ☐ N/A ☐

TREATMENT OF HAZARDOUS WASTE

a. Container that meets 3745-66-70 to 3745-66-77? Yes ☐ No ☐ N/A ☒

b. Tank that meets 3745-66-90 to 3745-66-101 except 3745-66-97(C)? Yes ☐ No ☐ N/A ☒

c. Drip pads that meet 3745-69-40 to 3745-69-45? Yes ☐ No ☐ N/A ☒

d. Containment building that meets 3745-256-100 to 3745-256-102? Yes ☐ No ☐ N/A ☒

NOTE: Complete appropriate checklist for each unit.
NOTE: If the CESQG conducts treatment they are subject to the LQG requirements.
NOTE: If waste is treated to meet LDRs, use LDR checklist.

REMARKS

PROCESS DESCRIPTION/WASTE ACTIVITIES SUMMARY

Facility Name: JOHNSONITE **Facility Type:** LQG/SQG/CESQG/~~TSD~~ **EPA ID#:** OHD 004 152 401

Description of Waste					On-Site Management		Off-Site Management
	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 per Month**	**Type of Accumulation/ Storage** (e.g. container, tank, etc)	**Type of On-Site Treatment** (recycle, wwt, etc)	**Name of TSD.**
1	Plastic (PVC) Extruding	contaminated material, plasticizer, stabilizer	none				Disposed as solid waste
2	Chiller clean-out	Spent Acid	D002				Disposed through Chemtron
3	Machine lubricants	Used Oil	None				Disposed through Chemtron
4	Lighting	spent lamps	none				Recycled through Chemtron
5		Batteries from tow motors					Exchanged through tow motor dealers.
6	Cleaning grease, oil off equipment	Rags					Disposed as solid waste
7		Aerosol Cans					Emptied, disposed as solid waste.

USED OIL INSPECTION CHECKLIST (Short Version)

Company: Johnsonite EPA I.D.: OHD 004 152 401

Street: 16910 Munn Rd City: Chagrin Falls

County: Geauga State: Ohio Zip: 44022

Mailing Address: (IF DIFFERENT FROM ABOVE)

Telephone: Fax:

Owner/ Operator: (IF DIFFERENT FROM ABOVE)

Street:

City: State: Zip:

Inspection Date(s): 6-13-07 Time(s):

Inspection announced? Yes ____ No ____ If so, how much advance notice given? ____

	Name	Affiliation	Telephone
Inspectors:	Ed D'Amato	OEPA	(330) 963-1200
	Sherry Slone		
Facility Rep(s):	Charle Sahyers	Johnsonite	
	Jim Brown	"	

USED OIL MANAGEMENT ACTIVITY

X Generator/Collection Center/Aggregation	____ Marketer
____ Transporter/Transfer Facility	____ Off-Spec Burner
____ Processor/Re-Refiner	____ Other (specify)
____ No Generation	

NOTE: ***This checklist does not include requirements for used oil transporters and transfer facilities, processors and re-refiners, burners, and marketers.***

PROHIBITIONS

1. Is used oil being managed in a surface impoundment or waste pile? If so: — Yes___ No X N/A ___RMK#___

   Is the surface impoundment or waste pile being regulated under OAC 3745-54 to 3745-57 or 3745-65 to 3745-69? [3745-279-12(A)] — Yes ___ No ☐ N/A X RMK#___

2. Is used oil being used as a dust suppressant? [3745-279-12(B)] — Yes ☐ No X N/A ___RMK#___

3. Is off-specification used oil fuel burned for energy recovery only in devices specified in 3745-279-12(C)? — Yes ___ No ☐ N/A X RMK#___

USED OIL GENERATOR STANDARDS

4. Does the generator mix hazardous waste with used oil only as provided in 3745-279-10(B)? [2745-279-21(A)] — Yes ___ No ☐ N/A X RMK#___

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 X RMK#___

6. Does the generator only store used oil in tanks, containers, or units subject to OAC 3745-54 to 3745-57 or 3745-65 to 3745-69? [3745-279-22(A)] — Yes X No ☐ N/A ___RMK#___

7. Are containers and aboveground tanks used to store used oil in good condition with no visible leaks? [3745-279-22(B)] — Yes X No ☐ N/A ___RMK#___

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 X N/A ___RMK#___

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 X RMK#___

   b. Contained the release? — Yes ___ No ☐ N/A X RMK#___

   c. Cleaned up and properly managed the used oil and other materials? — Yes ___ No ☐ N/A X RMK#___

   d. Repaired or replaced the containers or tanks prior to returning them to service, if necessary? — Yes ___ No ☐ N/A X RMK#___

10. Does the generator burn used oil in used fired space heaters? [3745-279-23] If so: Yes___ No X N/A ___RMK#___

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 X RMK#___

b. Is the heater designed to have a maximum capacity of not more that 0.5 million BTU per hour? Yes ___ No ❑ N/A X RMK#___

c. Are the combustion gases from heater vented to the ambient air? Yes ___ No ❑ N/A X RMK#___

11. Does the generator have the used oil hauled only by transporters that have obtained an EPA ID#, unless the generator qualifies for an exemption pursuant to 3745-279-24 (self transportation or tolling agreements)? [3745-279-24] Yes X No ❑ N/A ___RMK#___

USED OIL 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 X RMK#___

13. Is the non-DIY used oil collection center registered with Ohio EPA? [3745-279-31] Yes ___ No ❑ N/A X RMK#___

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 X RMK#___

WASTE EVALUATION

15. Have all wastes generated at the facility been evaluated? [3745-52-11] Yes X No ❑ N/A ___RMK#___

C:\Documents and Settings\EDamato\My Documents\iFolder\Forms\inspection forms\USEDOIL.SHORT.2001.wpd

REMARKS