



Environmental  
Protection Agency

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

Re: Toledo Police Indoor Range  
Lucas County  
OHD987033156  
Hazardous Waste  
Partial Return to Compliance

January 14, 2011

Sergeant Tom Kosmyna  
City of Toledo  
Department of Police Operations  
2301 Nebraska Avenue  
Toledo, Ohio 43607

Dear Sergeant Kosmyna:

Thank you for your December 21, 2010, and January 11, 2011, responses to Ohio EPA's November 30, 2010, Notice of Violation (NOV) letter. My review of the documentation submitted reveals that the Toledo Police Indoor Range (TPIR) has adequately demonstrated abatement of ten of the eleven violations cited in the November 30, 2010, NOV letter.

The following is a summary of the violations cited in the November 30, 2010, NOV as a result of our March 31, 2010, inspection and your compliance with respect to each:

**1. ORC 3734.02 (E & F): Permitted Facilities for the Treatment, Storage, and Disposal of Hazardous Waste:**

No person shall treat, store, or dispose of hazardous waste without a hazardous waste facility permit.

The TPIR currently has hazardous waste pre-filters on-site that have been stored for greater than 180 days. The log book where the filter changes are documented shows that the pre-filters were removed on March 26, 2010, and are therefore, over the 180 day storage limit.

In addition, the log book documents that on November 28, 2007, spent pre-filters were removed and stored for greater than 180 days. The TPIR also removed the spent pre-filters on July 1, 2008, along with the spent HEPA filters and placed them in the hazardous waste storage area along with the pre-filters that were removed on November 28, 2007. On September 30, 2008, 4,121 pounds of hazardous waste (D008), (2 sets of spent pre-filters and one set of spent HEPA filters) was shipped off-site for disposal at a hazardous waste landfill in Roachdale, IN.

The TPIR stored hazardous waste (D008) for greater than 180 days: November 28, 2007 to July 1, 2008 (216 days); and March 26, 2010 to present (approx. 249 days).

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The TPIR must immediately dispose of the spent pre-filters (D008) that have been on-site for more than 180 days. The TPIR must properly label and date each container of hazardous waste and submit photographic documentation to Ohio EPA. In addition, a copy of the manifest, complete with land disposal restriction (LDR) forms, for this material must be submitted to Ohio EPA once the waste is transported off-site for disposal.

Since the TPIR violated ORC 3734.02(E&F), the TPIR is subject to all applicable general facility standards found in OAC Chapters 3745-54 and 55. Additionally, at any time Ohio EPA may assert its right to have the TPIR begin facility-wide cleanup pursuant to the Corrective Action process under Ohio law.

**On December 21, 2010, the TPIR submitted a copy of the manifest and LDR form for five (5) skids, approximately 45 spent pre-filters, of hazardous waste (D008) that were shipped off-site for disposal on November 22, 2010. In addition, the TPIR submitted photographic documentation showing the hazardous waste storage room empty.**

**2. OAC Rule 3745-52-20(A): Manifest Requirements:**

A generator who transports, or offers for transportation, hazardous waste for off-site treatment, storage, or disposal must prepare a uniform hazardous waste manifest, U.S. EPA form 8700-22 before transporting the hazardous waste off-site.

On February 13, 2007, and September 30, 2008, the TPIR shipped spent air handling system pre-filters and HEPA filters where analytical results for TCLP lead were 260 ppm and 280 ppm, respectively, which are both above the regulatory limit of 5.0 ppm, off-site without a manifest.

This violation is historical and cannot be remedied. The Indiana Department of Environmental Management may require the Heritage Environmental Services hazardous waste landfill in Roachdale, Indiana, to prepare an un-manifested waste report for the hazardous waste they received from the TPIR on February 13, 2007, and September 30, 2008. If this report is prepared, the TPIR must submit a copy of the un-manifested waste report to Ohio EPA for our records.

**On December 21, 2010, the TPIR submitted a copy of a letter that was sent to Heritage Environmental Services in Indiana which notified them of the shipping error using a bill of lading rather than a hazardous waste manifest.**

*Therefore, this violation is abated.*

**3. OAC Rule 3745-52-34(D)(4), Container Management:**

A generator may for one hundred eighty days or less, accumulate and/or conduct treatment of hazardous waste that is generated on-site without an Ohio hazardous waste permit provided that the waste is placed in containers that are labeled or marked clearly with the words "Hazardous Waste" while being accumulated and/or treated on-site.

The TPIR had approximately 45 spent air handling system pre-filters (D008) located in the outside hazardous waste storage area that were not marked with the words "Hazardous Waste."

The TPIR must properly label each spent air handling system pre-filter with the words "Hazardous Waste." To abate this violation, the TPIR must submit photographic documentation to show that all of the spent air handling system pre-filters in the outside hazardous waste storage area are properly labeled.

**On December 21, 2010, the TPIR submitted information regarding the proper labeling of the spent air handling system filters. No spent filters are currently in storage and the TPIR has ordered labels to use for each spent filter when it is placed in the hazardous waste storage area. The TPIR plans to submit photographic documentation showing the filters properly labeled "hazardous waste" when some are placed in the hazardous waste storage area. Your compliance with the hazardous waste regulations may be assessed at a future unannounced inspection.**

*With this information, this violation has been abated.*

**4. OAC Rule 3745-52-34(D)(4), Accumulation time of hazardous waste:**

A generator may, for one hundred eighty days or less, accumulate and/or conduct treatment of hazardous waste that is generated on-site without an Ohio hazardous waste permit provided that the waste is placed in containers that have the date upon which each period of accumulation begins clearly marked and visible for inspection on each container.

The TPIR had approximately 45 spent air handling system pre-filters (D008) located in the outside hazardous waste storage area that did not have an accumulation start date.

The TPIR must properly label each spent air handling system pre-filter with the accumulation start date. To abate this violation, the TPIR must submit photographic documentation to show that all of the spent air handling system pre-filters in the outside hazardous waste storage area are properly marked.

**On December 21, 2010, the TPIR submitted information regarding the proper labeling of the spent air handling system filters. No spent filters are currently in storage and the TPIR has ordered labels to use for each spent filter when it is placed in the hazardous waste storage area. The TPIR plans to submit photographic documentation showing the filters properly labeled with the accumulation start date when some are placed in the hazardous waste storage area. Your compliance with the hazardous waste regulations may be assessed at a future unannounced inspection.**

*With this information, this violation has been abated.*

**5. OAC Rule 3745-52-34(D)(5)(a): Emergency Coordinator:**

A generator must ensure that at all times there is at least one employee either on the premises or on call with the responsibility for coordinating all emergency response measures. This employee is the emergency coordinator.

The TPIR failed to have a designated emergency coordinator.

To abate this violation, the TPIR must ensure that at least one emergency coordinator is available at all times. The TPIR must submit a list of emergency coordinator(s) for the facility.

**On December 21, 2010, the TPIR submitted a copy of the hazardous waste emergency information sheet. This sheet lists the names of the two designated emergency coordinators for the facility.**

*With this information, this violation has been abated.*

**6. OAC Rule 3745-52-34(D)(5)(b): Preparedness and Prevention:**

A generator must post the following information next to the telephone: the name and telephone number of the emergency coordinator; location of fire extinguishers and spill control equipment, and if present, fire alarms; and the telephone number of the fire department, unless the facility has a direct alarm.

The TPIR failed to have the required information posted next to the telephone located nearest to the hazardous waste storage area.

To abate this violation, the TPIR must post the required information next to the telephone and submit a copy of the posted list. The TPIR must also submit photographic documentation to show that the list has been properly posted in this area.

**On December 21, 2010, the TPIR submitted a copy of the emergency response information that is posted next to the telephone located nearest the hazardous waste storage area. In addition, photographic documentation was submitted showing the information posted on the wall next to the telephone.**

*With this information, this violation has been abated.*

**7. OAC Rule 3745-52-34(D)(5)(c), Emergency Procedures/Preparedness and Prevention:**

A generator must ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relevant to their responsibilities during normal facility operations and emergencies.

The TPIR failed to properly train employees on proper waste handling and emergency procedures related to the wastes generated on-site.

To abate this violation, the TPIR must immediately provide training to all employees involved in the management of the hazardous waste. A copy of the training outline must be submitted for review. In addition, a copy of the sign-in sheets used to document employee attendance must be submitted.

**On December 21, 2010, the TPIR submitted a copy of the information that was used for the hazardous waste training given on December 3, 2010 and December 10, 2010. The training was conducted by personnel from the City of Toledo, Division of Environmental Services and Heritage Environmental Services. Also submitted was a copy of the sign in sheets listing the names of the employees who attended the training sessions.**

*With this information, this violation has been abated.*

**8. OAC Rule 3745-65-33: Emergency Equipment:**

All facility communications or alarm systems, spill control equipment and decontamination equipment must be tested and maintained as necessary to assure its proper operation in time of emergency. The owner or operator must record the inspections in a log or summary.

The TPIR does not test and maintain the emergency equipment to assure its proper operation in the event of an emergency. These tests are not recorded in a log. It is recommended that the log include the following information: date and time of test, name of person conducting the test, observations made and date/nature of any repairs.

To abate this violation, the TPIR must submit a copy of an internal policy regarding the testing and maintenance of all emergency equipment and the frequency of the inspections. The TPIR must submit a copy of a completed inspection log to verify compliance with this rule.

**On December 21, 2010, the TPIR submitted a copy of the policy that outlines the procedures for testing and maintaining the emergency equipment at the facility. This information was reviewed with the employees responsible for maintaining the emergency equipment on December 13, 2010. The TPIR submitted a copy of a completed inspection log. In addition, photographs showing the emergency equipment now located near the hazardous waste storage was submitted.**

*With this information, this violation has been abated.*

**9. OAC Rule 3745-66-74: Inspections:**

Container storage areas shall be inspected on a weekly basis looking for leaks and for deterioration. These inspections shall be recorded in an inspection log or summary. Ohio EPA interprets weekly to mean once within the seven-day period following the previous inspection.

The TPIR was not conducting weekly inspections of the hazardous waste storage area where the spent air handling system filters (D008) are stored.

To abate this violation, the TPIR must immediately begin conducting weekly inspections of the container storage area and submit four (4) weeks of completed inspection logs to this office.

**On December 21, 2010, the TPIR submitted a copy of the policy that outlines the procedures for conducting weekly inspections of the hazardous waste storage area at the facility. This information was reviewed with the employees responsible for conducting the weekly inspections on December 13, 2010. Two weeks of completed weekly inspection logs for inspections conducted on 12/8/10 and 12/15/10, were also submitted. The TPIR was closed from 12/18/10 to 1/2/11. Since there was no hazardous waste in storage while the facility was closed, weekly inspections were not required.**

**On January 11, 2011, I spoke with you regarding the status of your weekly inspections. The TPIR has not conducted a filter change and probably will not have one until sometime in February 2011; therefore no hazardous waste is currently in storage. No additional weekly inspections are required at this time for the hazardous waste storage area. The Ohio EPA recommends that you continue conducting weekly inspections of the hazardous waste storage area. This practice will keep the TPIR in the habit of conducting weekly inspections after a filter change is made and hazardous waste is located in the storage area.**

*With this information, this violation has been abated.*

**10. OAC Rule 3745-270-07(A)(1): Land Disposal Restrictions:**

A generator of a hazardous waste must determine if the waste has to be treated before it can be land disposed. This is done by determining if the hazardous waste meets the treatment standards by either testing the waste, or by using knowledge of the waste.

The TPIR failed to notify the disposal facility that the spent air handling system pre-filters and spent HEPA filters shipped to them for land disposal, did not meet the treatment standards.

To abate this violation, the TPIR must complete an LDR form and submit it to Heritage Environmental Services landfill located in Roachdale, Indiana. The TPIR must notify the landfill that they accepted a hazardous waste that was restricted from land disposal. The TPIR must also submit a copy of the LDR form to Ohio EPA.

**On December 21, 2010, the TPIR submitted a copy of the manifest and LDR form for five (5) skids, approximately 45 spent pre-filters, of hazardous waste (D008) that were shipped off-site for disposal on November 22, 2010.**

In addition, the TPIR notified Heritage Environmental on December 13, 2010, that a previous shipment (September 30, 2008) of spent air handling system filters utilized a bill of lading and should have been shipped on a hazardous waste manifest along with an LDR notification.

*With this information, this violation has been abated.*

**11. OAC Rule 3745-270-07(A)(2): Land Disposal Restrictions:**

With the initial shipment of waste to each treatment or storage facility, the generator must send a one-time LDR notification to each treatment or storage facility with the first shipment to that facility, and place a copy in the generator's file.

The TPIR failed to send the one-time LDR notification to the disposal facility where the spent air handling system pre-filters and spent HEPA filters were shipped for land disposal.

To abate this violation, the TPIR must complete the one-time LDR notification and submit it to Heritage Environmental Services landfill located in Roachdale, Indiana. The TPIR must also submit a copy of the LDR notification to Ohio EPA.

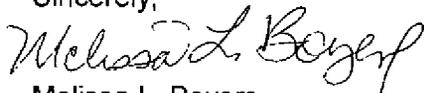
**On December 21, 2010, the TPIR submitted a copy of the manifest and LDR form for five (5) skids, approximately 45 spent pre-filters, of hazardous waste (D008) that were shipped off-site for disposal on November 22, 2010. In addition, the TPIR notified Heritage Environmental on December 13, 2010, that the LDR form sent to them with the December 21, 2010, shipment of hazardous waste was their one-time LDR notification.**

*With this information, this violation has been abated.*

Ohio EPA has helpful information about compliance assistance and pollution prevention at the following web address: <http://www.epa.ohio.gov/ocapp>. In addition, you can find copies of the rules and other information on the division's web page at: <http://www.epa.ohio.gov/dhwm/>.

Should you have any questions or if I can be of assistance, please contact me at (419) 373-3066.

Sincerely,



Melissa L. Boyers  
Division of Hazardous Waste Management

/l/r

pc: Cindy Lohrbach, DHWM, NWDO  
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