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File



State of Ohio Environmental Protection Agency

Southwest District Office

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

February 20, 2007

Scott Sanders
Warehouse Manager
LeSaint Logistics
4467 LeSaint Court
Fairfield, Ohio 45014

**RE: PARTIAL RETURN TO COMPLIANCE - LESAIN LOGISTICS,
OH0000793109**

Dear Mr. Sanders:

On February 8, 2007, I conducted a follow up inspection of LeSaint Logistics', Fairfield, Ohio facility. My follow up inspection revealed that LeSaint Logistics has adequately demonstrated abatement of the following violations discovered during the December 18, 2006, inspection:

1. **Personnel training, OAC 3745-65-16(C)**
2. **Content of contingency plan, OAC 3745-65-52(F)**
3. **Waste management – standards for small quantity handlers of universal waste, OAC 3745-273-13(D)(1)**
4. **Labeling/marking - standards for small quantity handlers of universal waste, OAC 3745-273-14(E)**

LeSaint Logistics has not appropriately updated the Contingency Plan. Therefore, LeSaint Logistics remains in violation of the following hazardous waste law:

1. **Content of contingency plan, OAC 3745-65-52(A):** The contingency plan must describe the actions facility personnel must take to comply with rules 3745-65-51 and 3745-65-56 of the Administrative Code in response to fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water at the facility.

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LeSaint Logistics' contingency plan does not describe the actions facility personnel must take in response to a release.

To return to compliance, LeSaint Logistics must update the contingency plan to include this information. I have attached copies of OAC 3745-65-51 and 3745-65-56 to assist you in updating the contingency plan.

Please submit documentation demonstrating abatement of the above outstanding violation to this office within thirty (30) days of your receipt of this letter. If you have any questions please call me at (937) 285-6093.

Sincerely,



Cathy L. Altman
Division of Hazardous Waste Management

cc: Dinah Crawford, SWDO-DHWM/SDWO File

CA/mab

NOTICE:

Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve your company from having to comply with all applicable regulations.

Rule 3745-65-51

3745-65-51 Purpose and implementation of contingency plan.

(A) Each owner or operator shall have a contingency plan for the facility. The contingency plan shall be designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water.

(B) The provisions of the contingency plan shall be implemented immediately whenever there is a fire, explosion, or release of hazardous waste or hazardous waste constituents which could threaten human health or the environment.

Effective: 1/7/83

Prior effective dates: 4/15/81

3745-65-56

Emergency procedures.

- (A) Whenever there is an emergency situation consisting of imminent or actual harm or hazard to human health or the environment, the emergency coordinator (or his designee when the emergency coordinator is on call) must immediately:
- (1) Activate internal facility alarms or communication systems, where applicable, to notify all facility personnel; and
 - (2) Notify the Ohio EPA emergency response team by use of its twenty-four hour toll free telephone number- 1-800-282-9378.
- (B) Whenever there is a release, fire, or explosion, the emergency coordinator must immediately identify the character, exact source, amount, and areal extent of any released materials. The emergency coordinator may do this by observation or review of facility records or manifests and, if necessary, by chemical analysis.
- (C) In addition to the requirements set forth in paragraphs (A) and (B) of this rule, the emergency coordinator must assess possible hazards to human health or the environment that may result from the release, fire, or explosion. This assessment must consider both direct and indirect effects of the release, fire, or explosion, and must include, but not be limited to, the effects of any toxic, irritating, or asphyxiating gases that are generated, or the effects of any hazardous surface water run-offs from water or chemical agents used to control fire and heat-induced explosions.
- (D) If the emergency coordinator determines that the facility has had a release, fire, or explosion which could threaten human health, or the environment, outside the facility, he must report his findings as follows:
- (1) If his assessment indicates that evacuation of local areas may be advisable, he must immediately notify appropriate local authorities. The emergency coordinator must be available to help appropriate officials decide whether local areas should be evacuated; and
 - (2) The emergency coordinator must immediately notify the Ohio EPA emergency response team by use of its twenty-four hour toll free telephone number-1-800-282-9378 and provide the following information:
 - (a) Name and telephone number of reporter;
 - (b) Name and address of facility;

- (c) Time and type of incident (e.g., release, fire);
 - (d) Name and quantity of material(s) involved, to the extent known;
 - (e) The extent of injuries, if any; and
 - (f) The possible hazards to human health, or the environment, outside the facility.
- (E) During an emergency, the emergency coordinator must take all reasonable measures necessary to ensure that fires, explosions, and releases do not occur, recur, or spread to other hazardous waste at the facility. These measures must include, where applicable, stopping processes and operations, collecting and containing released waste, and removing or isolating containers.
- (F) If the facility stops operations in response to a fire, explosion, or release, the emergency coordinator must monitor for leaks, pressure buildup, gas generation, or ruptures in valves, pipes, or other equipment, wherever this is appropriate.
- (G) Immediately after an emergency, the emergency coordinator must provide for treating, storing, or disposing of recovered waste, contaminated soil or surface water, or any other material that results from a release, fire, or explosion at the facility.
- ~~[Comment: Unless the owner or operator can demonstrate, in accordance with paragraph (C) or (D) of rule 3745-51-03 of the Administrative Code, that the recovered material is not a hazardous waste, the owner or operator becomes a generator of hazardous waste and must manage such waste in accordance with all applicable requirements of Chapters 3745-52, 3745-53, 3745-65 to 3745-69, and 3745-248 of the Administrative Code.]~~
- [Comment: Unless the owner or operator can demonstrate, in accordance with paragraph (C) or (D) of rule 3745-51-03 of the Administrative Code, that the recovered material is not a hazardous waste, the owner or operator becomes a generator of hazardous waste and must manage such waste in accordance with all applicable requirements of Chapters 3745-52, 3745-53, 3745-65 to 3745-69, and 3745-256 of the Administrative Code.]
- (H) The emergency coordinator must ensure that, in the affected area(s) of the facility:
- (1) No waste that may be incompatible with the released material is treated, stored, or disposed of until cleanup procedures are completed; and

- (2) All emergency equipment listed in the contingency plan is cleaned and fit for its intended use before operations are resumed.
- (I) The owner or operator must notify the director and appropriate local authorities that the facility is in compliance with paragraph (H) of this rule before operations are resumed in the affected area(s) of the facility.
- (J) The owner or operator must note in the operating record the time, date, and details of any incident that requires implementing the contingency plan. Within fifteen days after the incident, the owner or operator must submit a written report on the incident to the director. The report must include:
 - (1) Name, address, and telephone number of the owner or operator;
 - (2) Name, address, and telephone number of the facility;
 - (3) Date, time, and type of incident (e.g., fire, explosion);
 - (4) Name and quantity of material(s) involved;
 - (5) The extent of injuries, if any;
 - (6) An assessment of actual or potential hazards to human health or the environment, where this is applicable; and
 - (7) Estimated quantity and disposition of recovered material that resulted from the incident.

Effective: 12/07/2004

R.C. 119.032 review dates: 12/02/2003 and 08/25/2009

CERTIFIED ELECTRONICALLY

Certification

09/09/2004

Date

Promulgated Under: 119.03
Statutory Authority: 3734.12
Rule Amplifies: 3734.12
Prior Effective Dates: 04/15/1981, 01/07/1983,
12/07/2000, 03/13/2002