



State of Ohio Environmental Protection Agency

Northwest District Office

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

Re: DuPont Automotive
Lucas County
OHD005041843
Hazardous Waste
Return to Compliance

November 20, 2009

Mr. Scott Landis, Plant Supervisor
DuPont Automotive
1930 Tremainsville Road
Toledo, Ohio 43613

Dear Mr. Landis:

Thank you for your November 9, 2009, response to Ohio EPA's October 1, 2009, Notice of Violation letter. The information you submitted included waste evaluation for the spent ALTO fluorescent lamps, personnel training documentation, contingency plan updates, and documentation for the management of universal waste. My review of the documentation submitted reveals that DuPont Automotive Toledo Plant (DuPont) has adequately demonstrated abatement of all of the violations cited in the October 1, 2009, NOV letter.

The following is a summary of the violations cited in the October 1, 2009, NOV as a result of our September 16, 2009, inspection and your compliance with respect to each:

1. OAC Rule 3745-52-11: Waste Evaluation:

Any person who generates a waste must determine if that waste is a hazardous waste by using generator knowledge or by testing the waste.

DuPont failed to have waste evaluation documentation for the spent "green tipped" fluorescent bulbs generated at the facility.

Hazardous bulbs are considered "spent materials" and remain hazardous waste even when recycled. Hazardous waste lamp generators have the option of handling their lamps as hazardous waste or as universal waste.

Managing hazardous waste lamps under the universal waste rules eases certain regulations imposed on generators of spent lamps.

Please be aware that incandescent, fluorescent, metal halide, neon, high-intensity discharge, high-pressure sodium and mercury-vapor lamps could be hazardous waste when discarded. Fluorescent lamps may contain up to 40 milligrams (mg) of mercury, depending on the brand and manufacturer.

Lamps may also contain lead and cadmium. Many lamps exhibit a characteristic of toxicity for heavy metals when disposed. A copy of Fluorescent Lamps: What You Should Know, was given to you at the time of my inspection. I recommend that you review this document and contact me if you have any questions.

On September 22, 2009, DuPont submitted analytical documentation for the Phillips Alto fluorescent lamps used at the facility. The analytical results were only for toxic characteristic leaching procedure (TCLP) mercury. In order for DuPont to manage the spent fluorescent lamps as non-hazardous, a proper waste analysis which includes TCLP metals will need to be completed.

DuPont must submit to Ohio EPA documentation to demonstrate how you plan to properly manage your "green-tipped" fluorescent bulbs. If DuPont decides to conduct waste sampling, please notify me at least seven days prior to the sampling event date so that a representative from Ohio EPA can be present to observe the sampling and to split samples if necessary. In lieu of conducting sampling, DuPont can manage the spent fluorescent bulbs as universal waste. If DuPont plans to manage the spent fluorescent bulbs when generated as universal waste, please submit the name of the facility where you plan to recycle the bulbs. DuPont must also properly train employees, who handle or have responsibility for managing universal waste, on waste handling and emergency procedures relative to their responsibilities. Please review the universal waste requirements with the appropriate employees and send me documentation that this has been completed.

On November 9, 2009, DuPont submitted additional information regarding the Phillips ALTO Advantage fluorescent lamps used at the facility and currently managed as a non-hazardous waste. DuPont submitted analytical documentation that included results for TCLP lead and barium provided by Dean Weeks, Director of Projects Engineering & Environmental, from Phillips Lighting Company. The analytical results for TCLP mercury, lead and barium were all below their respective TCLP regulatory limits. Phillips does not test fluorescent lamps for the presence of other metals (Arsenic, Cadmium, Chromium, Selenium, or Silver) since these metals are not used in the lamps. The analytical results submitted were from 1995. Mr. Weeks stated that "...lamp designs have not changed since 1995 in any way such that they would not continue to meet non-hazardous disposal requirements."

While the spent ALTO advantage fluorescent lamps generated at DuPont can be managed as a non-hazardous waste, Ohio EPA strongly encourages you to recycle all fluorescent lamps. Proper recycling not only minimizes the release of mercury into the environment, but also allows for the reuse of the glass, metals and other material that make up a fluorescent lamp.

With this information, this violation is considered abated.

2. OAC Rule 3745-54-16(C): Personnel Training:

A generator shall provide annual refresher training for all personnel involved in the handling and management of hazardous waste at the facility.

DuPont failed to provide annual refresher training for all personnel involved in the handling and management of hazardous waste at the facility:

DuPont had at least two employees who were over the one year requirement for annual training. Bob Patton received annual training on 1/15/07, 1/25/08, and 2/4/09. Bob Verbryke received annual training on 1/18/07, 1/25/08, and 2/4/09.

To abate this violation, DuPont must submit a detailed written training policy that ensures all employees receive annual training in a timely manner.

On November 9, 2009, DuPont submitted a copy of the draft list of annual training that will be conducted at the facility. This training plan includes the required RCRA training within the one year requirement and also includes training on proper waste handling and labeling at the six month interval. DuPont is also working on transitioning to a new database that will monitor employee training requirements. This new database will help ensure DuPont employees with hazardous waste management job duties receive the required annual refresher training within the regulatory timeline.

With this information, this violation is considered abated.

3. OAC Rule 3745-65-16(D)(1): Personnel Training:

The generator must maintain the following documents and records at the facility: The job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job.

DuPont failed to have the job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job at the facility.

To abate this violation, DuPont must submit a copy of the training documentation required for the jobs related to the management of hazardous waste as well as the names of the employees filling each job.

On November 9, 2009, DuPont submitted a copy of the training outline for the job classifications located at the Toledo facility. In addition, DuPont listed out the names of the employees working in each area where their job duties may include the management of hazardous waste.

With this information, this violation is considered abated.

4. OAC Rule 3745-65-16(D)(2): Personnel Training:

The generator must maintain the following documents and records at the facility: A written job description for each position related to hazardous waste management. This description may be consistent in its degree of specificity with descriptions for other similar positions in the same company location or bargaining unit but must include the requisite skill, education, or other qualifications, and duties of facility personnel assigned to each position.

DuPont failed to have the written job description records at the facility.

To abate this violation, DuPont must submit a copy of the job description documentation required for the jobs related to the management of hazardous waste.

On November 9, 2009, DuPont submitted a copy of the training outline for the job classifications located at the Toledo facility. In addition, DuPont listed out the names of the employees working in each area where their job duties may include the management of hazardous waste.

With this information, this violation is considered abated.

5. OAC Rule 3745-65-52(D): Contingency Plan:

The generator must have a contingency plan that includes a current list of names, addresses and telephone numbers (office and home) of all persons qualified to act as emergency coordinator.

DuPont failed to update the list of emergency coordinators in response to personnel changes.

On September 17, 2009, DuPont submitted via electronic mail the updated page that lists the current employees qualified to act as an emergency coordinator.

With this information, this violation is considered abated.

6. OAC Rule 3745-65-52(E): Contingency Plan:

The generator must have a contingency plan that contains a list of all emergency equipment, including: location, a physical description and brief outline of capabilities.

DuPont failed to keep an updated contingency plan that lists emergency equipment/spill kit locations.

To abate this violation, DuPont must update the contingency plan to document emergency equipment/spill kit locations.

On September 17, 2009, DuPont submitted via electronic mail the locations of the fire alarms and the fire extinguisher location list. This information did not include the location of the spill kits required in the hazardous waste storage areas. This violation has not been abated.

On November 9, 2009, DuPont submitted an updated facility map showing the location of the spill kits in or near the hazardous waste storage areas.

With this information, this violation is considered abated.

7. OAC Rule 3745-65-54: Contingency Plan:

The contingency plan shall be reviewed and immediately amended, if necessary, whenever the list of emergency coordinators changes.

DuPont failed to update the contingency plan emergency coordinator list when there was a change in employment at the facility.

On September 17, 2009, DuPont submitted via electronic mail the updated page that lists the current employees qualified to act as an emergency coordinator.

With this information, this violation is considered abated.

8. OAC Rule 3745-273-13(D)(1): Universal Waste: Fluorescent Lamp Management:

All lamps/bulbs being managed as a universal waste must be stored in packages that are structurally sound and adequate to prevent breakage. The packages/containers must be closed.

DuPont did not store the spent fluorescent lamps in containers that were closed.

On September 17, 2009, DuPont submitted via electronic mail a photograph showing the spent fluorescent lamps now in closed containers.

With this information, this violation is considered abated.

9. OAC Rule 3745-273-14(A): Universal Waste: Battery Labeling:

All packages and containers holding spent batteries are to be labeled with the words "Universal Waste – Battery(ies)", "Waste Battery(ies)" or "Used Battery(ies)".

DuPont did not have two 5-gallon containers of spent batteries properly labeled.

On September 17, 2009, DuPont submitted via electronic mail a photograph showing the battery containers now properly labeled.

With this information, this violation is considered abated.

10. OAC Rule 3745-273-15(A): Accumulation Time for Universal Waste Batteries and Lamps:

A small quantity handler of universal waste may accumulate universal waste for no longer than one year from the date the universal waste is generated, or received from another handler.

DuPont had two universal waste storage containers with spent fluorescent lamps labeled with the accumulation start date of August 1, 2008.

To abate this violation, DuPont must immediately ship off-site for recycling the universal waste lamps that have been on-site for over one year. DuPont must submit a copy of the receipt to document that this has been completed.

On November 9, 2009, DuPont submitted a copy of the bill of lading for the fluorescent lamps that were shipped off-site for recycling on October 5, 2009, to AERC Recycling Solutions in Allentown, PA.

With this information, this violation is considered abated.

11. OAC Rule 3745-273-16: Universal Waste Employee Training:

A small quantity handler of universal waste shall ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relative to their responsibilities during normal facility operations and emergencies.

DuPont has not ensured that all employees are thoroughly familiar with proper waste handling and emergency procedures.

In order to correct this violation, DuPont must describe, through a training outline, how it will thoroughly familiarize (train) its universal waste fluorescent bulb handlers in proper handling and emergency procedures. DuPont must submit some form of documentation

demonstrating that this training has been accomplished. The training must also include compliance with all rules for the handling of universal waste bulbs and the corrective actions for all violations of universal waste rules, cited above.

On November 9, 2009, DuPont submitted a copy of the draft list of annual training that will be conducted at the facility. This training plan included Proper Waste Handling and Labeling training (DuPont procedure "SAF A023"). DuPont stated that how to manage universal waste is included in this procedure and employees are trained annually.

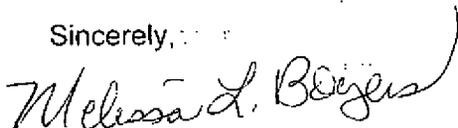
With this information, this violation is considered abated.

Mr. Scott Landis, Plant Supervisor
November 20, 2009
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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/>.

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

Sincerely,



Melissa L. Boyers
Division of Hazardous Waste Management

/llr

pc: Cindy Lohrbach, DHWM, NWDO
Colleen Weaver, DHWM, NWDO
DHWM, NWDO-DuPont 2009-File →

ec: Melissa Boyers, DHWM, NWDO

Notice:

Ohio's 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.