



**Environmental
Protection Agency**

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

Re: Betco Corp., Plant 3
OHR000041210
Lucas County
Hazardous Waste
Complaint #3178
NOV-PRTC

October 17, 2012

Mr. Kurt Bischoff
Betco Corporation, Plant 3
100 North Fearing Avenue
Toledo, Ohio 43607

Dear Mr. Bischoff:

On August 29, 2012, you accompanied Brent Goetz and me during the Ohio Environmental Protection Agency's (Ohio EPA's) complaint investigation of your facility, Elgin Service Center (hereafter referenced as Betco) located at 100 North Fearing Avenue in Toledo, Ohio. Ohio EPA received a complaint stating that chemicals are being improperly dumped down the lab drain and that hazardous waste regulations are not being followed.

Our investigation included a tour of your facility as well as paperwork follow up. We also met with you and Amy Harwood at our Bowling Green office to discuss outstanding issues on October 2, 2012. A full compliance inspection was not completed.

Betco is a manufacturer and distributor of industrial soaps, detergents, polishes and sanitary goods. Plant 3 is mainly used as a warehouse but also has a small manufacturing area for hand soaps and hand sanitizers. During our investigation, we observed one full tote container of waste rinsewaters. We also observed one skid (13) which had various alcohol based outdated products (47.5 gallons) and one skid of competitive finish products to be disposed of (unknown amount of hazardous waste). At the time of our investigation, you were operating as a large quantity generator.

Additionally, in our email conversations, you stated that there were four totes of hazardous waste on-site during our investigation. One tote (mentioned above) of rinsewaters (259 gallons), a second tote of rinsewaters (275 gallons), and two totes of Citrusolv CS (221 gallons, 92 gallons). We only observed the one tote as the others were being stored outdoors. All of these were determined to be hazardous waste in June and were shipped off-site just prior to the 90 day storage limit (September 5, 2012) for a large quantity generator. Betco has filed an annual report from at least 2008-2011, therefore has been a large quantity generator at least one time each of those years.

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In July, Betco was operating as a small quantity generator due to the hazardous wastes identified on skid 13 (47.5 gallons). Betco is considered an episodic large quantity generator since your status fluctuates between large and small quantity generator.

Betco typically generates the following hazardous wastes:

- Waste rinsewaters
- Waste from product tank cleanouts
- Universal waste lamps and batteries
- Occasional return or bad product
- Occasional competitor finish products used for research

Based upon your large and small quantity generator status, I found the following violations of Ohio's hazardous waste laws:

1. Waste Evaluation, Ohio Administrative Code (OAC) Rule 3745-52-11:

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

During our inspection, Betco had one skid of competitive finish products that were not properly evaluated. Betco was unable to determine at the time of inspection whether or not the wastes were hazardous or not.

This violation has been abated. On September 5, 2012, Betco submitted several MSDS sheets to me for review. Approximately, 7-8 gallons worth of items on the skid are hazardous waste.

2. Container Management, Labeling, OAC Rule 3745-52-34(D)(4):

A small quantity and large quantity generator may 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 boxes of off-specification/outdated/unwanted products on Skid 13 and Skid 15 designated as wastes, some hazardous, were not properly labeled "Hazardous Waste". Additionally, the tote of hazardous waste rinse we observed was not labeled "Hazardous Waste".

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On September 5, 2012, you sent photographs of four totes containing hazardous waste labeled with the words "Hazardous Waste." One of these totes was the waste rinse we observed without a label during our inspection.

To abate this violation, Betco must submit photographic documentation to show that the boxes of hazardous waste on skid 13, the fire damage material, the returned alcohol product (ethanol based hand sanitizers) and the items on the skid of competitive finish products are properly labeled with the words "hazardous waste".

3. Accumulation Start Date, OAC Rule 3745-52-34(D)(4):

A generator may, for one hundred eighty days or less (for a small quantity generator) and for ninety days or less (for a large quantity generator), 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.

Betco had boxes of off-specification/outdated/unwanted products on Skid 13 and Skid 15 designated as wastes, some hazardous, that did not have an accumulation start date. Additionally, the tote of hazardous waste rinse we observed was not labeled with an accumulation start date.

On September 5, 2012, you sent photographs of four totes containing hazardous waste labeled with an accumulation start date (June 8, 2012). One of these totes was the waste rinse we observed without the accumulation date during our inspection.

To abate this violation, Betco must submit photographic documentation to show that the boxes of hazardous waste on skid 13, the fire damage material, the returned alcohol product (ethanol based hand sanitizers) and the items on the skid of competitive finish products are properly marked with the accumulation start dates.

4. Weekly Inspections, OAC Rule 3745-66-74:

Container storage areas shall be inspected on a weekly basis looking for leaks or deterioration. These inspections shall be recorded in an inspection log or summary. Ohio EPA interprets weekly to mean inspected at least once during the period from Sunday to Saturday.

At the time of our inspection, Betco was not conducting inspections of the hazardous waste storage areas where the various hazardous wastes were stored.

To abate this violation, Betco must immediately begin conducting weekly inspections of the hazardous waste storage areas and submit four (4) weeks of completed inspection logs to this office. We discussed the example log during our meeting on October 2, 2012.

5. Contingency Plan, OAC Rules 3745-65-51(A) and (B); 3745-65-52(A), (B), (C), (D), (E) and (F); 3745-65-53(A) and (B); and 3745-65-55:

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. The plan must be implemented immediately if there is a fire, explosion, or release of hazardous waste or hazardous waste constituents which could threaten human health or the environment. The plan must describe the actions personnel will take during an emergency, describe arrangements with responders, list the emergency contact and related information, list emergency equipment, and include an evacuation plan. A copy of the contingency plan must be maintained at the facility and submitted to entities that may be required to provide emergency services.

Betco has violated all the applicable rules associated with the contingency plan requirements, as follows:

- (a) 3745-65-51(A) - The facility does not have a contingency plan.
- (b) 3745-65-51(B) - By not having a contingency plan, the facility is unable to implement such a plan during a fire, explosion, or release of hazardous waste.
- (c) 3745-65-52(A) - The facility does not have a contingency plan that describes the actions facility personnel must take.
- (d) 3745-65-52(C) - The facility does not have a contingency plan that describes the arrangements agreed to by local police departments, fire departments, hospitals, contractors, Ohio EPA, and local emergency responders.
- (e) 3745-65-52(D) - The facility does not have a contingency plan that lists the names, addresses, and phone numbers of persons qualified to act as emergency coordinator.
- (f) 3745-65-52(E) - The facility does not have a contingency plan that lists the emergency equipment, including its location, physical description and a brief outline of capabilities.
- (g) 3745-65-52(F) - The facility does not have a contingency plan that includes an evacuation plan.
- (h) 3745-65-53(A) - The facility does not maintain a contingency plan.

- (l) 3745-65-53(B) - The facility has not submitted a copy of the contingency plan to all local police departments, fire departments, hospitals, and Ohio EPA and local emergency response teams, that may be requested to provide emergency services.

To abate these violations, Betco must prepare a contingency plan and submit a copy to me for review. The plan must include all of the elements required above. Betco must maintain the plan at the facility and submit a copy of the plan to agencies or organizations that may be required to provide emergency services. The contingency plan must demonstrate compliance with these rules.

6. Personnel Training, OAC Rules 3745-65-16(A)(1-3),(C),(D)(1-4) and (E):

Betco did not provide documentation of their hazardous waste training program and has not been conducting annual hazardous waste refresher training as required.

a) OAC 3745-65-16(A)(1-3) :

Betco must implement a hazardous waste training program that is taught by a person trained in hazardous waste management procedures. The program must include training on hazardous waste management procedures including contingency plan implementation and be relevant to the positions held by the involved employees.

Betco must submit a description of your training program that outlines the training topics and indicates who is teaching it and their qualifications

b) OAC 3745-65-16(C):

Facility personnel must take part in an annual review of the hazardous waste training program required above.

Betco must conduct refresher training immediately and provide documentation, such as sign-in sheets, that the training has been completed by the appropriate personnel.

c) OAC 3745-65-16(D)(1-4):

Betco needs to maintain records including the following:

- the job title for each position at the facility related to hazardous waste management and the name of each employee filling each of these positions
- a job description for each of these job titles that includes the requisite skill, education or other qualifications, and the duties required for each of these jobs.

-a description of the type and amount of introductory and continuing training that will be given to each person filling one of these positions.

Betco must provide a copy of these records.

d) OAC 3745-65-16(E):

Training records for current employees must be kept until closure of the facility. Training records for former employees must be kept for at least three years after the date the employee ceased to be employed by Betco.

Betco must respond with a commitment that you will maintain the documentation required.

REQUEST FOR INFORMATION:

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.

Betco must 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.

You stated that you may have this information. In order to avoid receiving a violation, Betco must submit a copy of the emergency equipment log.

Betco needs to immediately take the necessary measures to return to compliance with Ohio's environmental laws. Within 14 days of receipt of this letter, Betco is requested to provide documentation to this office including the steps taken to abate the violations cited above. Documentation of steps taken to return to compliance includes written correspondence, updated policies, and photographs, as appropriate, and may be submitted via the postal service or electronically to wendy.miller@epa.ohio.gov.

Please be advised that violations cited above will continue until the violations have been properly abated. Failure to comply with Chapter 3734 of the Ohio Revised Code and rules promulgated thereunder may result in a civil penalty of up to \$10,000 per day for each violation. It is imperative that you return to compliance. If circumstances delay the abatement of violations, Betco is requested to submit written correspondence of the steps that will be taken by date certain to attain compliance.

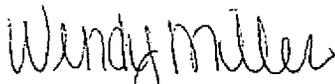
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You can find copies of the rules and other information on the division's web page at <http://www.epa.ohio.gov/dhwm>. Ohio EPA also has helpful information about pollution prevention at the following web address: <http://www.epa.ohio.gov/opp>.

The Division of Materials and 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. You can find more information at Web link <http://www.epa.ohio.gov/dhwm> (click on the link for DHWM Electronic Mailing List).

If you have any questions, please contact me by telephone at (419) 373-3114 or by e-mail at wendy.miller@epa.ohio.gov.

Sincerely,



Wendy Miller
Division of Materials and Waste Management

/cg

Enclosures

pc: Cindy Lohrbach, DMWM, NWDO
Colleen Weaver, DMWM, NWDO (w/original checklist)

ec: Colleen Weaver, DMWM, NWDO
Wendy Miller, DMWM, NWDO

Send to Central Office <input type="checkbox"/>	Ohio Environmental Protection Agency RCRA SUBTITLE C SITE IDENTIFICATION/VERIFICATION FORM	For Ohio EPA use only
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Completed verification forms required to be submitted to CO should be e-mailed to brad.hauser@epa.state.oh.us.

Site EPA ID No. Site Name	EPA ID Number: OHR000041210		Website: (Optional)
Site Location Information	Name: Betco		
Site Land Type (check only one) NAICS code(s) www.census.gov/epcd/www/naics.html	Street Address: 100 North Fearing Avenue		
	City, Town, or Village: Toledo		State: OH
	County Name: Lucas		
	Private <input checked="" type="checkbox"/>	County <input type="checkbox"/>	District <input type="checkbox"/>
	Federal <input type="checkbox"/>	Indian <input type="checkbox"/>	Municipal <input type="checkbox"/>
	State <input type="checkbox"/>	Zip Code: 43607	
	Other <input type="checkbox"/>		

Facility Representative Additional names can be recorded in number 12 Only provide address information if it is different than the site address	First Name: Kurt	MI:	Last Name: Bischoff
	Title:		
	Phone Number: 419-725-3777		Phone Number Extension:
	E-Mail Address:		
	Fax Number: 419-725-4705		Fax Number Extension:
	Street or P.O. Box:		
	City, Town or Village:		
	State:		Zip Code:

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	Name of Site's Legal Owner:		Date Became Owner (mm/dd/yyyy):		
	Owner Type:	Private <input checked="" type="checkbox"/>	County <input type="checkbox"/>	District <input type="checkbox"/>	Federal <input type="checkbox"/>
	Indian <input type="checkbox"/>	Municipal <input type="checkbox"/>	State <input type="checkbox"/>	Other <input type="checkbox"/>	
	Street or P.O. Box:				
	City, Town or Village:			Owner Phone #:	
	State:			Country:	
	Name of Site's Operator:			Date Became Operator (mm/dd/yyyy):	
	Operator Type:	Private <input type="checkbox"/>	County <input type="checkbox"/>	District <input type="checkbox"/>	Federal <input type="checkbox"/>
	Indian <input type="checkbox"/>	Municipal <input type="checkbox"/>	State <input type="checkbox"/>	Other <input type="checkbox"/>	
	Street or P.O. Box:				
	City, Town or Village:			Operator Phone #:	
	State:			Country:	
				Zip Code:	

VIOLATIONS CITED?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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TYPE OF HANDLER - MARK "X" AS APPROPRIATE		
<input type="checkbox"/> Not a HW Generator	<input type="checkbox"/> UNKNOWN: Cited for violation of 3745-52-11	<input checked="" type="checkbox"/> Large Quantity Generator (LQG)
	<input type="checkbox"/> Short-Term/Temporary Generator (generates from a short-term or one-time event and not from on-going processes). Check the box for the applicable generator status and provide a comment.	<input type="checkbox"/> Small Quantity Generator (SQG)
		<input type="checkbox"/> Conditionally Exempt Small Quantity Generator
		<input type="checkbox"/> U.S. Importer of Hazardous Waste
		<input type="checkbox"/> Mixed Waste (Hazardous and Radioactive) Generator

TYPE OF REGULATED WASTE ACTIVITY (MARK "X" IN ALL OF THE APPROPRIATE BOXES)

- | | |
|---|--|
| <input type="checkbox"/> Hazardous Waste Transporter | <input type="checkbox"/> Exempt Boiler and/or Industrial Furnace |
| <input type="checkbox"/> Hazardous Waste Transfer Facility | <input type="checkbox"/> Small Quantity On-Site Burner Exemption |
| <input type="checkbox"/> Treater, Storer or Disposer of Hazardous Waste | <input type="checkbox"/> Smelting, Melting, Refining Furnace Exemption |
| <input type="checkbox"/> Recycler of Hazardous Waste | <input type="checkbox"/> Underground Injection Control Facility |
| <input type="checkbox"/> 72-Hour Recycler | <input type="checkbox"/> Receives Hazardous Waste from Off-site |

UNIVERSAL WASTE ACTIVITIES (INDICATE TYPES OF UNIVERSAL WASTE MANAGED)

(CHECK ALL BOXES THAT APPLY)

- | | |
|---|---|
| <input checked="" type="checkbox"/> Small Quantity Handler of Universal Waste | <input type="checkbox"/> Destination Facility for Universal Waste |
| <input type="checkbox"/> Large Quantity Handler of Universal Waste
(accumulates 5,000 kg. or more) | |

CHECK ALL BOXES BELOW THAT APPLY FOR THE TYPES OF UNIVERSAL WASTE THE FACILITY MANAGES

- Batteries
 Pesticides
 Mercury containing equipment
 Lamps

USED OIL ACTIVITIES (INDICATE TYPE(S) OF ACTIVITY(S))

- Used Oil Generator
 Used Oil Transporter
 Used Oil Transfer Facility
 Used Oil Processor
 Used Oil Re-refiner
 Off-Specification Used Oil Burner
 Used Oil Fuel Marketer who directs shipment of Off-Spec Used Oil
 Used Oil Fuel Marketer who first claims the Used Oil meets the specifications

Eligible Academic Entities with Laboratories: Facility has previously notified that they are opting into managing laboratory hazardous waste pursuant to OAC rules 3745-52-200 through 3745-52-216. Check the box(es) below to indicate the laboratory type.

- College or University
 Teaching hospital that is owned by or has a formal written affiliation agreement with a college or university
 Non-profit Institute that is owned by or has a formal written affiliation agreement with a college or university

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

COMMENTS: USE THIS AREA TO DESCRIBE WHETHER THE INSPECTION WAS ANNOUNCED, WHETHER THE WASTE IS STORED IN TANKS OR CONTAINERS, ETC.

- | | | | |
|------------|---|--|--------------------------------------|
| Announced | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | Additional Facility Representatives: |
| Tanks | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | |
| Containers | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | |

Name of Inspector(s)
Brent Goetz

Name of Inspector(s)
Wendy Miller

Date of Inspection/Time
 (mm/dd/yyyy) (hh:mm)
08/14/2012

Comments:

PROCESS, WASTE, P2 SUMMARY SHEET

Facility Name: Betco –Plant 3 **Facility Type:** Episodic LQG **Date of Inspection:** 8/29/12 **EPA ID#:** OHR000041210

Waste Generated		On- or Off-Site Management			P2 Activities	
Process/Activity Generating Waste <small>(e.g. plating bath, machining, baghouse, painting, general maintenance, etc)</small>	Waste Description <small>(e.g. sludge, solvent, ash, used oil, spent lamps, etc.) and EPA Waste Code, if applic.</small>	QTY Generated per Month, Type of Accumulation (container, tank, etc) and location of waste accumulation area	Type of On-Site Treatment <small>(recycle, wwt, etc)</small>	Name, state, and type of activity occurring at the off-site facility.	Current P2 Activities	P2 Opportunities
1	Product filling/manufacturing	rinsewaters	Varies, D001		Chemtron, treated and WWT	
2	Product outdated, unused	Product outdated, unused	Varies, D001 D002		Chemtron, some reclamation/wwt	Looking into P2 opportunities
3	Product returns	Product returns	Varies D001 D002		Chemtron, some reclamation/wwt	
4	Spent lamps	Universal waste	Amt. varies		Environmental Recycling	
5						
6	***Wastes are varied and sometimes not generated more than once.					
7						
8						