



State of Ohio Environmental Protection Agency

Northwest District Office

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

Re: Johns Manville
OHD 005034707
Lucas County
Hazardous Waste
Partial Return to Compliance

February 13, 2007

Mr. Ron Hudson, Environmental Manager
Johns Manville
P.O. Box 517
Toledo, Ohio 43697

Dear Mr. Hudson:

I received your response to my December 4, 2006, Notice of Violation (NOV) letter on January 18, 2007. The documentation you submitted will be identified throughout this letter. My review of this documentation reveals that Johns Manville (JM1) has corrected some of the rule violations, but remains in violation of others. Please submit documentation demonstrating abatement of the following outstanding violations, **within 15 days** of your receipt of this letter:

**1. Job Titles
OAC Rule 3745-65-16(D)(1)**

The owner or operator must maintain the following documents and records at the facility: (1) The job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job. JM1 was required to submit such a listing.

Attached to your January 17, 2007, response letter is a list of job titles, which are related to hazardous waste management, and the employees with those titles. **Therefore, this violation has been corrected.**

**2. Description of Training
OAC Rule 3745-65-16(D)(3)**

The owner or operator must maintain the following documents and records at the facility: (3) A written description of the type and amount of both introductory and continuing training that will be given to each person with a job title related to hazardous waste management.

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JM1 did not have a document that described the type and amount of training given to each employee with a job title related to hazardous waste management. In order to correct this violation, JM1 must submit a description of the training it provides. The training plan must include a statement that training will be given to new employees or persons filling a new position with a job title related to hazardous waste management within six months of filling that position and then annually thereafter.

Attached to your January 17, 2007, response letter is a training log. JM1 must revise this log to state that training will be provided "within" 6 months after a new employee's hire date.... JM1 must also provide a more detailed training outline and documentation that the training has been completed. You stated in your response letter that training would be completed by January 30, 2007. This violation remains outstanding.

**3. Training Provided - New Employee
OAC Rule 3745-65-16(B)**

Facility personnel must successfully complete the training program within six months after the date they are hired.

JM1 has not provided the initial training that is required by these rules. JM1 must provide its hazardous waste training program for every employee with a job title related to hazardous waste management, and submit the records that document that each employee has completed the training.

In your January 17, 2007, response letter you explain that JM1 has developed an improved Hazardous Waste Training plan. Please provide a copy of this plan. Also, you indicated that a notification process has been put in place so that you know when training for new employees is needed. JM1 must submit documentation that the training has been completed. You stated in your response letter that training would be completed by January 30, 2007. This violation remains outstanding.

**4. Training Provided - Annual Refresher
OAC Rule 3745-65-16(C)**

Facility personnel must take part in an annual review of the initial training.

JM1 has not provided the annual training that is required by these rules. For purposes of compliance with these rules, annual means every 365 days. JM1 must provide its hazardous waste training program for every employee with a job title related to hazardous waste management, and submit the records that document that each employee has completed the training.

JM1 must submit documentation that the training has been completed. You stated in your January 17, 2007, response letter that training would be completed by January 30, 2007. This violation remains outstanding.

**5. Training Documentation
OAC Rule 3745-65-16(D)(4)**

The owner or operator must maintain the following documents and records at the facility: (4) Records that document that the training or job experience required has been given to, and completed by, facility personnel.

JM1 has not properly maintained records that document that training has been performed according to the above cited rules. JM1 must provide its hazardous waste training program for every employee with a job title related to hazardous waste management, and submit the records that document that each employee has completed the training, and maintain these records.

JM1 must submit documentation that the training has been completed. You stated in your January 17, 2007, response letter that training would be completed by January 30, 2007. This violation remains outstanding.

**6. Arrangements with Local Authorities
OAC Rule 3745-65-37(A)**

The owner or operator must attempt to make the following arrangements, as appropriate for the type of waste handled at the facility and the potential need for the services of these organizations: (4) Arrangements to familiarize local hospitals with the properties of hazardous waste handled at the facility and the types of injuries or illnesses which could result from fires, explosions, or releases of hazardous waste or hazardous waste constituents at the facility.

JM1 has not made this type of arrangement nor familiarized local hospitals in this manner. In order to correct this violation JM1 must document that it has properly familiarized local hospitals.

You explained in your January 17, 2007, response letter that you will have a meeting with Cheryl Heer of St. Luke's Hospital - Emergency Services Management by January 30, 2007. JM1 must indicate that it has made appropriate arrangements with this hospital. This violation remains outstanding.

**7. List of Emergency Coordinators
OAC Rule 3745-65-52(D)**

The contingency plan must list names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator, and this list must be kept up to date. Where more than one person is listed, one must be named as primary emergency coordinator and other must be listed in the order in which they will assume responsibility as alternates.

JM1 has not listed the address of each emergency coordinator and has not identified who is the primary emergency coordinator and who are the alternates in the order in which they are to be contacted. In order to correct this violation, JM1 must revise its contingency plan accordingly and submit this information to Ohio EPA.

Attached to your January 17, 2007, response letter is a revised contingency plan. Attachment B of the plan is a list of Primary and Alternate Emergency Coordinators. However, the home addresses are not provided for these emergency coordinators. JM1 must revise the contingency plan to include the home addresses of each emergency coordinator. This violation remains outstanding.

**8. Emergency Equipment
OAC Rule 3745-65-52(E)**

The contingency plan must include a list of all emergency equipment at the facility (such as fire extinguishing systems, spill control equipment, communications and alarm systems - internal and external - and decontamination equipment) where this equipment is required. This list must be kept up to date. In addition, the contingency plan must include the location and a physical description of each item on the list, and a brief outline of its capabilities.

JM1 has not included the specific location of all emergency equipment at the facility. JM1 must revise its contingency plan accordingly and submit this information to Ohio EPA.

Attached to your January 17, 2007, response letter is a revised contingency plan. This plan described the location of emergency equipment. Therefore, this violation has been corrected.

9. **Evacuation Plan**
OAC Rule 3745-65-52(F)

The contingency plan must include an evacuation plan for facility personnel where there is a possibility that evacuation could be necessary. This plan must describe signal(s) to be used to begin evacuation, evacuation routes, and alternate evacuation routes.

JM1 has not included an evacuation plan for the facility. JM1 must revise its contingency plan accordingly and submit this information to Ohio EPA.

Attached to your January 17, 2007, response letter is a revised contingency plan. This plan includes an evacuation plan. **Therefore, this violation has been corrected.**

10. **Satellite Accumulation**
OAC Rule 3745-52-34(C)(1)(b)

A generator may accumulate as much as fifty-five gallons of hazardous waste in containers at or near any point of generation where wastes initially accumulate, which is under the control of the operator of the process generating the waste, without a permit and without complying with paragraph (A) of this rule provided he: (b) Marks his containers either with the words "Hazardous Waste" or with other words that identify the contents of the container.

JM1 did not label one satellite accumulation fiber drum of aerosol cans in the Solvent Room with either the words "Hazardous Waste" or any other words describing the waste. JM1 must properly label all containers of aerosol cans and submit photographic documentation that these containers have been properly labeled.

Attached to your January 17, 2007, response letter are photos documenting that satellite accumulation containers are labeled with the words "Hazardous Waste". **Therefore, this violation has been corrected.**

11. **Satellite Accumulation Time**
OAC Rule 3745-52-34(C)(2)

The generator must mark the container holding the excess accumulation of hazardous waste with the date the excess amount began accumulating.

JM1 did not mark the full drum of aerosol cans in the Solvent Room with the date in which it became full. JM1 must mark this container with the proper date and submit photographic documentation that it has properly dated this container.

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Your January 17, 2007, response letter explains that this drum of waste aerosol cans was shipped to Chemtron Corp. in Avon, Ohio on November 20, 2006. A copy of the manifest was enclosed with your response. **Therefore, this violation has been corrected.**

**12. Container Accumulation Date
OAC Rule 3745-52-34(A)(2)**

The date upon which each period of accumulation and/or treatment begins must be clearly marked and visible for inspection on each container.

JM1 did not mark the following containers with the date in which each period of accumulation began: one container of spent aerosol cans in the Solvent Room; one 55-gallon drum of spent solvent on the rack in the Oil Shed; and one 55-gallon drum of spent caustic in the Oil Shed. In order to correct this violation, JM1 must properly mark these containers and submit photographic documentation that they have been properly marked. JM1 must also submit a copy of the hazardous waste manifest that documents the off-site shipment of the drum of spent solvent that was stored on the rack in the Oil Shed.

Attached to your January 17, 2007, response letter is manifest number 82206, dated August 22, 2006, documenting the shipment of the following drums to Chemtron Corp. in Avon, Ohio: one drum of spent solvent and one drum of spent caustic. The drum of waste aerosol cans was shipped to Chemtron Corp. in Avon, Ohio on November 20, 2006. **Therefore, this violation has been corrected.**

**13. Container Markings
OAC Rule 3745-52-34(A)(3)**

While being accumulated and/or treated on-site, each container and tank is to be labeled or marked clearly with the words "Hazardous Waste".

JM1 did not mark the following container with the words "Hazardous Waste": one container of spent aerosol cans in the Solvent Room; one 55-gallon drum of spent solvent on the rack in the Oil Shed; and one 55-gallon drum of spent caustic in the Oil Shed. In order to correct this violation, JM1 must properly mark these containers and submit photographic documentation that they have been properly marked.

Attached to your January 17, 2007, response letter is manifest number 82206, dated August 22, 2006, documenting the shipment of the following drums to Chemtron Corp. in Avon, Ohio: one drum of spent solvent and one drum of spent caustic. The drum of waste aerosol cans was shipped to Chemtron Corp. in Avon, Ohio on November 20, 2006. Other photos attached to your response

letter document that drums have been labeled with the words "Hazardous Waste". **Therefore, this violation has been corrected.**

**14. Container Inspections
OAC Rule 3745-66-74**

The owner or operator must inspect areas where containers are stored, at least weekly, looking for leaks and for deterioration caused by corrosion or other factors. For purposes of compliance with this rule, weekly means within seven calendar days.

JM1 did not perform the inspections on a weekly basis. In order to correct this violation, JM1 must conduct weekly container inspections and submit copies of the inspection report for the last four weeks.

Attached to your January 17, 2007, response letter are copies of four weekly container inspection forms. These forms demonstrate that JM1 has completed weekly inspections of its container accumulation area. **Therefore, this violation has been corrected.**

**15. Universal Waste Packaging
OAC Rule 3745-273-13(D)(1)**

A small quantity handler of universal waste must contain any lamp in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

JM1 did not keep thirteen fiber boxes, three fiber cylinders and one poly 55-gallon container of spent lamps closed. In order to correct this violation, JM1 must close each container of Universal Waste Lamps and submit photographic documentation that this has been done.

Attached to your January 17, 2007, response letter are photographs demonstrating that JM1 has closed all containers of Universal Waste lamps. **Therefore, this violation has been corrected.**

**16. Universal Waste Labeling
OAC Rule 3745-273-14(E)**

Each lamp or a container or package in which such lamps are contained must be labeled or marked clearly with one of the following phrases: "Universal Waste Lamps", or "Waste Lamps" or "Used Lamps".

JM1 did not properly label thirteen boxes and three cylinders of spent lamps with one of the required phrases. In order to correct this violation, JM1 must properly label each container and submit photographic documentation that this has been done.

Attached to your January 17, 2007, response letter are photographs demonstrating that JM1 has labeled all containers of Universal Waste lamps with the words "Universal Waste Fluorescent Bulbs". **Therefore, this violation has been corrected.**

**17. Accumulation Time for Universal Waste Lamps
OAC Rule 3745-273-15(C)**

A small quantity handler of universal waste who accumulates universal waste shall be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received.

JM1 was not able to demonstrate the length of time the universal waste lamps were accumulated. In order to correct this violation, JM1 must place a date on each container once a universal waste lamp is placed into it and submit photographic documentation that this has been done.

Attached to your January 17, 2007, response letter are photographs demonstrating that JM1 has dated each container of Universal Waste lamps. **Therefore, this violation has been corrected.**

**18. Universal Waste Employee Training
OAC Rule 3745-273-16**

A small quantity handler of universal waste shall inform all employees who handle or have responsibility for managing universal waste. The information shall describe proper handling and emergency procedures appropriate to the type or universal waste handled at the facility.

JM1 has not adequately informed its employees handling universal waste lamps of the proper handling procedures. In order to correct this violation, JM1 must describe how it will inform (train) its universal waste lamp handlers in proper handling procedures and state when this is accomplished. The training must include compliance with all rules for the handling of universal waste lamps and the corrective actions for all violations cited above.

Attached to your January 17, 2007, response letter is a training log. The log indicates that Universal Waste lamps are a part of the training. JM1 must submit documentation that the training has been completed. You

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stated in your January 17, 2007, response letter that training would be completed by January 30, 2007. This violation remains outstanding.

If you have any questions about this letter, please feel free to call me at (419) 373-3074. You can find copies of the rules and other information about used oil and hazardous waste management on the division's web page at <http://www.epa.state.oh.us/dhwm>. Ohio EPA also has helpful information about pollution prevention at the following web address: <http://www.epa.state.oh.us/ocapp/ocapp.html>.

Sincerely,



Don North
District Representative
Division of Hazardous Waste Management

/lb

pc: Colleen Weaver, DHWM, NWDO
Cindy Lohrbach, DHWM, NWDO
~~NWDO, DHWM, Lucas County, John's Manville File~~

ec: Don North, DHWM, NWDO

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.