



**Environmental
Protection Agency**

Ted Strickland, Governor
Lee Fisher, Lt. Governor
Chris Korleski, Director

Re: Kern-Liebers USA, Inc.
Lucas County
OHD020266417
Hazardous Waste
Return to Compliance

January 4, 2011

Mr. Todd Krell, Production Manager
Kern-Liebers USA, Inc.
1510 Albon Road
P. O. Box 396
Holland, Ohio 43528-0396

Dear Mr. Krell:

Thank you for your December 1, 2010, response to Ohio EPA's February 5, 2010, Notice of Violation (NOV) letter. In addition, I have contacted you on several occasions in order to obtain information regarding your compliance status. My review of the documentation submitted reveals that Kern-Liebers USA, Inc. (Kern-Liebers) has adequately demonstrated abatement of all the violations cited in the February 5, 2010, NOV letter.

The following is a summary of the violations cited in the February 5, 2010, NOV as a result of our January 27, 2010, 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.

Kern-Liebers failed to have waste evaluation documentation or an established recycling plan in place for the 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.

Kern-Liebers must submit to Ohio EPA documentation to demonstrate how you plan to properly manage your fluorescent bulbs. If Kern-Liebers 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. Kern-Liebers must also properly train employees, who handle or have responsibility for managing universal waste, on waste handling and emergency procedures relative to their responsibilities.

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Please review the universal waste requirements with the appropriate employees and send me documentation that this has been completed.

On December 1, 2010, Kern-Liebers submitted photographic documentation along with example labels for the spent fluorescent bulbs that are now being managed as universal waste. Safety Kleen provided you with storage boxes and will pick up the spent fluorescent bulbs for recycling when the date on the container approaches one year. On December 3, 2010, Safety Kleen picked up three cardboard containers of spent fluorescent bulbs for recycling. Please note that you must ensure that employees are properly trained on the universal waste rules prior to managing the spent fluorescent bulbs in your absence. In addition, the boxes of spent fluorescent bulbs must be kept closed.

With this information, this violation has been abated.

2. OAC Rule 3745-279-22(C)(1): Labeling:

Containers, aboveground tanks, and fill pipes used for underground storage tanks shall be labeled or marked clearly with the words "used oil."

Kern-Liebers had three 55-gallon drums of used oil located inside the facility that were not properly labeled. In addition, Kern-Liebers had twenty (20) 55-gallon drums of used oil located outside behind the facility that were not properly labeled.

In order to correct this violation, Kern-Liebers must properly label all of the 55-gallon drums (23 total) with the words "used oil" and submit photographic documentation to Ohio EPA.

On December 1, 2010, Kern-Liebers submitted photographic documentation along with example labels for the used oil. Safety Kleen provided the Ohio EPA with a full generator waste report for 2010. On April 8, 2010, Safety Kleen picked up six drums of used oil and absorbent mixture and 11 drums of used oil and water mixture. On November 8, 2010, Safety Kleen picked up five drums of used oil and absorbent mixture. In addition, on November 10, 2010, Safety Kleen picked up 570 gallons of used oil via their vacuum truck. The photos submitted still show you are still using the yellow labels marked "waste oil". Kern-Liebers wrote on the yellow label the words "used oil", however, Ohio EPA recommends that the incorrect labels be removed from the storage drums.

With this information, this violation has been abated.

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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

/lir

pc: Cindy Lohrbach, DHWM, NWDO
Colleen Weaver, DHWM, NWDO
DHWM, NWDO Lucas County 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.