



Environmental  
Protection Agency

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

Re: Libbey Inc.  
OHD005034459  
Lucas County  
DMWM, NWDO  
Partial Return to  
Compliance/Notice of Violation

August 15, 2011

Ms. Gina Rejent  
Libbey Inc.  
P. O. Box 919  
Toledo, Ohio 43697-0919

Dear Ms. Rejent:

Thank you for sending the documentation in response to the Ohio Environmental Protection Agency's (Ohio EPA's) Notice of Violation (NOV) dated April 12, 2011. The documentation was received by Ohio EPA on May 12, 2011, and June 20, 2011. The documentation submitted by Libbey Inc. (Libbey) includes a cover letter, photographs, bills of lading, personnel training documents, waste evaluation documents, weekly inspection logs, refractory rebuild documents, colmonoy overspray documents, and furnace fines information.

Review of the documentation shows that Libbey was in violation of additional hazardous waste rules and regulations during the March 23, 2011, compliance evaluation inspection as outlined below. The following is a summary of the violations observed during the March 23, 2011, compliance evaluation inspection and the facility's compliance with respect to each violation. **Please submit the required information within 30 days of receipt of this letter.**

**Violations:**

1. **Ohio Administrative Code (OAC) Rule 3745-279-22 (C)(1), Used oil storage requirements for generators:** "Containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words 'Used Oil'".

Libbey failed to mark the following containers with the words "Used Oil": one 55-gallon drum of hydraulic oil in the container storage building, one 55-gallon drum of used oil in the oil storage room near the vehicle maintenance shop, two yellow metal tanks in the skimmer room, one 300-gallon plastic tote in the skimmer room, one 5-gallon pail in the skimmer room, and one three-gallon pail in the skimmer room.

On May 12, 2011, Ohio EPA received documentation that included photographs of the containers in question properly labeled "Used Oil." The documentation also included a bill of lading for the used oil filters which are being recycled at Environmental Recycling in Bowling Green, Ohio.

*Therefore, this violation is considered abated on May 12, 2011.*

2. **OAC Rule 3745-273-14 (E), Labeling/marketing - standards for small quantity handlers of universal waste:** 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-Lamp(s)," or "Waste Lamp(s)," or "Used Lamp(s)."

Libbey marked the containers holding the lamps "Universal Waste Fluorescent Tubes."

On May 12, 2011, Ohio EPA received documentation that included photographs of the containers in question properly labeled "Used Lamps."

*Therefore, this violation is considered abated on May 12, 2011.*

After review of the additional information requested by Ohio EPA and submitted by Libbey on May 12, 2011, and June 20, 2011, the following violations have been cited.

**Additional Violations:**

3. **OAC Rule 3745-66-74, Inspections:** 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. The owner or operator must record inspections in an inspection log or summary.

Libbey failed to inspect the less than 90 day storage area every seven days between the following dates: December 22, 2008 to January 7, 2009; December 28, 2009 to January 6, 2010; and December 20, 2010 to January 5, 2011.

In order to abate this violation, Libbey must submit a written procedure of how the weekly inspections will be conducted in the future during the months of December and January to avoid a lapse of greater than seven (7) days between inspections. This procedure must be submitted to Ohio EPA **within 30 days of receipt of this letter.**

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Also, it appears that Libbey submitted original copies of inspection logs to Ohio EPA in their May 12, 2011, package. Ohio EPA has made copies of the logs and is enclosing the originals with this letter.

4. **OAC Rule 3745-52-11, Hazardous Waste Determination:** "Any person who generates a waste, as defined in rule 3745-51-02 of the Administrative Code, must determine if that waste is a hazardous waste..."

During the inspection, Ohio EPA reviewed bills of lading or shipping receipts showing that soda lime glass composition is being disposed of at Vienna Junction Landfill as a non-hazardous waste. You explained that this waste is an off-specification batch of raw materials that cannot be reworked into your process. This waste is composed of various raw materials including sand, soda ash, limestone, and gypsum.

During the inspection, Ohio EPA also reviewed hazardous waste manifests and analytical results that show the furnace fines generated at Libbey are hazardous wastes that are toxic for cadmium and chromium (D006, D007). On June 20, 2011, Ohio EPA received an electronic mail from you that stated the cadmium found in the furnace fines is believed to come from an impurity found in the soda ash used as a raw product.

On May 12, 2011, Ohio EPA received additional waste evaluation documentation for the soda lime glass composition from Libbey. The documentation included "recertification" paperwork from Republic Service, Inc. (RSI), waste profile paperwork from Allied Waste (AW), and several material safety data sheets (MSDSs). The recertification paperwork from RSI and AW show that a sample of this material was not taken of this waste stream by either facility.

Since the furnace fines at Libbey are hazardous for cadmium and you believe the cadmium is coming from the raw product soda ash, Ohio EPA is concerned that the soda lime glass composition may also be a hazardous waste.

In order for Libbey to determine whether soda lime glass composition waste exhibits any hazardous waste characteristics, Libbey must obtain a chemical analysis of a representative sample of the waste. It should be noted that Libbey may need to analyze more than one batch of this waste stream since the composition of soda ash in each batch of waste may vary. One sample per batch of waste may not be a representative sample of the waste stream, depending on the amount of waste generated per batch and the attributes of the waste. Libbey will need to contract the services of an environmental laboratory to analyze this material.

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Libbey must determine the concentrations of Toxicity Characteristic Leaching Procedure (TCLP) volatile organic compounds (VOCs), TCLP semi-volatile organic compounds (SVOCs), and TCLP Resource Conservation and Recovery Act (RCRA) metals of the waste. If the waste can be considered a liquid, then Libbey must also determine the pH and flashpoint of the waste.

To abate this violation, **within 30 days of receipt of this letter**, Libbey shall submit analytical results indicating the proper evaluation of the waste for Ohio EPA's review. The results must document if the waste is hazardous or not and, if hazardous, whether it is restricted from land disposal. If the waste is hazardous, Libbey must also submit information as to what treatment, storage, or disposal facility the waste will be sent to.

Once Ohio EPA acknowledges Libbey's proper characterization of the waste, Libbey must dispose of the waste at a proper disposal facility. Libbey must then submit the appropriate manifest documents or shipping papers indicating proper disposal of the waste to Ohio EPA.

Please notify me at least five days prior to taking the sample(s) so that I may be present.

If the waste is hazardous, I will determine the status of your compliance with other hazardous waste laws and notify you of my findings in a separate letter.

**Additional Information Needed to Determine Compliance:**

1. **Refractory Brick from B-Furnace**-During the inspection, Ohio EPA reviewed analytical results from sampling "B Furnace Regenerator Brick" dated February 1, 2008, that showed the TCLP results for chromium at 9.39 milligrams per liter. On May 12, 2011, Ohio EPA received information that this hazardous brick was sent to SME in New Eagle, Pennsylvania utilizing bills of lading. **Within 30 days of receipt of this letter**, please submit answers to the following questions. Does Libbey consider this spent refractory brick a waste? Please submit all information to describe why this hazardous material is being managed as described above. If Libbey is trying to show that this material meets an exemption or exclusion to the hazardous waste rules, please submit information to show which exemption or exclusion this waste meets, and how the exemption or exclusion is met. If Libbey is claiming that this refractory brick is not a waste, then please submit all documentation needed to meet the requirements in OAC rule 3745-51-02(F).

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2. **Refractory Brick from G-Furnace**-Similarly, the refractory brick sent to Glenn Hunter in March/April 2009 from G-Furnace was shipped utilizing bills of lading. According to you, chemical analyses of this brick were not taken prior to shipment because "there was no chrome brick removed." **Within 30 days of receipt of this letter**, please submit answers to the following questions. Does Libbey consider this spent refractory brick a waste? How is Libbey making the determination that this brick is non-hazardous given no laboratory analyses were conducted on this brick and furnace fines from G-Furnace were shown to be hazardous waste, toxic for cadmium (D006)? If Libbey is managing this material based on the fact that it meets a hazardous waste exemption or exclusion, please submit information to show which exemption or exclusion this waste meets, and how the exemption or exclusion was met. If Libbey is claiming that this refractory brick is not a waste, then please submit all documentation to meet the requirements in OAC rule 3745-51-02(F).

Any additional violations will be communicated in additional correspondence.

Please send all correspondence **within 30 days of receipt of this letter**, to Ohio EPA, Northwest District Office, Attn: Kara Reynolds, 347 North Dunbridge Road, Bowling Green, Ohio 43402.

Sincerely,

*Kara Reynolds*

Kara Reynolds  
Environmental Specialist  
Division of Materials and Waste Management

//lr

pc: Colleen Weaver, DMWM, NWDO  
Kara Reynolds, DMWM, NWDO  
Cindy Lohrbach, DMWM, NWDO

~~DMWM/HW, NWDO, Lucas County, File: Libbey Inc-2006-~~

**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.