



State of Ohio Environmental Protection Agency

Northwest District Office

347 North Dunbridge Rd.
Bowling Green, OH 43402-9398

TELE: (419) 352-8461 FAX: (419) 352-8468
www.epa.state.oh.us

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

Re: Textileather Corp.
OHD 980279376
Lucas County
Hazardous Waste
**NOV2/Partial Return to
Compliance**

February 22, 2007

Mr. John Cubberly, H&S Manager
Textileather Corporation
P.O. Box 875
Toledo, Ohio 43697

Dear Mr. Cubberly:

I received your response to my January 5, 2007, Notice of Violation (NOV) letter on February 6, 2007. The documentation you submitted will be identified throughout this letter. My review of this documentation reveals that Textileather Corp. (TL) has corrected some of the rule violations, but remains in violation of others. The same numbering used in the NOV will be used throughout this letter. Please submit documentation demonstrating abatement of the following outstanding violations, **within 15 days** of your receipt of this letter:

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

A generator must determine whether its waste is hazardous by first determining if the waste is listed as a hazardous waste in rules 3745-51-30 to 3745-51-35; by testing the waste according to the methods set forth in rules 3745-51-20 to 3745-51-24 or by applying knowledge of the hazardous characteristic of the waste in light of the materials or the processes used.

TL has failed to adequately evaluate all of its waste properly, according to this rule, for the following reasons:

1. Waste Plastisol and Debris from Vinyl Manufacturing Operations (D006, D007 & D008): TL must determine the flash point of the liquid plastisol waste and any other liquid components in this waste stream. TL must

determine the TCLP concentration of MEK in this waste stream (both liquid and solid portions).

I observed you sampling this waste at your facility on February 9, 2007. You collected samples that were solid and liquid. This violation will remain outstanding until you have received the analytical results and made the proper determinations about this waste.

2. HT - Solvent & Brine Solution from HT Solvent Recovery Operations (D001 & D035): You reported that top coats can have heavy metal pigments/colorants. Since the waste analysis for the vinyl waste (number one above) includes TCLP metals D006, D007 & D008, TL must determine the TCLP metals concentrations for this waste.

The hazardous wastes numbered 2, 3 & 4 are all combined in the same waste drum. I observed you sampling this waste at your facility on February 9, 2007. This violation will remain outstanding until you have received the analytical results and made the proper determinations about this waste.

3. HT - Spent Solvent from Cleaning Operations in Can Wash Room (F005): You reported that top coats can have heavy metal pigments/colorants. Since the waste analysis for the vinyl waste (number one above) includes TCLP metals D006, D007 & D008, TL must determine the TCLP metals concentrations for this waste.

The hazardous wastes numbered 2, 3 & 4 are all combined in the same waste drum. I observed you sampling this waste at your facility on February 9, 2007. This violation will remain outstanding until you have received the analytical results and made the proper determinations about this waste.

4. Spent Solvent from Print & Finish (F005): You reported that top coats can have heavy metal pigments/colorants. Since the waste analysis for the vinyl waste (number one above) includes TCLP metals D006, D007 & D008, TL must determine the TCLP metals concentrations for this waste.

The hazardous wastes numbered 2, 3 & 4 are all combined in the same waste drum. I observed you sampling this waste at your facility on February 9, 2007. This violation will remain outstanding until you have received the analytical results and made the proper determinations about this waste.

5. SB - Solvent Contaminated Debris (D001): You reported that top coats can have heavy metal pigments/colorants. Since the waste analysis for the vinyl waste (number one above) includes TCLP metals D006, D007 & D008, TL must determine the TCLP metals concentrations for this waste. Since MEK is a component of the products, TL must evaluate this waste for the toxicity characteristic for MEK (D035).

I observed you sampling this waste at your facility on February 9, 2007. You collected samples that were solid and liquid. This violation will remain outstanding until you have received the analytical results and made the proper determinations about this waste.

6. WB - Contaminated Water-Borne Topfinish & Debris (D001): You reported that top coats can have heavy metal pigments/colorants. Since the waste analysis for the vinyl waste (number one above) includes TCLP metals D006, D007 & D008, TL must determine the TCLP metals concentrations for this waste. Since MEK is a component of the products, TL must evaluate this waste for the toxicity characteristic for MEK (D035).

I observed you sampling this waste at your facility on February 9, 2007. You collected liquid samples from two different drums of WB waste and one semi-solid sample from one of the two drums. This violation will remain outstanding until you have received the analytical results and made the proper determinations about this waste.

7. Solvent, Oil & Water from Tank 54101 Bottom (D001, D035, F003 & F005): This waste was not evaluated for TCLP metals concentrations. Until TL determines, through laboratory analysis, that heavy metals above the regulatory level are not present in its waste, all waste streams must be evaluated for their TCLP metals concentrations. In order to correct this violation, TL must submit to me a plan for evaluating this waste in the future.

In your February 5, 2007, response you explain that if this waste is generated again, TL will sample it and analyze the sample for TCLP metals, TCLP volatiles, TCLP semi-volatiles and flash point and submit the results to Ohio EPA. Therefore, this violation has been corrected.

8. PCB Contaminated Used Oil: The used oil is disposed of at Evergreen Recycling and Disposal Facility. It has not been properly evaluated. TL must determine the TCLP metals and TCLP VOC concentrations.

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In your February 5, 2007, response letter you explain that TL had a sample of this oil analyzed in October for TCLP metals, VOCs and flash point. You attached the laboratory analytical results to your letter. Please explain the sampling method and sample container type and size. Also, please explain the different designations for the samples (such as PC and ABS). This waste may be non-hazardous, based on the October 2006 analysis. There is significant leachable arsenic and cadmium (and a detectable amount of MEK) in this used oil, though, so TL should periodically sample and analyze the waste. Please describe your plan for periodic sampling and analysis of this waste.

In order to abate these violations, you must immediately evaluate the wastes listed above in accordance with the requirements of Ohio Administrative Code Rule 3745-52-11 and this letter.

You must obtain a representative sample of the wastes, according to OAC 3745-51-20. You must evaluate all samples, through laboratory analysis, for all appropriate characteristics and listings and submit the results of the laboratory analysis to Ohio EPA.

The complete analytical results must be submitted to me as soon as they are available. Your results must document if the waste is hazardous or not, if it should be assigned any new hazardous waste numbers and whether it is restricted from land disposal.

**2. 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.

TL did not mark six, 55-gallon drums of spent solvent (F005) in the Can Wash Room with the date in which each period of accumulation began. In order to correct this violation, TL must properly mark these containers and submit photographic documentation that they have been properly marked.

Included with your February 5, 2007, response letter are two photographs of the hazardous waste accumulation containers in the Can Wash Room demonstrating that they are properly dated. Therefore, this violation has been corrected.

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**3. 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. The owner or operator must record inspections in an inspection log or summary.

TL failed to conduct and record such inspections for, at least, six, 55-gallon drums of spent solvent (F005) in the Can Wash Room. In order to correct this violation, TL must conduct and record an inspection of each container of hazardous waste and submit to me a copy of the inspection log or summary for at least a four week period. For purposes of compliance with this rule, weekly means every seven days.

Attached to your February 5, 2007, response letter are container inspection records for the period from July 2006 until January 2007. These records indicate that TL is still not inspecting its hazardous waste containers on a weekly basis. The following problems are noted from the record:

1. The September 5, 2006, inspection was conducted 8 days after the August 28, 2006, inspection.
2. The November 7, 2006, inspection was conducted 8 days after the October 30, 2006, inspection.
3. The November 27, 2006, inspection was conducted 8 days after the November 19, 2006, inspection.
4. The January 2, 2007, inspection was conducted 15 days after the December 18, 2006, inspection.

In order to correct this violation, TL must conduct and record an inspection of each container of hazardous waste and submit to me a copy of the inspection log or summary for at least a four week period.

**4. Used Oil Labeling
OAC Rule 3745-279-22(C)(1)**

Containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words "Used Oil."

TL failed to label the following containers of used oil with the words "Used Oil": two 20-gallon drums and one 55-gallon drum in the Tolex Area on the ground floor, one tote for PCB contaminated used oil on the ground floor, and one 55-gallon drum for PCB contaminated used oil in the Tolex basement beside the

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oil/water separator. In order to correct this violation, TL must label all containers of used oil with the words "Used Oil" and submit to me photographs documenting their proper labeling.

Included in your February 5, 2007, response letter are photographs of used oil drums which are labeled with the words "Used Oil" including: two 20-gallon drums, two 55-gallon drums and a large vat in the Tolex Area on the ground floor; one tote for PCB contaminated used oil on the ground floor; and one 55-gallon drum for PCB contaminated used oil in the Tolex basement beside the oil/water separator. Therefore, this violation has been corrected.

**5. 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.

TL did not have a document that listed the name of each employee with a job title related to hazardous waste management. In order to correct this violation, TL must submit such a listing.

Attached to your February 5, 2007, response letter are job titles for associates with a job related to hazardous waste management. These are jobs in the following departments: Solvent Recovery, Coating Department, Print & Finish Department, Tolex Department, and Vinyl Prep. Your job title/job description documents cover the following number of employees: Solvent Recovery Operators - 4, Coating Operators - 24, Print & Finish Operators - 20, Tolex Operators - 20 and Vinyl Prep Operators - 14. Therefore, this violation has been corrected.

**6. Job Descriptions
OAC Rule 3745-65-16(D)(2)**

The owner or operator must maintain the following documents and records at the facility: (2) A written job description for each position at the facility related to hazardous waste management. The description must include the requisite skill, education, or other qualifications, and duties of facility personnel assigned to each position.

TL did not have a document that explained the job descriptions for each position at the facility related to hazardous waste management. In order to correct this violation, TL must submit such suitable job descriptions.

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Attached to your February 5, 2007, response letter are job descriptions for associates with a job related to hazardous waste management. The descriptions include the skill necessary, education, and duties of the associates. Therefore, this violation has been corrected.

7. **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.

TL 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, TL 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.

In order to correct this violation, TL must also include a description of the hazardous wastes that it generates and their hazards in its annual training program. TL must include a discussion on what container to place hazardous waste into and how to manage containers properly.

8. **Training Provided - New Employees**
OAC Rule 3745-65-16(B)

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

TL has not provided the initial training that is required by these rules. In May of 2005, TL only provided hazardous waste management training to the following employees: Tracy Boros, James Leutz, Roche Roytek, Jake Estes and Trent Brown. Many other employees at the facility generate or handle hazardous waste. TL did not train all employees involved with the generation and management of hazardous waste and all employees that need to know about the contingency plan. TL has not yet provided training in 2006. This was a violation in 2005 and is now also a violation in 2006.

TL must provide its hazardous waste training program for every new or newly assigned employee with a job title related to hazardous waste management, and submit the records that document that each employee has completed the training.

Attached to your February 5, 2007, response letter is a copy of the new employee training checklist and training verification records for various months in the fall of 2006. In order to correct this violation, TL must also provide training that includes a description of the hazardous wastes that it generates and their hazards, in its annual training program. TL must include a discussion on what container to place hazardous waste into and how to manage containers properly. TL must submit the records that document that each employee has completed this training.

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

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

TL has not provided the annual training that is required by these rules. For purposes of compliance with these rules, annual means every 365 days. In May of 2005, TL only provided hazardous waste management training to the following employees: Tracy Boros, James Leutz, Roche Roytek, Jake Estes and Trent Brown. Many other employees at the facility generate or handle hazardous waste. TL did not train all employees involved with the generation and management of hazardous waste and all employees that need to know about the contingency plan. TL has not yet provided refresher training in 2006. It should have been done before the end of May 2006. This was a violation in 2005 and is now also a violation in 2006.

TL 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.

Attached to your February 5, 2007, response letter are copies of training verification records for various months in the fall of 2006. In order to correct this violation, TL must also provide training that includes a description of the hazardous wastes that it generates and their hazards, in its annual training program. TL must include a discussion on what container to place hazardous waste into and how to manage containers properly. TL must submit the records that document that each employee has completed this training.

**10. 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.

TL has not properly maintained records that document that training has been performed, according to the above cited rules. TL 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.

Attached to your February 5, 2007, response letter are copies of training verification records for various months in the fall of 2006. In order to correct this violation, TL must also provide training that includes a description of the hazardous wastes that it generates and their hazards, in its annual training program. TL must include a discussion on what container to place hazardous waste into and how to manage containers properly. TL must submit the records that document that each employee has completed this training.

**11. OAC Rule 3745-270-09(A)
Special Rules Regarding Wastes that Exhibit a Characteristic**

If the generator determines that his waste displays a hazardous characteristic, the generator must determine if any underlying hazardous constituents (as defined in rule 3745-270-02 of the Administrative Code) are present in the characteristic waste.

TL has failed to determine the underlying hazardous constituents for, at least, the following wastes: 1.) Waste Plastisol and Debris from Vinyl Manufacturing Operations (D006, D007 & D008), 2.) HT - Solvent & Brine Solution from HT Solvent Recovery Operations (D001, D035 & F005), 3.) HT - Spent Solvent from Cleaning Operations in Can Wash Room (F005), 4.) Spent Solvent from Print & Finish (F005), 5.) SB - Solvent Contaminated Debris (D001 & F005), 6.) WB - Contaminated Water-Borne Topfinish & Debris (D001 & F005), 7.) Solvent, Oil & Water from Tank 54101 Bottom (D001, D035, F003 & F005), 8.) PCB Contaminated Used Oil.

In order to correct this violation, 1.) TL may have each characteristic hazardous waste sampled and analyzed for underlying hazardous characteristics and record each on the accompanying land disposal restriction form; or 2.) TL may contact the disposal facility(s) and have them provide documentation that they are

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capable of treating TL's characteristic hazardous waste to below the regulatory level for underlying hazardous characteristics. TL must submit documentation that one of these two approaches has been properly taken. In order to correct this violation for the Tank 54101 bottoms, TL must submit to me a plan for evaluating this waste for underlying hazardous constituents in the future.

I observed you sampling most of the waste, listed above, at your facility on February 9, 2007. This violation will remain outstanding until you have received the analytical results and made the proper determinations about the waste.

**12. Emergency Equipment
OAC Rule 3745-65-32(C)**

All facilities shall be equipped with the following: (c) spill control equipment and decontamination equipment:

TL failed to have spill control and decontamination equipment for the Can Wash Room. In order to correct this violation, TL must provide spill control and decontamination equipment for the Can Wash Room, submit a list of the materials provided and its location and submit a photograph demonstrating that the spill control and decontamination equipment has been provided for the Can Wash Room.

In your February 5, 2007, response letter, you list the spill control equipment that has been placed in the Can Wash Room and you provided a photograph of the inside of the spill control drum and of its location in the Can Wash Room. Therefore, this violation has been corrected.

**13. Testing and Maintenance of Equipment
OAC Rule 3745-65-33**

All facility communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, where required, must be tested and maintained as necessary to ensure its proper operation in time of emergency. The owner or operator must record the inspections in a log or summary.

TL failed to provide necessary emergency equipment for the Can Wash Room. TL failed to test or inspect the spill control and decontamination equipment required for the Can Wash Room. TL also failed to record this inspection in a log or summary. In order to correct this violation, TL must conduct the required inspection, explain the frequency of future inspections and submit a copy(s) of the inspection report. Also, TL must revise its Minimum Spill Kit Materials

inspection list to clearly explain what spill kits are inspected and where they are located.

Attached to your February 5, 2007, response letter are copies of the old form for recording spill kit inspections and the revised form. The new form clearly includes the items included in the following locations: Vinyl Prep Tank Farm, Tolex Tank Farm, Tolex - Front of Chiller and Can Wash Room. In order to correct this violation, TL must complete at least one monthly inspection and submit a copy of the completed inspection form(s).

**14. 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.

TL did not place at least two dozen spent lamps into containers. TL did not keep at least twelve boxes of spent lamps closed. In order to correct this violation, TL must place all spent lamps into containers or packages that are structurally sound and adequate to prevent breakage of the spent lamps; close each container of Universal Waste Lamps; and submit photographic documentation that this has been done.

In your February 5, 2007, response letter you explain that all lamps have been placed into containers. You provided a photograph of the accumulation area documenting this. Therefore, this violation has been corrected.

**15. 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".

TL did not properly label at least two dozen loose spent lamps and at least twelve boxes of spent lamps with one of the required phrases. In order to correct this violation, TL must properly label each spent lamp and container and submit photographic documentation that this has been done. If spent lamps are placed into containers, only the container must be labeled.

In your February 5, 2007, response letter you explain that all containers of lamps have been labeled with the words "Used Lamps". You provided a photograph of the accumulation area documenting this. Therefore, this violation has been corrected.

**16. 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.

TL was not able to demonstrate the length of time the universal waste lamps were accumulated. In order to correct this violation, TL 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.

In your February 5, 2007, response letter you explain that all containers of lamps have been dated. You provided a photograph of the accumulation area documenting this. Therefore, this violation has been corrected.

**17. 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 of universal waste handled at the facility.

TL has not adequately informed its employees, handling universal waste lamps, of the proper handling procedures. In order to correct this violation, TL 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 of universal waste rules, cited above.

In your February 5, 2007, response letter you explain that the only employees who have the responsibility for managing spent bulbs are the Maintenance Mechanics and Electricians. You stated that TL will conduct toolbox talks with all Maintenance associates on the proper handling, labeling, dating and disposal of spent bulbs by March 1, 2007. In order to correct this violation, TL must inform Ohio EPA when this has been accomplished.

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I found the following new violation of Ohio's hazardous waste laws on February 20, 2007. In order to correct this violation, you must do the following and send me the required information, **within 15 days** of your receipt of this letter:

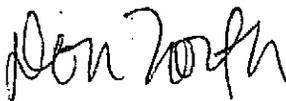
**18. Management of Containers
OAC Rule 3745-66-73(A)**

A container holding hazardous waste shall always be closed during storage, except when it is necessary to add or remove waste.

TL fails to keep all containers of hazardous waste closed during storage. Attached to your February 5, 2007, response letter are container inspection records for the period from July 2006 until January 2007. These records indicate that, except for one inspection record, each record indicates that open or uncovered containers were found. In order to correct this violation, TL must keep all hazardous waste containers closed during storage and submit to me photographs documenting this.

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, Textile/leather File~~
Follow up 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.