



Environmental
Protection Agency

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

Re: The Andersons, Inc.
Lucas County
OHD980823801
Hazardous Waste
Return to Compliance

July 29, 2011

Mr. Stacy Schmidt, Dir. of Corporate Hazard Mgmt.
The Andersons, Inc.
521 Illinois Avenue
P. O. Box 119
Maumee, Ohio 43537

Dear Mr. Schmidt:

Thank you for your June 13, 2011, response to Ohio EPA's May 12, 2011, Notice of Violation/Partial Return to Compliance (NOV/PRTC) letter. My review of the documentation submitted reveals that The Andersons, Inc. (Andersons) has adequately demonstrated abatement of all the violations cited in the May 12, 2011, NOV/PRTC.

The following is a summary of the violations cited in the May 12, 2011, NOV/PRTC as a result of our April 15, 2011, 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.

At the time of the inspection, Andersons had not evaluated the spent parts washer solvent in the mobile maintenance and grain elevator shops. The spent parts washer solvent from these shops has historically been managed by mixing it into the bulk used oil tank. Specifically, the spent parts washer solvent generated in the mobile maintenance shop and the grain elevator shop was added to the used oil bulk tank located in a trailer adjacent to the mobile maintenance shop. This mixture has been transported off site by DISC and managed at their facility in their used oil program. Per OAC rule 3745-279-21(A), generators are required to manage mixtures of used oil and hazardous waste in accordance with OAC rule 3745-279-10(B), hence the reason Andersons must comply with OAC rule 3745-52-11.

To abate this violation, Andersons must submit documentation demonstrating Andersons has properly evaluated this waste stream. In lieu of submitting waste evaluation information, Andersons may submit documentation demonstrating that these parts washers have/will be replaced with units which are part of a continuous use program (rendering the parts washer solvent no longer waste after Andersons use).

On June 13, 2011, Andersons submitted documentation for the mobile maintenance shop parts washer and grain maintenance shop parts washer that have been enrolled in Safety Kleen's Continued Use Program.

With this information, this violation has been abated.

2. OAC Rule 3745-54-16(C): Personnel Training:

A generator shall provide annual refresher training for all personnel involved in the handling and management of hazardous waste at the facility.

Andersons failed to provide annual refresher training for all personnel involved in the handling and management of hazardous waste at the facility. Andersons had at least two employees who were over the one year requirement for annual training. Robert Abner, railcar painter, received annual training on 12/16/09 and none in 2010. William Kubista, who conducts the railcar weekly inspections, received annual training on 12/8/06, 12/16/09, and none in 2010.

To abate this violation, Andersons shall immediately provide annual refresher training for Robert Abner, William Kubista, and any other employee who is overdue and shall submit a copy of the training records to Ohio EPA to demonstrate compliance with this rule. In addition, Andersons must submit a detailed written training policy that ensures all applicable employees receive annual training in a timely manner.

On April 21, 2011, Andersons submitted, via electronic mail, an attendance sign-in sheet for the hazardous waste refresher training that was conducted on that same day. Robert Abner and William Kubista attended the training which was conducted by Allison Moyer.

On June 13, 2011, Andersons submitted a copy of the Safety Education and Training Policy they established for all the employees. The policy requirement for training states that all employees must review the policy at least annually. The policy also lists hazardous waste training but does not specifically list out the need for annual refresher training. The Ohio EPA recommends that you add to the training list a separate line for hazardous waste annual refresher training in order to ensure that those employees who require the refresher training receive it on time.

With this information, this violation has been completely abated.

3. OAC Rule 3745-65-52(D): Contingency Plan:

The generator must have a contingency plan that includes a current list of names, addresses and telephone numbers (office and home) of all persons qualified to act as emergency coordinator.

Andersons failed to have the home addresses and telephone numbers listed for the emergency coordinators designated in the plan.

To abate this violation, Andersons must update the emergency coordinator list to include all the required information and submit the updated page(s) of the contingency plan to Ohio EPA.

On June 13, 2011, Andersons submitted a copy of the updated page for the contingency plan that now lists the home address and telephone for the emergency coordinator.

With this information, this violation has been abated.

4. OAC Rule 3745-65-52(F): Contingency Plan:

The generator must have a contingency plan that includes 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 (in cases where the primary routes could be blocked by releases of hazardous waste or fires).

Andersons failed to have an adequate evacuation plan included in the contingency plan.

To abate this violation, Andersons must update the contingency plan to include an evacuation plan and submit the updated page(s) of the contingency plan to Ohio EPA.

On June 13, 2011, Andersons submitted a copy of the updated page for the contingency plan that now lists the evacuation route and rally point appropriate for the type of emergency.

With this information, this violation has been abated.

5. OAC Rule 3745-65-53(B): Contingency Plan:

A copy of the contingency plan and all revisions to the plan shall be submitted to all local police departments, fire departments, hospitals, and any local response team(s) that may be requested to provide emergency services.

Andersons failed to provide a copy of the contingency plan and all revisions to local authorities and any local response team(s) that may be asked to provide emergency services.

To abate this violation, Andersons must submit documentation (cover sheet, certified mail receipt, etc.) to Ohio EPA, NWDO, to verify that the updated contingency plan has been sent to the appropriate emergency authorities.

On June 13, 2011, Andersons submitted a copy of the cover sheet along with the certified mail receipt for the updated contingency plan that was submitted to City of Maumee Police Department, City of Maumee Fire Department, and St. Luke's Hospital on June 10, 2011.

With this information, this violation has been abated.

6. OAC Rule 3745-52-34(C)(1)(a), Container Management:

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

Andersons had one open satellite container located inside the Fab Shop in the paint mixing area.

To abate this violation, Andersons must submit photographic documentation to show that the satellite container inside the Fab Shop in the paint mixing area is kept closed except when it is necessary to add or remove waste.

This violation was previously abated on April 22, 2011.

7. OAC Rule 3745-52-34(C)(1)(b), Satellite Accumulation Areas:

A generator may accumulate as much as fifty-five gallons of hazardous waste or one quart of acutely 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 provided the containers are marked "Hazardous Waste" or other identifying words of the container's contents.

The satellite container located inside the Fab Shop in the paint mixing area and the satellite container located inside the Railcar Shop were not properly labeled "Hazardous Waste" or other identifying words at the time of the inspection.

To abate this violation, Andersons must submit photographic documentation to show that the satellite container inside the Fab Shop in the paint mixing area and the satellite container located inside the Railcar Shop are now properly labeled.

This violation was previously abated on April 22, 2011.

8. OAC Rule 3745-52-34(A)(2), Container Management:

A generator may, for ninety days or less, 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.

Andersons had six 55-gallon drums of waste paint solvent (D001, D035, F003, F005) located in the outside hazardous waste storage area next to the Railcar Shop that did not have accumulation start dates.

Andersons must properly label all the containers of waste paint solvent with accumulation start dates. To abate this violation, Andersons must submit photographic documentation to show that the six 55-gallon drums of waste paint solvent from the Railcar Shop are properly labeled.

This violation was previously abated on April 21, 2011.

9. OAC Rule 3745-52-34(A)(3), Container Management:

A generator may for ninety days or less, 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.

Andersons had six 55-gallon drums of waste paint solvent (D001, D035, F003, F005) located in the outside hazardous waste storage area next to the Railcar Shop that were not labeled with the words "Hazardous Waste".

Andersons must properly label all the containers of waste paint solvent with the words "Hazardous Waste". To abate this violation, Andersons must submit photographic documentation to show that the six 55-gallon drums of waste paint solvent from the Railcar Shop are properly labeled.

This violation was previously abated on April 21, 2011.

10. OAC Rule 3745-66-74, Inspections:

Container storage areas shall be inspected on a weekly basis looking for leaks and for deterioration. These inspections shall be recorded in an inspection log or summary. Ohio EPA interprets weekly to mean once within the seven-day period following the previous inspection.

Andersons was not conducting inspections of the outside hazardous waste storage areas on a weekly basis. On several occasions Andersons exceeded the weekly inspection requirement for the hazardous waste storage area located at the QA/QC Lab. Specifically, Andersons exceeded the weekly requirement for inspections from 10/15/10 to 10/27/10; 1/14/11 to 1/26/11; and 2/16/11 to 3/3/11. In addition, on several occasions Andersons exceeded the weekly inspection requirement for the hazardous waste storage area located at the Fab Shop. Specifically, Andersons exceeded the weekly requirement for inspections from 10/9/10 to 10/26/10; 12/1/10 to 1/5/11; and 2/18/11 to 3/15/11.

Andersons has each area conduct inspections of their respective hazardous waste storage areas. Less than 90-day hazardous waste storage areas are located in the facility at the following locations: Railcar Shop, Fab Shop, Turf & Specialty Lawn Product Production Area, and QA/QC Lab.

To abate this violation, Andersons must begin conducting weekly inspections at each of the hazardous waste storage areas and submit four (4) weeks of completed inspection logs for each area to this office. An example log was given to you at the time of the inspection.

On June 13, 2011, Andersons submitted four weeks of completed inspection logs for each of the less than 90-day hazardous waste storage areas: Railcar Shop, Fab Shop, Turf & Specialty Lawn Product Production Area, and QA/QC Lab.

With this information, this violation has been abated.

11. 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."

Andersons had one bucket and one carboy located inside the Mobile Maintenance Shop, four 55-gallon drums located outside the Mobile Maintenance Shop, and one used oil bulk tank located in a trailer adjacent to the mobile maintenance shop that were not properly labeled.

At the time of our inspection, Andersons properly labeled the bucket, carboy, four 55-gallon drums and the bulk tank with the words "used oil". A copy of the fact sheet, The Regulation of Used Oil: An Overview for Ohio Businesses Who Generate Used Oil, was given to you at the time of our inspection. Please review this information and contact me if you have any questions.

This violation was previously abated on April 15, 2011.

12. OAC Rule 3745-273-13(D)(1): Universal Waste: Fluorescent Lamp Management:

All lamps/bulbs being managed as a universal waste must be stored in packages that are structurally sound and adequate to prevent breakage. The packages/containers must be closed.

Andersons did not store the spent fluorescent lamps in containers that were closed. Specifically, Andersons had open universal waste containers in the Dispersible Granular (DG) building and in the Tool Room of the safety building.

This violation was previously abated on April 22, 2011.

Mr. Stacy Schmidt, Dir. of Corporate Hazard Mgmt.
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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 Materials and Waste Management

/llr

pc: Cindy Lohrbach, DMWM, NWDO
Colleen Weaver, DMWM, NWDO
Allison Moyer, The Andersons, Inc.
~~DMWM, HW, NWDO, Lucas County, The Andersons File~~

ec: Melissa Boyers, DMWM, 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.