



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

Re: Betco Corp., Plant 3  
OHR000041210  
Lucas County  
Hazardous Waste  
Complaint #3178  
RTC

April 3, 2013

Mr. Kurt Bischoff  
Betco Corporation, Plant 3  
100 North Fearing Avenue  
Toledo, Ohio 43607

Dear Mr. Bischoff:

On August 29, 2012, you accompanied Brent Goetz and me during the Ohio Environmental Protection Agency's (Ohio EPA's) complaint investigation of your facility, Betco Corporation (hereafter referenced as Betco) located at 100 North Fearing Avenue in Toledo, Ohio.

Based upon your large and small quantity generator status, I found the following violations of Ohio's hazardous waste laws:

**1. Waste Evaluation, Ohio Administrative Code (OAC) Rule 3745-52-11:**

Any person who generates a waste must determine if that waste is a hazardous waste by using generator knowledge or by testing the waste.

During our inspection, Betco had one skid of competitive finish products that were not properly evaluated. Betco was unable to determine at the time of inspection whether or not the wastes were hazardous or not.

On September 5, 2012, Betco submitted several material safety data sheets to me for review. Approximately, 7-8 gallons worth of items on the skid are hazardous waste. This violation has been abated.

**2. Container Management, Labeling, OAC Rule 3745-52-34(D)(4):**

A small quantity and large quantity generator may 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.

Mr. Kurt Bischoff  
April 3, 2013  
Page 2

The boxes of off-specification/outdated/unwanted products on Skid 13 and Skid 15 designated as wastes, some hazardous, were not properly labeled "Hazardous Waste". Additionally, the tote of hazardous waste rinse we observed was not labeled "Hazardous Waste".

On September 5, 2012, you sent photographs of four totes containing hazardous waste labeled with the words "Hazardous Waste." One of these totes was the waste rinse we observed without a label during our inspection.

To abate this violation, Betco must submit photographic documentation to show that the boxes of hazardous waste on skid 13, the fire damage material, the returned alcohol product (ethanol based hand sanitizers) and the items on the skid of competitive finish products are properly labeled with the words "hazardous waste".

On October 31, 2012, Betco submitted the following information:

Betco stated they were looking for a buyer for materials on Skid 13, therefore, it is not waste.

Skid 15 (competitive finish products) was separated into hazardous and non-hazardous wastes. A photograph showing the label with the words "Hazardous Waste" was submitted.

Fire damaged material was classified as non-hazardous and was removed on 10-1-12 by Chemtron. Betco provided me with the accompanying manifest.

Ethanol based material was determined to be exempt for industrial ethyl alcohol reclamation (OAC 3745-51-06 (A)(3)(a)). Betco provided me with the accompanying non-hazardous paperwork from Chemtron.

With this information, this violation is considered abated.

**3. Accumulation Start Date, OAC Rule 3745-52-34(D)(4):**

A generator may, for one hundred eighty days or less (for a small quantity generator) and for ninety days or less (for a large quantity generator), 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.

Mr. Kurt Bischoff  
April 3, 2013  
Page 3

Betco had boxes of off-specification/outdated/unwanted products on Skid 13 and Skid 15 designated as wastes, some hazardous, that did not have an accumulation start date. Additionally, the tote of hazardous waste rinse we observed was not labeled with an accumulation start date.

On September 5, 2012, you sent photographs of four totes containing hazardous waste labeled with an accumulation start date (June 8, 2012). One of these totes was the waste rinse we observed without the accumulation date during our inspection.

To abate this violation, Betco must submit photographic documentation to show that the boxes of hazardous waste on skid 13, the fire damage material, the returned alcohol product (ethanol based hand sanitizers) and the items on the skid of competitive finish products are properly marked with the accumulation start dates.

On October 31, 2012, Betco submitted the following information:

Betco stated they were looking for a buyer for materials on Skid 13, therefore, it is not waste.

Skid 15 (competitive finish products) was separated into hazardous and non-hazardous wastes. A photograph showing the label with the accumulation start date was submitted.

Fire damaged material was classified as non-hazardous and was removed on 10-1-12 by Chemtron. No photographs were taken of the containers to show them labeled with the words "hazardous waste" prior to disposal.

Ethanol based material was determined to be exempt for industrial ethyl alcohol reclamation (OAC 3745-51-06 (A)(3)(a)). Betco provided me with the accompanying non-hazardous paperwork from Chemtron.

With this information, this violation is considered abated.

#### **4. Weekly Inspections, OAC Rule 3745-66-74:**

Container storage areas shall be inspected on a weekly basis looking for leaks or deterioration. These inspections shall be recorded in an inspection log or summary. Ohio EPA interprets weekly to mean inspected at least once during the period from Sunday to Saturday.

Mr. Kurt Bischoff  
April 3, 2013  
Page 4

At the time of our inspection, Betco was not conducting inspections of the hazardous waste storage areas where the various hazardous wastes were stored.

To abate this violation, Betco must immediately begin conducting weekly inspections of the hazardous waste storage areas and submit four (4) weeks of completed inspection logs to this office. We discussed the example log during our meeting on October 2, 2012.

On October 31, 2012, Betco submitted seven weeks' worth of completed inspection logs. Therefore, this violation is considered abated.

**5. Contingency Plan, OAC Rules 3745-65-51(A) and (B); 3745-65-52(A), (B), (C), (D), (E) and (F); 3745-65-53(A) and (B); and 3745-65-55:**

Each owner or operator shall have a contingency plan for the facility. The contingency plan shall be designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water. The plan must be implemented immediately if there is a fire, explosion, or release of hazardous waste or hazardous waste constituents which could threaten human health or the environment. The plan must describe the actions personnel will take during an emergency, describe arrangements with responders, list the emergency contact and related information, list emergency equipment, and include an evacuation plan. A copy of the contingency plan must be maintained at the facility and submitted to entities that may be required to provide emergency services.

Betco has violated all the applicable rules associated with the contingency plan requirements, as follows:

- (a) 3745-65-51(A) - The facility does not have a contingency plan.
- (b) 3745-65-51(B) - By not having a contingency plan, the facility is unable to implement such a plan during a fire, explosion, or release of hazardous waste.
- (c) 3745-65-52(A) - The facility does not have a contingency plan that describes the actions facility personnel must take.

- (d) 3745-65-52(C) - The facility does not have a contingency plan that describes the arrangements agreed to by local police departments, fire departments, hospitals, contractors, Ohio EPA, and local emergency responders.
- (e) 3745-65-52(D) - The facility does not have a contingency plan that lists the names, addresses, and phone numbers of persons qualified to act as emergency coordinator.
- (f) 3745-65-52(E) - The facility does not have a contingency plan that lists the emergency equipment, including its location, physical description and a brief outline of capabilities.
- (g) 3745-65-52(F) - The facility does not have a contingency plan that includes an evacuation plan.
- (h) 3745-65-53(A) - The facility does not maintain a contingency plan.
- (i) 3745-65-53(B) - The facility has not submitted a copy of the contingency plan to all local police departments, fire departments, hospitals, and Ohio EPA and local emergency response teams, that may be requested to provide emergency services.
- (j) 3745-65-55 - The facility must designate an emergency coordinator. At all times, there must be at least one employee on facility premises or on call with the responsibility for assuming coordination of all internal emergency response measures.

To abate these violations, Betco must prepare a contingency plan and submit a copy to me for review. The plan must include all of the elements required above. Betco must maintain the plan at the facility and submit a copy of the plan to agencies or organizations that may be required to provide emergency services. The contingency plan must demonstrate compliance with these rules.

**On March 19, 2013, Betco submitted a contingency plan which adequately addresses items (a)-(j) as listed above. The contingency plan was submitted to several agencies and emergency responders as well as required in item (i). With this documentation, all violations specific to the contingency plan have been abated.**

**6. Personnel Training, OAC Rules 3745-65-16(A)(1-3),(B)(C),(D)(1-4) and (E):**

Betco did not provide documentation of their hazardous waste training program and has not been conducting annual hazardous waste refresher training as required.

**a) OAC 3745-65-16(A)(1-3) :**

Betco must implement a hazardous waste training program that is taught by a person trained in hazardous waste management procedures. The program must include training on hazardous waste management procedures including contingency plan implementation and be relevant to the positions held by the involved employees.

Betco must submit a description of your training program that outlines the training topics and indicates who is teaching it and their qualifications.

**This information was submitted on January 10, 2013.**

**b) OAC 3745-65-16(B):**

Facility personnel must complete the personnel training required within six months after their date of employment or initial assignment to a facility.

**This information was submitted on March 19, 2013.**

**c) OAC 3745-65-16(C):**

Facility personnel must take part in an annual review of the hazardous waste training program required above.

Betco must conduct refresher training immediately and provide documentation, such as sign-in sheets, that the training has been completed by the appropriate personnel.

**This information was submitted on March 19, 2013 documenting that training was completed on February 26, 2013.**

**d) OAC 3745-65-16(D)(1-4):**

Mr. Kurt Bischoff

April 3, 2013

Page 7

Betco needs to maintain records including the following:

-the job title for each position at the facility related to hazardous waste management and the name of each employee filling each of these positions

-a job description for each of these job titles that includes the requisite skill, education or other qualifications, and the duties required for each of these jobs.

-a description of the type and amount of introductory and continuing training that will be given to each person filling one of these positions.

**Betco provided a copy of job titles and job descriptions on March 19, 2013.**

**e) OAC 3745-65-16(E):**

Training records for current employees must be kept until closure of the facility.

Training records for former employees must be kept for at least three years after the date the employee ceased to be employed by Betco.

**In your March 13, 2013 email, Betco stated that clear documentation for compliance with be maintained in the future.**

**With this documentation and information, all violations specific to personnel training have been abated.**

**REQUEST FOR INFORMATION:**

**OAC Rule 3745-65-33: Emergency Equipment:**

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

Betco must test and maintain the emergency equipment to assure its proper operation in the event of an emergency. These tests are not recorded in a log. It is recommended that the log include the following information: date and time of test, name of person conducting the test, observations made and date/nature of any repairs.

You stated that you may have this information. In order to avoid receiving a violation, Betco must submit a copy of the emergency equipment log.

Mr. Kurt Bischoff  
April 3, 2013  
Page 8

On November 1, 2012, Betco submitted emergency response equipment testing logs. These logs included documentation of test of emergency weather radios, fire extinguisher, emergency lighting, sprinkler system and alarm system.

Betco has properly abated all violations cited in my notice of violation letter dated October 17, 2012.(and subsequently updated November 6, 2012) These violations were initially noted during Ohio EPA's August 29, 2012, compliance evaluation inspection.

If you have any questions, please contact me by telephone at (419)373-3114 or by e-mail at [wendy.miller@epa.ohio.gov](mailto:wendy.miller@epa.ohio.gov).

Sincerely,



Wendy Miller  
Division of Materials and Waste Management

/lr

pc: Lisa Gifford, DMWM, NWDO  
(Colléen Weaver, DMWM, NWDO >

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Wendy Miller, DMWM, NWDO