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State of Ohio Environmental Protection Agency

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July 21, 2009

Ms. Stephanie Hampton
Quanta BioDesign, Ltd.
195 West Olentangy St., Suite O
Powell, OH 43065

**Re: Quanta BioDesign, Ltd.
Large Quantity Generator
OHR000148981
Delaware County, CDO
Partial Return to Compliance (PRTC)**

Dear Ms. Hampton:

I received your second response to my February 17, 2009 Notice of Violation (NOV) letter on July 6, 2009, via e-mail. The documentation you submitted included a revised contingency plan; copies of letters sent to all local authorities, utilities, and hospitals; RCRA training material for both lab and office employees; training verification; and a training certification.

My review of this documentation reveals that Quanta BioDesign, Ltd. (Quanta) has adequately demonstrated abatement of the following violations discovered during the February 10, 2009 inspection:

Letter Citation #	Rule Citation
1.	OAC Rule 3745-52-34(A)(2), Accumulation Time of Hazardous Waste (accumulation start date on containers), abated March 27, 2009
2.	OAC Rule 3745-52-34(A)(3), Accumulation Time of Hazardous Waste ("Hazardous Waste" labels on containers), abated March 27, 2009
3.	OAC Rule 3745-66-74, Inspections, abated March 27, 2009
4.	OAC Rule 3745-65-16(A) through (C), Personnel Training
6.	OAC Rule 3745-65-51, Purpose and Implementation of Contingency Plan
7(b), (c), (d), & (f)	OAC Rule 3745-65-52(B), (C), (D), and (F), Content of the Contingency Plan
8.	OAC Rule 3745-65-53, Copies of Contingency Plan

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

At this time, Quanta remains in violation of Violation 5 and parts of Violation 7 (paragraphs (A) and (E) of OAC Rule 3745-65-52) as listed in my February 17, 2009, NOV letter. Quanta has failed to submit the required documentation for personnel training records and has not included all of the required information in the facility's contingency plan.

5. **OAC Rule 3745-65-16(D) and (E), Personnel Training Documents and Records:** 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;

2) A written job description for each position listed under paragraph (D)(1) of this rule. This description may be consistent in its degree of specificity with descriptions for other similar positions in the same company or bargaining unit, but must include the requisite skill, education, or other qualifications, and duties of facility personnel assigned to each position;

3) A written description of the type and amount of both introductory and continuing training that will be given to each person filling a position listed under paragraph (D)(1) of this rule; and

4) Records that document that the training or job experience under paragraph (A), (B), and (C) of this rule has been given to, and completed by, facility personnel. [OAC Rule 3745-65-16(D)].

Training records for current personnel must be kept until closure of the facility. Training records for former employees must be kept at least three years from the date the employee last worked at the facility [OAC Rule 3745-65-16(E)].

- To return to compliance, please send the required documentation (job titles, job descriptions, etc.) for each employee and/or position at the facility related to hazardous waste management to me **within 30 days** of receipt of this letter. I received training verification sheets, but nothing specifically related to job descriptions. For example, describe what the lab employees are required to do, what experience they need, and what training they will be provided (e.g., lab employees will receive the RCRA training specific to lab employees, contingency plan training, and manifest training initially and a refresher course annually). In the future, please ensure that you are keeping all of the required documentation in each person's file for the required period of time.

7. **OAC Rule 3745-65-52(A) and (E), Content of Contingency Plan:**

- (A) The contingency plan shall describe the actions facility personnel shall take to comply with OAC Rules 3745-65-51 and 3745-65-56 in response to fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water at the facility. Quanta's contingency plan did not include the following information in accordance with OAC Rule 3745-65-52(A):

- i. The plan does not reference Ohio EPA's Emergency Response telephone number (1-800-282-9378) in accordance with OAC Rule 3745-65-56(A)(2).

Please add this number to the list of emergency numbers in Exhibit 3.

- ii. To ensure compliance with OAC Rule 3745-65-56(I), you must ensure that Quanta will notify the director and appropriate authorities that 1) no waste that may be incompatible with the released material is treated, stored, or disposed until cleanup procedures are complete, and 2) all emergency equipment listed in the contingency plan is cleaned and fit for its intended use before operations are resumed in the affected areas of the facility.

Quanta must add this language to the facility's contingency plan (or something similar, please see OAC Rule 3745-65-56(H) and (I)). It may be appropriate to add this to page 9 of the plan.

- iii. The plan did not contain the following information for OAC Rule 3745-65-56(J): "**Within 15 days after the incident**, the owner or operator must submit a written report on the incident to the director." The plan contains the required form, but does not reference the 15 day limit.

Please add the following sentence to Exhibit 4 (possibly as a footnote): "Within 15 days after the incident, Quanta will submit this written report on the incident to the director."

- (E) The contingency plan must include a list of all emergency equipment at the facility [such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment], where this equipment is required. This list must be kept up to date. In addition, the contingency plan must include the location and a physical description of each item on the list, **and a brief outline of its capabilities.**

Exhibit 6 of Quanta's contingency plan did not include a brief outline of the emergency equipment's capabilities, only ***. The sample plan includes a ***footnote that states that the specific capabilities must be noted in the plan to comply with OAC Rule 3745-65-52(E).

Please add a brief outline of the emergency equipment's capabilities to Exhibit 6.

- To return to compliance, please make the required changes, as noted above, and send a revised contingency plan to me **within 30 days** of receipt of this letter.

Ms. Stephanie Hampton
Quanta BioDesign, Ltd.
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All of Ohio's hazardous waste rules are available on the Internet at:
http://www.epa.state.oh.us/dhwm/laws_regs.html. If you should have any questions, please feel
free to contact me at (614) 728-3887.

Sincerely,



Melissa M. Storch
Environmental Specialist
Division of Hazardous Waste Management
Central District Office

c: Kristina Durnell, DHWM/CDO
CDO File

MMS/nsm Quanta.PRTC.July09

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.