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March 27, 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 response to my February 17, 2009 Notice of Violation (NOV) letter on March 19, 2009, via e-mail. The documentation you submitted included photos of labeled and dated hazardous waste accumulation containers and emergency equipment, inspection logs for your container accumulation area and fire extinguishers, information about personnel training, and a preliminary contingency plan.

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:

1. **OAC Rule 3745-52-34(A)(2), Accumulation Time of Hazardous Waste (accumulation start date on containers)**
2. **OAC Rule 3745-52-34(A)(3), Accumulation Time of Hazardous Waste ("Hazardous Waste" labels on containers)**
3. **OAC Rule 3745-66-74, Inspections**

At this time, Quanta remains in violations of Violations 4 through 8 as listed in my February 17, 2009 NOV letter. However, thank you for sending information about your personnel training plan and preliminary contingency plan. It appears that Quanta is taking the necessary steps toward achieving compliance. I reviewed the information you sent and have the following comments. Once you complete personnel training, submit the required documentation and records, and finalize your contingency plan, I will once again review them for compliance with Ohio's hazardous waste rules.

4. **OAC Rule 3745-65-16(A) through (C), Personnel Training:** A LQG must have a training program which teaches facility personnel hazardous waste management procedures (including contingency plan implementation) relevant to their positions.

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

➤ According to the information you submitted about the RCRA Hazardous Waste Train-the-Trainer training session, it appears that Quanta is taking the necessary steps to achieve compliance with this rule. In order to fully return to compliance, please submit documentation to me describing what training you provide to Quanta after you are trained. The topics listed on the RCRA Train-the Trainer proposal would be appropriate, as long as you make them facility-specific. In addition, as stated in your letter, please submit copies of the employees' certifications to me after Quanta's hazardous waste training is completed. This should be completed **within 60 to 90 days** of receipt of this letter.

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: job titles, job descriptions, the type and amount of training given to each person, and records that document that the required training or job experience 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)].

➤ As stated in your letter, please submit copies of the employees' certifications to me after Quanta's hazardous waste training is completed to fully return to compliance. In addition, you must also submit copies of employee's job titles and job descriptions as required by OAC Rule 3745-65-16(D). This should be completed **within 60 to 90 days** of receipt of this letter. 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.

6. **OAC Rule 3745-65-51, Purpose and Implementation of Contingency Plan:** Each owner or operator shall have a contingency plan for the facility that is designed to minimize hazards to human health or the environment from fires, explosions or any unplanned release of hazardous waste.

➤ Thank you for submitting a preliminary contingency plan. Based on my review, it appears that Quanta is taking the necessary steps toward achieving compliance. Once you finalize your plan, please submit a copy and I will review it for compliance with Ohio's hazardous waste rules. This should be completed **within 60 days** of receipt of this letter. Please make sure that it includes all of the required information (see also Violation 7).

7. **OAC Rule 3745-65-52, Content of Contingency Plan:** 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.

The contingency plan shall also include: arrangements with emergency authorities; a current list of names, addresses, and telephone numbers (office and home) of all persons qualified to act as emergency coordinator; a list of all emergency equipment at the facility, including, but not limited to, fire extinguishing systems, spill control equipment and decontamination

equipment, and its location, physical description, and brief outline of capabilities; and an evacuation plan.

- Based on my initial review of your preliminary contingency plan, it appears that you are headed in the right direction. However, please make sure to address the following in the final version. You should include all of the emergency procedures listed in OAC Rule 3745-65-56 somewhere in the plan where you address your response actions. For example, the plan should state that within fifteen days after the incident, the owner or operator will submit a written report on the incident to the director (OAC Rule 3745-65-56(J)). You have already addressed a lot of this information, but please make sure that it is all included. Also, you included a list of emergency equipment (Exhibit 6), but did not include capabilities of equipment or location (except for fire extinguishers in Figure 2). These are just some examples. Your upcoming training may also be helpful in addressing existing deficiencies.
8. **OAC Rule 3745-65-53, Copies of Contingency Plan:** A copy of the contingency plan and all revisions to the plan shall be (A) maintained at the facility; and (B) submitted to all local police departments, fire departments, and hospitals, and Ohio EPA and local emergency response teams, that may be requested to provide emergency services.
- As stated in your letter, once you have finalized a contingency plan, give a copy to all emergency authorities that may be requested to provide emergency services to your facility. This should be completed **within 60 days** of receipt of this letter.

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 Dumell, DHWM/CDO
CDO File

MMS/nsm Quanta.PRTC.032409

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.

