



State of Ohio Environmental Protection Agency

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FILE COPY

STREET ADDRESS:

Lazarus Government Center  
50 W. Town St., Suite 700  
Columbus, Ohio 43215

Central District Office

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www.epa.state.oh.us

MAILING ADDRESS:

P.O. Box 1049  
Columbus, OH 43216-1049

February 12, 2007

Re: **Toxco, Inc.**  
Large Quantity Generator/TSD  
OHD071654958  
Fairfield County, CDO  
PRTC

Mr. Ed Green  
Toxco, Inc.  
265 Quarry Road  
Lancaster, OH 43130

Dear Mr. Green:

I received your response to my January 18, 2007, Notice of Violation (NOV) letter on January 30, 2007. Melissa Musko and I visited your facility on February 6, 2007, to view the progress you have made to correct the cracks and gaps found in the floor and berm during our January 11, 2007 visit. The documentation you submitted included a written explanation why the environmental inspection report forms have work orders more than one year old, what corrective actions will or have been implemented, and why the problem took so long to be corrected, copies of completed and in process work orders and photos, a copy of the MSDS for the Epoxi Flex joint sealer, two weeks worth of the completed environmental inspection report forms as stated in the permit application.

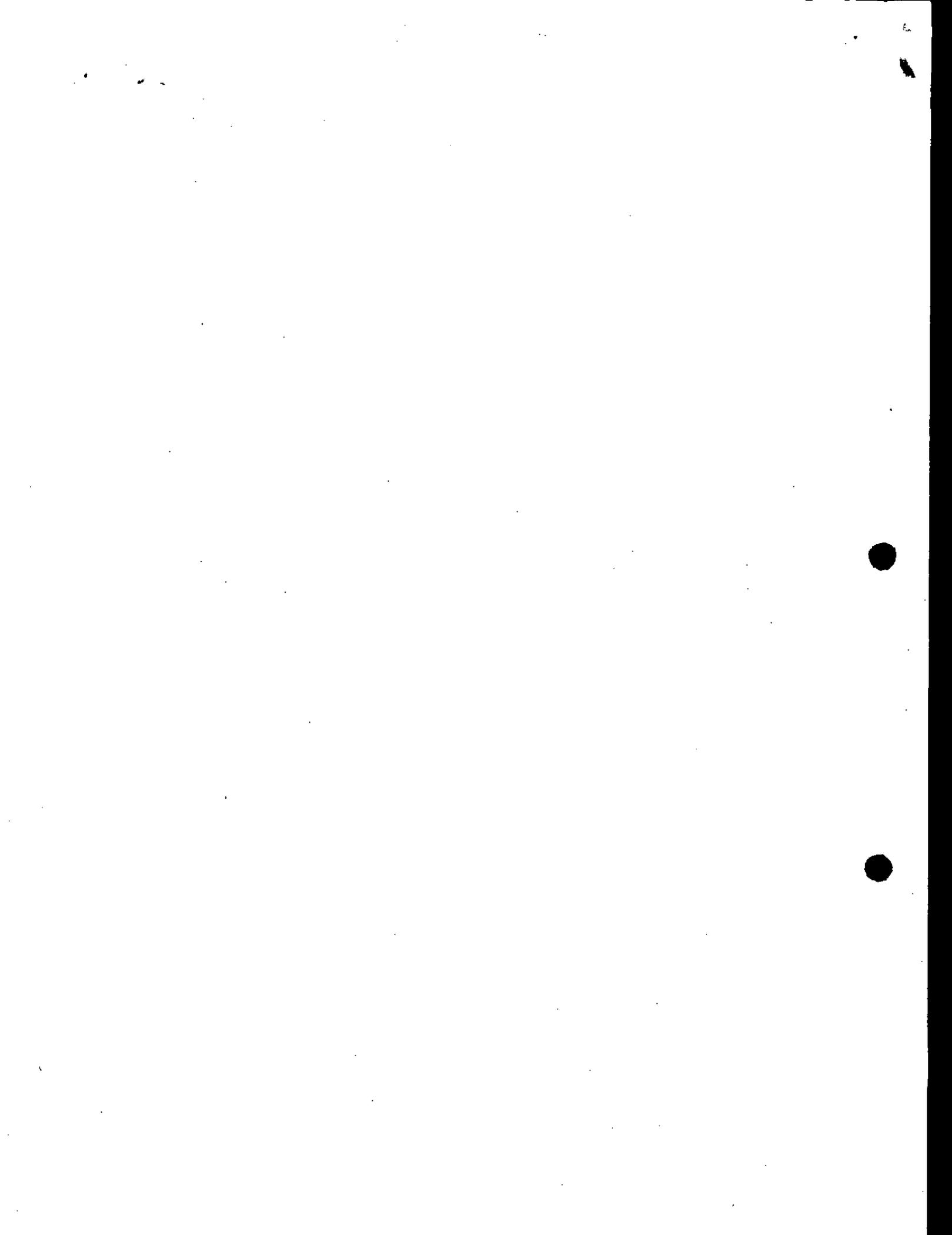
My review of this documentation reveals that Toxco, Inc. has adequately demonstrated abatement of the following violation discovered during the January 11, 2007, follow up inspection:

- 1. OAC Rule 3745-54-15(C), General inspection requirements and Failure to operate in accordance with the hazardous waste permit section B.5 and permit application section A.5**

Although Toxco submitted or we received the information during the February 6, 2007 follow up inspection, Toxco must complete the repair of the filler missing in the staging area.

Therefore, Toxco remains in violation of the following hazardous waste laws relating to the January 11, 2007, inspection and January 18, 2007, NOV:

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



**2. OAC Rule 3745-55-75 (B), Secondary containment and Failure to operate in accordance with the hazardous waste permit section C.7 and permit application section C.2.d**

A containment system must be designed and operated as follows: 1) A base must underlie the containers which is free of cracks or gaps and can contain leaks, 2) the base must be sloped or designed to remove liquids, 3) the containment system must have sufficient capacity to contain 10% of the volume of the largest container, 4) run-on into the containment system must be prevented unless the collection system has excess capacity, 5) spilled or leaked waste and accumulated precipitation must be removed from the sump or collection area in a timely manner. Toxco is not operating in accordance with section C.7 of the hazardous waste permit issued on December 21, 2005. The permit application states "All concrete pads are maintained in good condition, free of any gaps, holes, or cracks."

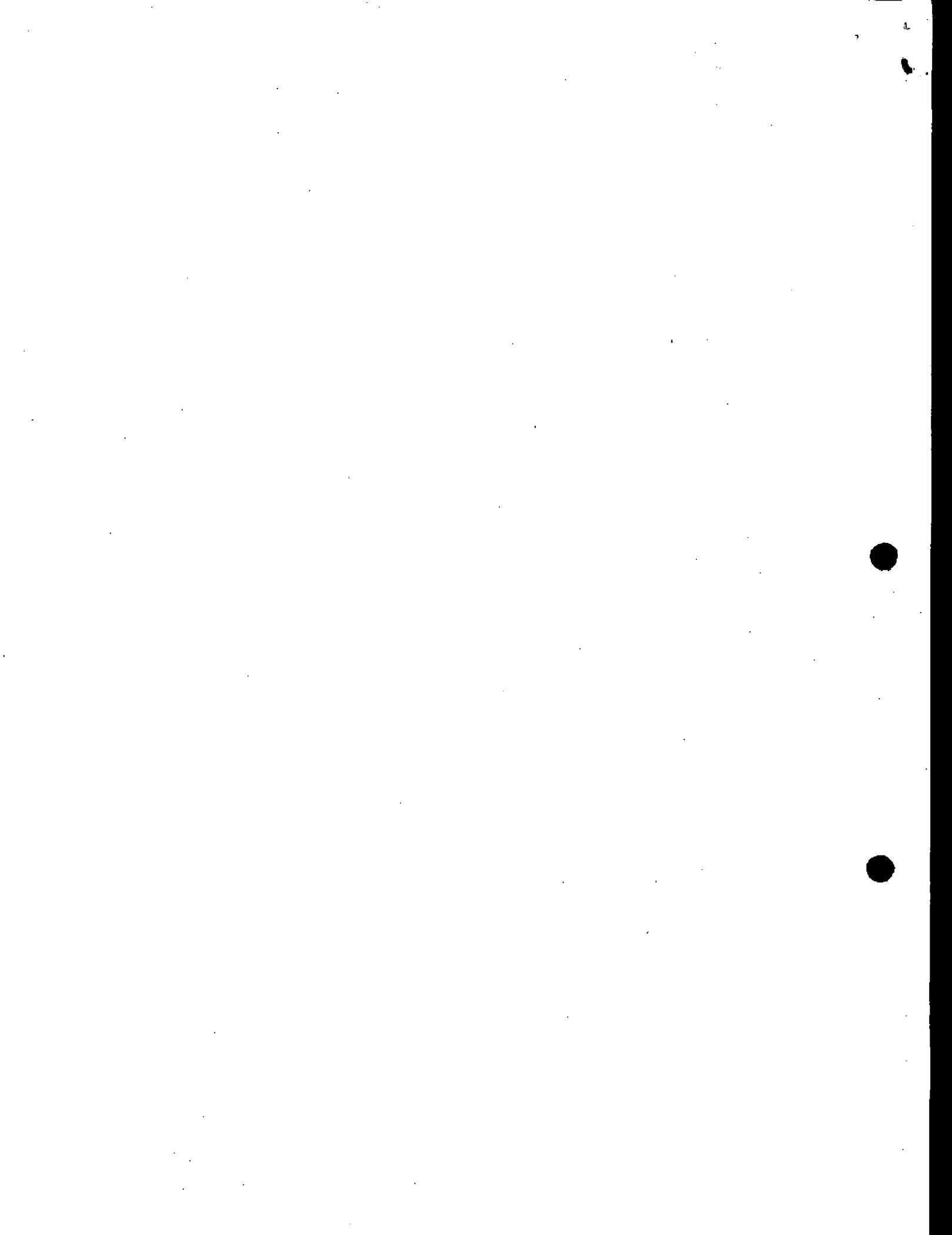
We also noticed filler missing in a concrete seam in the staging area in phase three.

- Toxco must replace the missing filler in the staging area as noted above within seven (7) days of your receipt of this letter. Ohio EPA will confirm these issues have been resolved via a site visit.

**Comments**

As discussed during the visit, Ohio EPA had the following comments:

- Daily Tank inspections - According to OAC Rule 3745-66-95, the owner or operator must inspect the tank systems used to accumulate hazardous waste at least once each operating day. DHWM requires inspection of tanks each day waste is in the tank. See <http://www.epa.state.oh.us/dhwm/searchdocs/dchamberlain102503/> web site for correspondence from our Central Office.
- Trade Secret - In Toxco's January 19, 2007 letter received on January 22, 2007, Toxco requested some proprietary information be removed/corrected from Ohio EPA's December 7-8, 2006, pictures, process description, and/or waste activity summary section. Toxco must formally request this information be removed in accordance with OAC Rules 3745-50-29 and 3745-50-30. If you have any questions about requesting proprietary information, please contact Todd Anderson at (614) 644-3037.



Mr. Ed Green  
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If you should have any questions, please feel free to contact me at (614) 728-3882.

Sincerely,



Elizabeth D. Lamerson  
Environmental Specialist  
Division of Hazardous Waste Management  
Ohio EPA, Central District Office

Enclosure

c: Pam McCoy, DHWM, CO  
Brad Murphy, DHWM, CO  
Todd Anderson, Legal  
Tammy McConnell, DHWM, CO  
[CDO File ?]

EL/ct DSHWM2-9-07 Toxco

**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.

