



State of Ohio Environmental Protection Agency

STREET ADDRESS:

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November 29, 2007

Mr. Bill Powers
Hi TecMetal Group
1101 East 55th St
Cleveland, OH 44103-1046

**Re: Second Notice of Violation of the 2006 Hazardous Waste Annual Report Requirement
Walker Heat Treating, 10601 Briggs Road – OHD0041973077**

Dear Mr. Powers:

On October 3, 2007, I sent a letter to Raymond Bennett stating that my review of manifest data from the Michigan Department of Environmental Quality (MI DEQ) had revealed that hazardous waste was shipped to Michigan by Walker Heat Treating during the 2006 calendar year. The total amount reported, 1,218.81 tons, indicates that Walker Heat Treating was a large quantity generator in 2006. A printout of the shipment information was attached to the October 3 letter. As of today, I still have not received a response to my letter, and Walker Heat Treating may still be in violation of Rule 3745-52-41 of the Ohio Administrative Code (OAC).

OAC Rule 3745-52-41 requires a generator who ships any hazardous waste off-site to prepare and submit to the Ohio EPA a **Hazardous Waste Annual Report** and to describe and certify efforts that were made to minimize hazardous wastes. These reports are due March 1 of each year and contain information about the activities of the previous calendar year. Only small quantity generators (between 220 and 2200 lb/mo of non-acutely hazardous wastes) and conditionally exempt small quantity generators (less than 220 lb/mo of non-acutely hazardous wastes) are exempt from the Annual Report requirement as described in OAC Rule 3745-52-44.

A large quantity generator is defined as a site which generates in any single month more than 1000 kg (2200 lbs) of non-acute hazardous waste or more than 1 kg (2.2 lb) of acutely hazardous waste. This includes wastes from one-time generation as well as wastes from ongoing production processes. It may take only one month of generating above the threshold quantity to subject a site to the Annual Report requirement. Frank Zingales of our Twinsburg office has informed me that Walker Heat Treating was an episodic large quantity generator in 2006 due to clean-up activities. The generator is responsible for contacting Ohio EPA in order to obtain the reporting forms.

If Walker Heat Treating was in fact a large quantity generator during 2006, in order to abate the violation of OAC Rule 3745-52-41, Walker Heat Treating must complete and submit to Ohio EPA a 2006 Hazardous Waste Annual Report within 15 days of receipt of this letter. The reporting forms and instructions can be found on our Web site at http://www.epa.state.oh.us/dhwm/ann_report.html.

If Walker Heat Treating was not a large quantity generator in 2006, documentation must be submitted to this office within 15 days of receipt of this letter. This documentation must show that Walker Heat Treating did not generate more than the threshold quantity of hazardous waste in any month during 2006. If you believe that the information supplied by MI DEQ is in error, please call me to discuss the discrepancy.

A lack of response on your part may initiate a referral to the Compliance Assurance Section for consideration of enforcement action against Walker Heat Treating. Ohio EPA is entitled by law to seek a civil penalty of up to ten thousand dollars (\$10,000) per day for each violation of the state's hazardous waste laws.

Please return the completed forms or other documentation to my attention. A letter that acknowledges receipt of the report will be sent to you after it is processed. I can answer questions concerning the Annual Report at (614) 644-2923. Your prompt attention to this matter is appreciated.

Sincerely,

Paula Canter

Paula Canter
Environmental Specialist 3
Regulatory and Information Services
Division of Hazardous Waste Management
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cc: Central File
Frank Zingales, DHWM NEDO

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.