OhioEPA

State of Ohio Environmental Protection Agency

STREET ADDRESS:

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

TELE: (614) 644-3020 FAX: (614) 644-3184
www.epa.state.oh.us

MAILING ADDRESS:

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

August 8, 2008

FACILITY MANAGER
FORMTECH INDUSTRIES LLC
9312 ARROW RD NW
MINERVA, OH 44657

eval 008

enf 009

Re: 2007 Hazardous Waste Annual Report Requirement
FORMTECH INDUSTRIES LLC, MINERVA - OHD004213047

Dear FACILITY MANAGER:

My review of customer data from Ohio Treatment, Storage, and Disposal Facilities (TSDFs) has revealed that one or more shipments of hazardous waste were received from FORMTECH INDUSTRIES LLC during the 2007 calendar year. The total amount reported is approximately 19.67 tons as shown on the enclosed printout. This total indicates that FORMTECH INDUSTRIES LLC was a large quantity generator in 2007. Because I have not received a Hazardous Waste Annual Report for 2007, FORMTECH INDUSTRIES LLC may be in violation of Rule 3745-52-41 of the Ohio Administrative Code (OAC). Additionally, Formtech remains in violation of the same Annual Report requirement for 2006, as described in a Notice of Violation first sent August 22, 2007 and followed by a second notice sent October 11, 2007.

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. The generator is responsible for contacting Ohio EPA in order to obtain the reporting forms.

OAC Rule 3745-52-41 requires a generator who ships any hazardous waste off-site to prepare and submit to the Ohio EPA an **Annual Hazardous Waste 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.

To abate the violation of OAC Rule 3745-52-41, FORMTECH INDUSTRIES LLC must complete and submit to Ohio EPA a 2007 Annual Hazardous Waste Report within 30 days of receipt of this letter. Failure to respond to this Notice of Violation may result in referral to the Compliance Assurance Section for consideration of escalated enforcement. You may access the reporting forms and instructions on our website at http://www.epa.state.oh.us/dhwm/ann_report.html.

FORMTECH INDUSTRIES LLC should have on file the manifest records necessary for completion of the reports. OAC Rule 3745-52-40 requires generators to keep a signed copy of each manifest for a period of at least three years from the date the waste was accepted by the initial transporter. Receiving facilities and transporters are under a similar requirement. If you need copies of the original manifest(s), contact them for assistance.

If FORMTECH INDUSTRIES LLC was not a large quantity generator in 2007, documentation must be submitted to this office within 30 days of receipt of this letter. This documentation must show that FORMTECH INDUSTRIES LLC did not generate more than the threshold quantity of hazardous waste in any month during 2007. If you believe that the information supplied by Ohio TSDFs is in error, please call me to discuss the discrepancy.

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) 644-2891. Your prompt attention to this matter is appreciated.

Sincerely,

Mary Ann Silagy

Mary Ann Silagy
Environmental Specialist 2
Regulatory and Information Services
Division of Hazardous Waste Management
maryann.silagy@epa.state.oh.us

enclosure

cc: Central File
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.

Annual Reports - NOV Candidate Report for 2007

Generator Facility

Generator US EPA ID: OHD004213047
Generator Name: Formtech Industries LLC
Address: 9312 Arrow Rd NW
Minerva, OH 44657-9784
Total Tons Shipped: 19.67

Receiving Facility

US EPA ID: OHD000816629
Name: Spring Grove Resource Recovery
Customer Name: Formtech Industries LLC
Customer Address: 9312 Arrow Road Northwest
Minerva, OH 44657-0000

Waste Description: WASTE CORROSIVE SOLID BASIC INORGANIC N.O.S. **Page:** 489 **Subpage:** 1
System Type: H141 **Form:** W319 **Quantity:** 39348.00 P **Density:**
D002