



**Environmental
Protection Agency**

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

July 5, 2011

Allen Kinsler
EFTEC NA
20219 Northline Rd
Taylor, MI 48180

**Re: 2009 Hazardous Waste Annual Report Requirement – Notice of Violation
EFTEC North America, Dayton - OHD004279204**

Dear Allen Kinsler:

My review of manifest data from the Michigan Department of Environmental Quality (MI DEQ) has revealed that one or more shipments of hazardous waste were sent by EFTEC NA – Dayton to receiving facilities in Michigan during the 2009 calendar year. The total amount reported is approximately 15.79 tons as shown on the enclosed printout. This total indicates that EFTEC NA – Dayton was a large quantity generator in 2009. Because I have not received a Hazardous Waste Annual Report for 2009, EFTEC NA – Dayton may be in violation of Rule 3745-52-41 of the Ohio Administrative Code (OAC).

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. Generating hazardous waste above the threshold quantity for only one month will subject a site to the Annual Report requirement. 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.

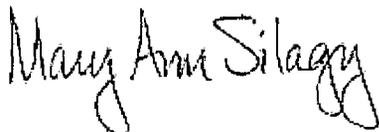
To abate the violation of OAC Rule 3745-52-41, EFTEC NA – Dayton must complete and submit to Ohio EPA a 2009 Hazardous Waste Annual Report within 30 days of receipt of this letter. Failure to respond to this Notice of Violation may result in referral to the Compliance Assurance Section for consideration of escalated enforcement. The 2009 forms and instructions can be found in Adobe Acrobat PDF format at http://www.epa.ohio.gov/dhwm/ann_report/ann_report_2009.aspx. This same web site contains detailed information about filing electronically using the eDRUMS service in Ohio EPA's eBusiness Center (eBiz) at <https://ebiz.epa.ohio.gov/login.jsp>. The Responsible Official who will sign the report must have an eBiz account and PIN before they can apply for the service. Obtaining a PIN requires mailing to Ohio EPA a notarized signature and receiving the PIN by return US mail. I encourage you to file electronically because it is efficient, easy to use, and prevents many common errors due to built-in error checking and validation.

EFTEC NA – Dayton 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 EFTEC NA – Dayton was not a large quantity generator in 2009, documentation must be submitted to this office within 30 days of receipt of this letter. This documentation must show that EFTEC NA – Dayton did not generate more than the threshold quantity of hazardous waste in any month during 2009. If you believe that the information supplied by Michigan 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 or maryann.silagy@epa.state.oh.us. Your prompt attention to this matter is appreciated.

Sincerely,



Mary Ann Silagy, Environmental Specialist 2
Environmental Research and Information Services
Ohio EPA - Division of Materials and Waste Management
maryann.silagy@epa.state.oh.us
614-644-2891

enclosures

cc: Central File
DMWM, SWDO

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.

2009 Michigan Manifest Data for Ohio Generators

09/30/2010

A density of 8.34 lbs/gal is assumed when the unit of measure is gallons, yards, or liters

Quantity and Unit Tons Mgmt Method Waste Code(s)

OHD004279204 EFTEC NORTH AMERICA LLC

02/25/2009

005384439JJK

Petro Chem

MID980615298	5 ✓ P	0.00	H141	D001					
MID980615298	350 P	0.18	H141	D001					
MID980615298	200 ✓ P	0.10	H141	U044	U069	D022			
MID980615298	100 ✓ P	0.05	H141	D002	D001				
MID980615298	250 P	0.13	H141	D002					
MID980615298	200 ✓ P	0.10	H141	D001					
MID980615298	400 P	0.20	H141	D001					
MID980615298	300 ✓ P	0.15	H141	U003	U213	U154	U057	U161	U140
MID980615298	10 ✓ P	0.01	H141	U012					
MID980615298	⑩ 5 ✓ P	0.00	H141	D002					
MID980615298	150 ✓ P	0.08	H141	U154	U213	D001			

02/27/2009

005384437JJK

MID980615298	(55 ✓ G)	0.23	H061	D001					
MID980615298	220 ✓ G	0.92	H141	D001					
MID980615298	(110 ✓ G)	0.46	H141	D001		D035			

06/15/2009

005295718JJK

MID980615298	(2365 ✓ G)	9.86	H061	D001					
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06/22/2009

005294739JJK

MID980615298	6678 ✓ P	3.34	H061	D001					
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Total Tons for Generator 15.79