



State of Ohio Environmental Protection Agency

STREET ADDRESS:

MAILING 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

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

August 1, 2008

JOE FREDLE
DAC ENTERPRISES (USEPA)
25089 CENTER RIDGE RD
WESTLAKE, OH 44145

Re: 2007 Hazardous Waste Annual Report Requirement
DAC ENTERPRISES (USEPA), WARREN, OH ~~D004470597~~

eval 003

enf 002



Dear JOE FREDLE:

My review of customer data from Ohio Treatment, Storage, and Disposal Facilities (TSDFs) and manifest data from Michigan's Department of Environmental Quality has revealed that one or more shipments of hazardous waste were received from DAC ENTERPRISES (USEPA) during the 2007 calendar year. The amounts reported, 13.23 tons and 2.92 tons respectively for a total of 16.15 tons, indicate that this site was a large quantity generator in 2007. Enclosed is a printout of the Ohio shipment information. The Michigan shipment information came from manifest #002890045JJK. Because I have not received a Hazardous Waste Annual Report for 2007, DAC ENTERPRISES (USEPA) 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. In the case of DAC Enterprises, US EPA or its contractor are obligated to follow RCRA reporting requirements when removing wastes from a remedial cleanup site, as described in the memos and fact sheet enclosed.

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, DAC ENTERPRISES (USEPA) 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

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

Compliance Assurance Section for consideration of escalated enforcement. The reporting forms and instructions are on our Web site at http://www.epa.state.oh.us/dhwm/ann_report.html.

DAC ENTERPRISES (USEPA) 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 DAC ENTERPRISES (USEPA) 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 DAC ENTERPRISES (USEPA) 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 TSDs or MI DEQ 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
Environmental Specialist 2
Regulatory and Information Services
Ohio EPA - Division of Hazardous Waste Management
maryann.silagy@epa.state.oh.us

enclosures

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.

>>> <oleary.jim@epamail.epa.gov> 7/15/2008 2:35 PM >>>

Per your request, below is the info sent by someone I know in OSTRI. He and his boss are meeting this afternoon to talk about next steps. Hopefully, I'll be included in their next steps. Take care.

Jim O'Leary
EPA, Office of Solid Waste
Hazardous Waste Identification Division
Telephone: (703) 308-8827
Fax: (703) 308-0514
E-mail:oleary.jim@epa.gov

----- Forwarded by Jim OLeary/DC/USEPA/US on 07/15/2008 02:31 PM -----

From William Dalebout/DC/USEPA/US
To Jim OLeary/DC/USEPA/US@EPA
07/10/2008 06:01 PM

Subject Fw: Off site rule info

Jim,

Sorry for the delay. The fact sheet below I think partially answers your question in that the identified site has to be RCRA compliant. Additionally, under the "Who is affected" section it reads, "Persons who must comply with the OSR include anyone who, through a CERCLA-authorized or CERCLA-funded removal or remedial action, wants to transfer CERCLA wastes from the cleanup site to any U.S. off-site facility." I think this addresses your question that EPA or its contractor would be obligated to follow RCRA requirements.

I will be out of the office tomorrow, so if there are any questions, I will be back on Monday.

Best,
Billy

William Dalebout
Summer Intern
EPA/OSWER/OSRTI/BPEB
703-603-8849

----- Forwarded by William Dalebout/DC/USEPA/US on 07/10/2008 05:41 PM-----

From Phyllis Anderson/DC/USEPA/US
To William Dalebout/DC/USEPA/US@EPA
07/10/2008 05:19 PM

Subject Off site rule info

OFF-SITE RULE FACT SHEET

What is the Off-Site Rule?

Section 121(d)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) applies to any CERCLA response action involving the off-site transfer of any hazardous substance, pollutant or contaminant (CERCLA wastes). That section requires that CERCLA wastes may only be placed in a facility

operating in compliance with the Resource Conservation and Recovery Act (RCRA) or other applicable Federal or State requirements. That section further prohibits the transfer of CERCLA wastes to a land disposal facility that is releasing contaminants into the environment, and requires that any releases from other waste management units must be controlled. These principles are interpreted in the Off-Site Rule (OSR), set forth in the National Contingency Plan (NCP), at 40 CFR 300.440. The purpose of the OSR is to avoid having CERCLA wastes from response actions authorized or funded under CERCLA contribute to present or future environmental problems by directing these wastes to management units determined to be environmentally sound (preamble to final OSR, 58 FR 49200, 49201, Sept. 22, 1993).

The OSR establishes the criteria and procedures for determining whether facilities are acceptable for the receipt of CERCLA wastes from response actions authorized or funded under CERCLA. The OSR establishes compliance criteria and release criteria, and establishes a process for determining whether facilities are acceptable based on those criteria. The OSR also establishes procedures for notification of unacceptability, reconsideration of unacceptability determinations, and re-evaluation of unacceptability determinations.

What Actions are Affected?

The OSR applies to any remedial or removal action involving the off-site transfer of any hazardous substance, or pollutant or contaminant (CERCLA wastes) that is conducted by EPA, States, private parties, or other Federal agencies, if the action is Fund-financed or is taken pursuant to any CERCLA legal authority. Included are cleanups at Federal facilities under section 120 of CERCLA, and cleanups under section 311 of the Clean Water Act (CWA), except for cleanup of certain petroleum materials that are exempt under CERCLA. Applicability extends to those actions taken jointly under CERCLA and another authority. The OSR applies only to those actions being taken under a CERCLA authority or using CERCLA funds (e.g., actions taken under a CERCLA order or agreement or funded by CERCLA). Thus, if no CERCLA funds or authorities are involved, or if the waste is not a CERCLA waste, the OSR does not apply.

What Wastes Are Affected?

The term "CERCLA wastes" includes any CERCLA "hazardous substance" or "pollutant or contaminant" (40 CFR 300.440(a)(1)). If the wastes fall outside this definition, the OSR does not apply.

Who is Affected?

Persons who must comply with the OSR include anyone who, through a CERCLA-authorized or CERCLA-funded removal or remedial action, wants to transfer CERCLA wastes from the cleanup site to any U.S. off-site facility. These facilities include, but are not limited to, treatment, storage, or disposal (TSD) facilities that are regulated under RCRA, TSCA, or any other applicable Federal or State environmental law.

Who Should I Contact for More Information?

For more information about the Off-Site Rule, or to inquire about the status of a particular facility under the Off-Site Rule, view the listing, by EPA Region, of the Regional Off-Site Contacts (ROCs).

Phyllis Anderson
Associate Director
Assessment and Remediation Division
Office of Superfund Remediation and Technology Innovation
U.S. Environmental Protection Agency
703/603-8971

Generator Facility

Generator US EPA ID: OHD004470597
 Generator Name: DAC Enterprises
 Address: 1301 Pine Ave SE
 Warren, OH 44481-
 Total Tons Shipped: 13.23

Receiving Facility

US EPA ID: OHD066060609
 Name: Chemtron Corp
 Customer Name: USEPA/DAC ENTERPRISES
 Customer Address: 1301 PINE AVE SE
 WARREN, OH 44484-

Waste Description: HYDROCHLORIC ACID	Page: 6259	Subpage: 1
System Type: H141 Form: W103 Quantity: 74.00 G Density: 1.29 S.G.		
D002		
Waste Description: SOLVENT AND WATER	Page: 6260	Subpage: 3
System Type: H129 Form: W002 Quantity: 70.00 P Density: 1 S.G.		
D002		
Waste Description: SOLVENT AND WATER	Page: 6260	Subpage: 2
System Type: H061 Form: W219 Quantity: 2700.00 G Density: 1.02 S.G.		
D035 F005 D001 F003		
Waste Description: PAINT IN CANS	Page: 6260	Subpage: 1
System Type: H141 Form: W209 Quantity: 2628.00 P Density: 1 S.G.		
D035 D001		

3298	OHD004469847	MID985558021	000488245GBF	12/07/07	2	L	H141	D001	
3299	OHD004469847	MID985558021	000488245GBF	12/07/07	160	G	H141	029L	
3300	OHD004469847	MID985558021	000488245GBF	12/07/07	1850	P	H141	029L	
3301	OHD004470597	MID048090633	002890044JJK	11/08/07	9373	K	H132	PCB1	
3302	OHD004470597	MID980991566	002890045JJK	11/08/07	700	G	H141	D001	
3303	OHD004470597	MID048090633	000628532FLE	11/09/07	10145	K	H132	PCB1	
3304	OHD004477634	MID980615298	003369169JJK	08/15/07	165	G	H061	D001	D035
3305	OHD004495412	MID648090633	002060954JJK	02/01/07	6400	P	H132	F002	
3306	OHD004495495	MID000724831	001587578FLE	05/29/07	25	Y	H111	D007	D010
3307	OHD004495495	MID980991566	001587937FLE	07/10/07	15	Y	H111	D007	

