



State of Ohio Environmental Protection Agency

STREET ADDRESS:

MAILING ADDRESS:

Lazarus Government Center  
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Columbus, Ohio 43215

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

January 11, 2007

Mr. Edward Green  
Vice-President of Operations  
~~Toxco Inc.~~  
8090 Lancaster-Newark Rd  
Baltimore, OH 43105

Re: Notification of Failure to Comply with Hazardous Waste Annual Report Requirement - ~~(OHD071654958, Lancaster Facility)~~

Dear Mr. Green:

Toxco is a Destination Facility for Universal Waste (UW) and has a Part B, and is subject to the Facility Report requirement of Ohio Administrative Code (OAC) rule 3745-54-75 as referenced in OAC rule 3745-273-60(A). Because DHWM did not receive Waste Receipt forms as part of the 2005 Facility Report (commonly referred to as the Hazardous Waste Annual Report or HWAR) from Toxco, you are in violation of OAC rule 3745-54-75.

Toxco's 2005 electronically-submitted HWAR contained the Site Identification form, three Generation and Management (GM) forms, seven Off-site Installation (OI) forms, one Process System (PS) form with 0 as a quantity, and no Waste Receipt (WR) forms. The 2005 HWAR must include the regulated activities from January 1, 2005, to December 31, 2005. (The Universal Waste Destination Facility rules were effective on 12/7/2004.) Refer to the enclosed flow chart to determine when a UW with hazardous characteristics should be reported on the WR form and what management method codes to list on customer manifests and the HWAR.

Toxco must complete and submit the WR forms on paper 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. If amendments or additions to the GM forms are needed, submit that information as well. If none of the UW received from 1/1/2005 to 12/31/2005 was handled in a manner that requires WR reporting, please state this in your response.

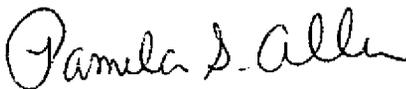
Ted Strickland, Governor  
Lee Fisher, Lieutenant Governor  
Laura H. Powell, Acting Director

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Toxco Inc.  
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A letter that acknowledges receipt of your Notice of Violation response will be sent to you once it is processed. Your prompt attention to this matter would be appreciated. Please note that Toxco's 2006 HWAR due on March 1, 2007, also needs to include waste receipts for UW that was handled in a manner which requires reporting.

For assistance with the software or the reporting forms themselves, contact Tammy Heffelfinger, Annual Report Coordinator, at 614-644-2954 or via e-mail send to [tammy.heffelfinger@epa.state.oh.us](mailto:tammy.heffelfinger@epa.state.oh.us). For technical assistance on what qualifies for reporting, refer to the flow chart or contact Jeff Mayhugh of the Regulatory Support Unit at 614-644-2950 or via e-mail sent to [jeff.mayhugh@epa.state.oh.us](mailto:jeff.mayhugh@epa.state.oh.us).

Sincerely,



Pamela S. Allen, Manager  
Regulatory & Information Services Section  
Division of Hazardous Waste Management

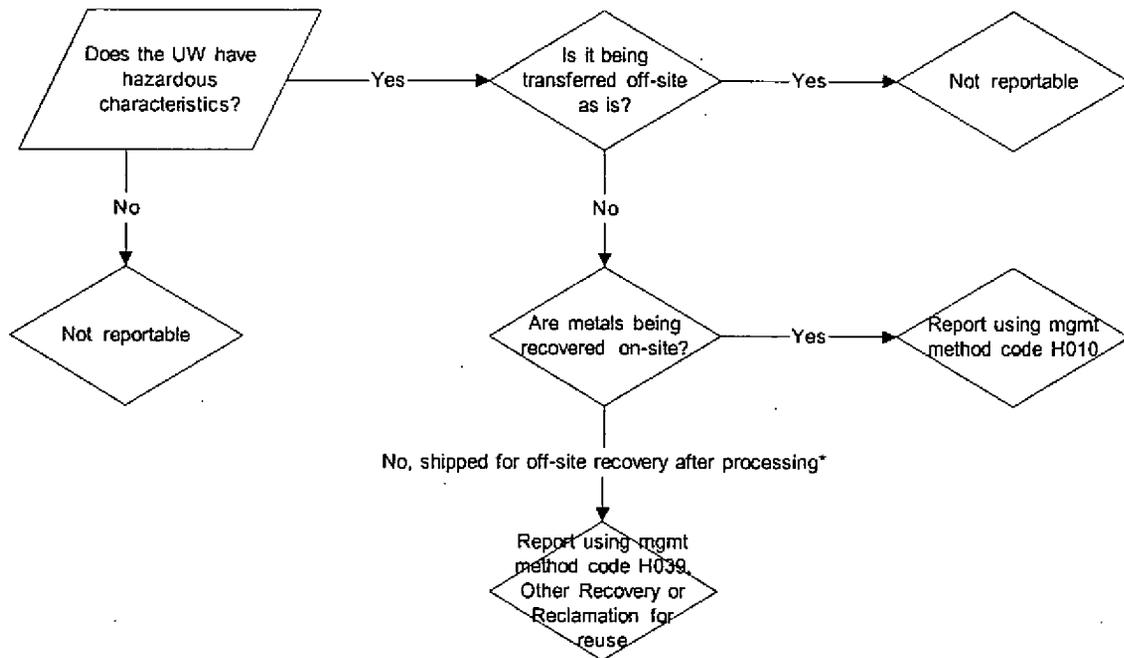
Enclosure

ec: Tammy Heffelfinger, DHWM-CO  
Jeff Mayhugh, DHWM-CO  
Elizabeth Lamerson, DHWM-CDO



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**Decision flowchart for waste receipt reporting by UW Destination Facilities with a Part B**



\*Processing includes activities such as crushing or cracking.

The Destination Facility will be a generator of HW if there are HW residuals from the recovery process. If the Facility is a LQG they must submit GM forms as part of the report. Residuals from processing UW are reported with a Source Code of G27 on a GM form.

