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

October 18, 2010

Robert Leighty
THERMOSEAL INC
2350 CAMPBELL RD
SIDNEY, OH 45365

Re: 2009 Hazardous Waste Annual Report Requirement – Notice of Violation THERMOSEAL INC, SIDNEY - OHD076366111

Dear Robert Leighty:

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 THERMOSEAL INC to receiving facilities in Michigan during the 2009 calendar year. The total amount reported is approximately 24.00 tons as shown on the enclosed printout. This total indicates that THERMOSEAL INC was a large quantity generator in 2009. Because I have not received a Hazardous Waste Annual Report for 2009, THERMOSEAL INC 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, THERMOSEAL INC 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.

THERMOSEAL INC 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 THERMOSEAL INC 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 THERMOSEAL INC 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

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

enclosures

cc: Central File
DHWM, 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)
OHD076366111 THERMOSEAL INC					
04/28/2009					
006184145JJK					
MID000724831	12	T	12.00	H075	U220
04/29/2009					
006184146JJK					
MID000724831	12	T	12.00	H075	U220
Total Tons for Generator				**24.00**	