



State of Ohio Environmental Protection Agency

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April 25, 2007

Mr. Michael Resar
Ferro Corporation
1636 Wayside Rd
Cleveland, Ohio 44112

**Re: Notice of Violation of the 2006 Hazardous Waste Annual Report Requirement / Return to Compliance
(Ferro Corp. - OHD077783603)**

Dear Mr. Resar:

The Division of Hazardous Waste Management (DHWM) has received your 2006 Hazardous Waste Annual Report on February 9, 2007. My review of this report shows that it is not accurate. Ohio Administrative Code (OAC) Rule 3745-52-41 requires a generator who ships any hazardous waste off-site to prepare and submit to Ohio EPA a Hazardous Waste Annual Report and to describe the type and amounts of waste generated and shipped off-site in the previous calendar year. Because your submittal does not contain accurate data required by the rule, you are in violation. Please see the reverse side of this letter for the specific information that is missing from your report.

I have made the corrections to your report to abate the violation of OAC Rule 3745-52-41. Please review the changes made and confirm that they are accurate. If there are not, please notify me as to what they should be. You should have on file the manifest records necessary for reference. 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. I would like to remind you that the validation report in the software program that you used to complete the forms notifies you of critically wrong data you have entered. The software would have prevented you from submitting this report electronically as is. Even if you choose not to submit electronically, you can still run a validation report to check for errors. If you have questions concerning the annual report requirements, you can reach me at (614) 644-2954 or tammy.heffelfinger@epa.state.oh.us.

Sincerely,

Tammy Heffelfinger
Annual Report Coordinator
Regulatory and Information Services
Division of Hazardous Waste Management

cc: (Central File)
ec: DHWM, NEDO

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Lee Fisher, Lieutenant Governor
Chris Korleski, Director

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Violation OAC 3745-52-41(A)(5)

GM pages 1 and 3 list EQ Industrial Services as the receiver of these hazardous wastes. That ID number for EQ is for transportation services only, and they are marked as such on your OI Form. You list Michigan Disposal Waste Treatment Plant as a receiving facility on the OI Form, but they do not appear on any GM Form, so I have changed the ID number for the receiver on GM pages 1 and 3 to reflect Michigan Disposal Waste Treatment Plant as the receiver of these wastes. Please confirm that this is accurate, and let me know if it is not.

Concern

GM page 4 lists 600 P of "Octyl Acid phosphate..." being shipped to Chemical Solvents during 2006. Chemical Solvents does not report receiving this waste from you. Can you provide me with a copy of the manifest for this waste stream so that I can confirm it with them? You can scan it and e-mail it back to me, or you can also send it by fax or mail. I expect to receive this information within 30 days of your receipt of this letter.

Additional corrections

I have changed the Management Method Code for Chemical Solvents on GM page 4 to H141 (they do not incinerate (H040) hazardous waste) and to H141 on GM page 6 per their report of how they managed this waste.

I have corrected the EPA ID number for EQ on the OI Form to read MI0000263871.

Fax : (614)728-1245

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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.