

005/007



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

August 19, 2008

Mr. David Rabbe
President
Tierra Solutions, Inc.
Two Tower Center Blvd.
East Brunswick, New Jersey 08816

**Re: Partial Return to Compliance - Hazardous Waste Annual Reports
Tierra Solutions Inc., Painesville Works - OHD981781727
Tierra Solutions Inc., One Acre Site - OHD986974681**

Dear Mr. Rabbe:

On August 11, 2008, the Division of Hazardous Waste Management (DHWM) received from Paul Dugas the 2007 Hazardous Waste Annual Reports for the two sites listed above. On August 15, 2008, DHWM received Hazardous Waste Annual Reports for the Painesville Works for the years 2004, 2005, 2006. These reports were submitted in response to a Notice of Violation letter from me dated July 21, 2008, which stated that Tierra Solutions needed to file the reports for 2007, and that violations were still pending for the years 2004-2006 for the Painesville Works.

The reports have the following deficiencies:

OHD981781727

2004:

- 1) GM page 6 – no density or density unit of measure was provided.
- 2) GM page 10 – Chemtron's data listed the unit of measure as 404 gallons and not 404 pounds. Which is correct?
- 3) No transporters are listed on the Form OI, which is a violation of Ohio Administrative Code (OAC) rule 3745-52-41(A)(4)

2005:

- 1) No transporters are listed on the Form OI.

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

2006:

- 1) No transporters are listed on the Form OI. (A)(4)
- 2) According to the 2006 manifest data provided to Ohio EPA by Michigan DEQ, which was enclosed with the July 21 letter, 408 tons of hazardous waste were shipped to Michigan by OHD981781727. There are no shipments to Michigan in the report. Failing to include all hazardous waste shipped off-site is a violation of OAC rules 3745-52-41(A)(3) and (A)(5).

2007: No transporters are listed on the Form OI.

OHD986974681

2007: No transporters are listed on the Form OI. (A)(4)

Please provide the missing information by sending amended or additional forms as appropriate. Please note that DHWM must send final 2007 data to U.S. EPA no later than September 15, 2008.

If you have any questions, please contact me at (614) 644-2923.

Sincerely,

Paula Canter

Paula Canter
Environmental Specialist 3
Regulatory and Information Services
Division of Hazardous Waste Management
paula.canter@epa.state.oh.us

cc: Central File
Karen Nesbit, DHWM, NEDO

ec: Paul Dugas

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.