



State of Ohio Environmental Protection Agency

STREET ADDRESS:

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Columbus, OH 43216-1049

September 23, 2009

PAUL LEWANDOWSKI
BETCO CORPORATION PLANT 3
1001 BROWN AVE
P O BOX 3127
TOLEDO, OH 43607

**Re: 2008 Hazardous Waste Annual Report Requirement – Notice of Violation
BETCO CORPORATION PLANT 3, TOLEDO - OHR000041210**

Dear PAUL LEWANDOWSKI:

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 BETCO CORPORATION PLANT 3 to receiving facilities in Michigan during the 2008 calendar year. The total amount reported is approximately 22 tons as shown on the enclosed printout. This total indicates that BETCO CORPORATION PLANT 3 was a large quantity generator in 2008. Because I have not received a Hazardous Waste Annual Report for 2008, BETCO CORPORATION PLANT 3 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. It may take only one month of generating above the threshold quantity to subject a site to the Annual Report requirement. The generator is responsible for contacting Ohio EPA or visiting our web site noted below to obtain the reporting forms.

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, BETCO CORPORATION PLANT 3 must complete and submit to Ohio EPA a 2008 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 Compliance Assurance Section for consideration of escalated enforcement. You may access the reporting forms and instructions on our website at http://www.epa.ohio.gov/dhwm/ann_report.aspx

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

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10/14/10

BETCO CORPORATION PLANT 3 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 BETCO CORPORATION PLANT 3 was not a large quantity generator in 2008, documentation must be submitted to this office within 30 days of receipt of this letter. This documentation must show that BETCO CORPORATION PLANT 3 did not generate more than the threshold quantity of hazardous waste in any month during 2008. 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. Your prompt attention to this matter is appreciated.

Sincerely,



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

enclosure

cc: Central File
DHWM, NWDO

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.

2008 Michigan Manifest Data for Ohio Generators

09/10/2009

Handler names are from RCRAInfo

8.34 lbs/gal density assumed

Quantity and Unit Tons Mgmt Method Waste Code(s)

OHR000041210 BETCO CORPORATION PLANT 3

03/20/2008

000466416GBF

MID985568021 35 G 0.15 H141 D001 D002

05/16/2008

000399428JJK

MID980615298 1250 G 5.21 H141 D002
 MID980615298 66 G 0.28 H141 D002
 MID980615298 55 G 0.23 H141 D002

05/19/2008

000399424JJK

MID980615298 250 G 1.04 H141 D002
 MID980615298 20 G 0.08 H061 D001
 MID980615298 275 G 1.15 H061 D001
 MID980615298 110 G 0.46 H061 D001

000399425JJK

MID980615298 55 G 0.23 H141 D001 D003
 MID980615298 55 G 0.23 H141 D001

000399426JJK

MID980615298 500 P 0.25 H141 D001
 MID980615298 250 G 1.04 H061 D001
 MID980615298 270 G 1.13 H061 D001
 MID980615298 25 G 0.10 H061 D001

11/25/2008

003989511JJK

MID980991566 275 G 1.15 H111 D002

12/03/2008

003989512JJK

MID980615298 55 G 0.23 H141 U028
 MID980615298 22 G 0.09 H141 D001
 MID980615298 15 G 0.06 H141 D001
 MID980615298 130 G 0.54 H141 D001

003989513JJK

MID980615298 1650 G 6.88 H141 D001
 MID980615298 15 G 0.06 H061 D001

12/24/2008

003989581JJK

MID980615298 53 G 0.22 H141 D001
 MID980615298 10 G 0.04 H141 D001
 MID980615298 275 G 1.15 H061 D001

Total Tons for Generator 22.00

OK
 AR 4166 6545 141 ok 3721
 1240 - 061 ✓ 1240
 1240