



State of Ohio Environmental Protection Agency

Northeast District Office

2110 East Aurora Rd.  
Twinsburg, Ohio 44087

TELE: (330) 963-1200 FAX: (330) 487-0769  
www.epa.state.oh.us

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

January 15, 2009

RE: BASF CATALYSTS LLC  
OHD 004 203 519/#02-47-0028  
LORAIN COUNTY  
NOV

Jeff Roberts  
BASF Catalysts LLC  
120 Pine Street  
Elyria, OH 44036

Dear Mr. Roberts:

On December 31, 2008, the Ohio Environmental Protection Agency (Ohio EPA), issued a hazardous waste facility installation and operation permit renewal to BASF Catalysts, LLC and Harshaw Chemical Company. A review of this permit and a recent change of ownership at the facility has revealed the following violation and concern.

1. Transfer of Permits, Permit Condition A.18(a):  
OAC Rules 3745-50-52, 3745-50-58(L)(3) and 3745-54-12

The permit may be transferred to a new owner or operator only if such transfer is conducted in accordance with ORC Chapter 3734 and the rules adopted thereunder. The permit may be transferred by the Permittee to a new owner or operator only if the permit has been modified under OAC Rule 3745-50-51.

A hazardous waste facility installation and operation permit may be transferred by the permittee to a new owner only if the permit has been modified, under 3745-50-52(C), to identify the new permittee and incorporate such other requirements as may be necessary under applicable law. BASF Corporation failed to submit a revised permit application to the director no later than 90 days prior to the scheduled change in the owner of the facility.

The permit was issued to BASF Catalysts, LLC and Harshaw Chemical Company as co-owners. The current owner of the property is BASF Corporation. This transfer of ownership of the facility constitutes a transfer for which a permit modification is required.

**In order to abate this violation, BASF Corporation must submit a permit modification that includes a revised RCRA Subtitle C Site Identification Form indicating that BASF Corporation is the new owner of the facility. In addition, BASF Corporation must demonstrate compliance with the applicable requirements of OAC rules 3745-55-40 to 3745-55-51.**

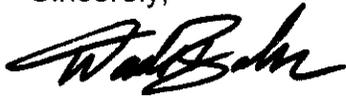
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2. Environmental Covenant, Permit Condition E.4(a)(3):  
The permittee is required to enter into an environmental covenant with the Ohio EPA to restrict use of the facility to only industrial purposes.

**Please notify Ohio EPA when the requested information (proposed environmental covenant language and research on all encumbrances) will be submitted.**

Please submit the requested information within 30 days of the date of this letter. Should you have any questions, please feel free to call me at (330) 963-1278. You can find copies of the rules and other information on the DHWM's web page at <http://www.epa.state.oh.us/dhwm>.

Sincerely,



Wade Balsler  
District Representative  
Division of Hazardous Waste Management

WB:ddw

ec: Niall McKenna, DHWM, NEDO  
cc: Ed Lim, DHWM, CO  
Shawn Sellers, DHWM, CO