



State of Ohio Environmental Protection Agency

Northeast District Office

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

April 27, 2009

Judy Trader
Health, Safety & Environmental Manager
The Euclid Chemical Company
19218 Redwood Rd.
Cleveland, OH 44110-2799

RE: THE EUCLID CHEMICAL CO., CUYAHOGA COUNTY, OHD004201042, NOV

Dear Ms. Trader:

On March 12, 2009, this writer received The Euclid Chemical Company's (EUCO) response (dated March 10, 2009) to Ohio EPA's February 2, 2009 letter. EUCO previously abated violations one through seven as appearing in Ohio EPA's February 2, 2009 letter. As requested by Ohio EPA, on April 22, 2009, EUCO submitted additional information concerning the facility's material return process.

Based on the January 6, January 14 and February 3, 2009 inspections and information submitted concerning EUCO's material return process, Ohio EPA identified the following violation:

Ohio Revised Code § 3734.02(E)&(F), Unlawful Storage of Hazardous Waste:

ORC § 3734.02(E) - Except as provided in division (E)(3) of this section, no person shall establish or operate a hazardous waste facility, or use a solid waste facility for the storage, treatment, or disposal of any hazardous waste, without a hazardous waste facility installation and operation permit issued in accordance with ORC § 3734.05.
ORC § 3734.02(F) - No person shall store, treat or dispose of hazardous waste identified or listed under this chapter and rules adopted under it or transport or cause to be transported any hazardous waste identified or listed under this chapter and rules adopted under ... except to a facility operating under a hazardous waste facility installation and operation permit.

On multiple occasions in 2007 and 2008, EUCO received hazardous wastes from its customers when the products being returned were not recycled (i.e., reworked or repackaged and ultimately resold). Instead, the products were designated as scrap (e.g., due to shelf life) and later disposed as hazardous waste.

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As previously identified by Ohio EPA, when there is no reasonable expectation that the product will be recycled, the materials must be managed as wastes. If the materials are hazardous wastes, they must be managed in accordance with the applicable hazardous waste regulations; including manifesting, storing and transporting. Additionally, the waste must be managed as a hazardous waste from the point of generation.

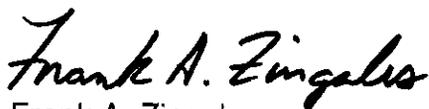
EUCO's March 10, 2009 response included a revised Return Process policy and Product Return form. The Return Process policy included procedures to prevent hazardous, non-recyclable materials from being shipped to the EUCO facility. **Based upon these revisions and procedures, no further information is requested to address this violation at this time.**

Since EUCO has violated ORC § 3734.02(E)&(F), your facility is subject to all applicable general facility standards found in Ohio Administrative Code Chapters 3745-54 and 3745-55. Additionally, at any time Ohio EPA may assert its right to have you begin facility-wide cleanup pursuant to the Corrective Action process under Ohio law.

Please be aware that present or past instances of non-compliance may continue as subjects of pending or future enforcement actions. Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve EUCO from having to comply with all applicable regulations.

Should you have any questions, please contact me at (330) 963-1108.

Sincerely,



Frank A. Zingales
Environmental Specialist
Division of Hazardous Waste Management

FAZ:ddw

ec: Harry Sarvis, DHWM, CO
Nyali McKenna, DHWM, NEDO