



State of Ohio Environmental Protection Agency

Northeast District Office

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Ted Strickland, Governor
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Chris Korleski, Director

March 13, 2007

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Prashant Carvalho
Poly Carb
33095 Bainbridge Rd.
Solon, OH 44139

**RE: POLY-CARB, OHD 074 550 096, CUYAHOGA COUNTY, RCRA/SQG COMPLIANCE
EVALUATION INSPECTION, PARTIAL RETURN TO COMPLIANCE**

Dear Mr. Carvalho:

Thank you for your February 16, 2007 response to Ohio EPA's January 19, 2007 Partial Return to Compliance letter. You submitted information and documentation including:

- A copy of the amended emergency information updated to include the location of the fire extinguishers and spill control equipment.
- A copy of hazardous waste manifest #P0609 to Safety Kleen, dated June 9, 2005 and a copy of the corrected corresponding Land Disposal Restriction (LDR) form.
- A copy of hazardous waste manifest #P0725 to Safety Kleen, dated July 25, 2005 and a copy of the corrected corresponding LDR form.

Ohio EPA's review of this documentation reveals that Poly-Carb has demonstrated abatement of the following violations cited in Ohio EPA's August 22, 2006 NOV letter.

OAC Rule 3745-52-34(D)(5)(b) Emergency Information

**OAC Rule 3745-270-07 Testing, Tracking, and Record keeping Requirements for
Generators, Treaters, and Disposal Facilities**

Poly-Carb remains in violation of the following hazardous waste regulations:

1. **Ohio Revised Code (ORC) § 3734.02(E) and (F) storage of hazardous waste without a facility installation and operation permit:**

By letter dated November 27, 2006 Poly-Carb submitted to this office an updated version of the Excel spreadsheet referenced in Violation #2A cited in Ohio EPA's August 22, 2006 Notice of Violation letter. This documentation reveals that five (5) containers of hazardous waste observed on site at the time of the July 13, 2006 inspection, have been on site since 2004. Documentation received during a follow-up inspection performed at the facility by Ohio EPA on December 20, 2006 indicates that the five containers of hazardous waste were shipped off site to Perma-Fix in Dayton, Ohio on December 18, 2006.

Therefore, Poly-Carb has stored hazardous waste on site for at least 745 days while operating as a SQG without a valid hazardous waste permit.

Documentation received during a follow-up inspection performed at the facility by Ohio EPA on December 20, 2006 demonstrates that the containers of hazardous waste were shipped off site to Perma-Fix in Dayton, Ohio on December 18, 2006. No further action is required at this time.

2. **Ohio Revised Code (ORC) § 3734.02(F) Causing A Hazardous Waste To Be Transported To An Unpermitted Facility and associated violations of OAC rules:**

By letter dated November 27, 2006, Poly-Carb submitted a protocol for the characterization of waste generated at the facility. During a follow-up inspection on December 20, 2006, Ohio EPA received analytical data performed both at the Poly-Carb facility and an outside lab to verify waste stream characterizations.

No further action is required at this time.

Since Poly-Carb violated ORC §3734.02(E) and (F), Poly-Carb is subject to all applicable general facility standards found in OAC chapters 3745-54 and 55. Additionally, at any time Ohio EPA may assert its right to have Poly-Carb begin facility-wide cleanup pursuant to the Corrective Action process under Ohio law.

Failure to list specific deficiencies in this communication does not relieve Poly-Carb from the responsibility of complying with all applicable hazardous waste regulations. This letter does not relieve Poly-Carb from liability for any past or present violations of the state's hazardous waste laws.

Should you have any questions, please feel free to call me at (330) 963-1181.

Sincerely,



Suzanne Prusnek
Environmental Specialist
Division of Hazardous Waste Management

SP:ddw

ec: Frank Popotnik, DHWM, NEDO, OEPA
Todd Anderson, DHWM, CO, OEPA
cc: Natalie Oryshkewych, DHWM, NEDO, OEPA