



State of Ohio Environmental Protection Agency

Northeast District Office

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Bob Taft, Governor
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Joseph P. Koncelik, Director

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

January 8, 2007

Charles Fath
Vice President
Troy Manufacturing Company, Inc.
17090 Rapids Road
Burton, OH 44021

**RE: TROY MANUFACTURING COMPANY, INC., OHD004178356, GEAUGA COUNTY
RCRA/LQG, COMPLIANCE EVALUATION INSPECTION
PARTIAL RETURN TO COMPLIANCE**

Dear Mr. Fath:

Thank you for your December 20, 2006 response from Envirotek to Ohio EPA's November 6, 2006 Partial Return to Compliance letter. You submitted information and documentation including:

- A statement indicating that the plan to use a new evaporator system in order to qualify for regulatory exemption, has been abandoned.
- A statement that Troy has contacted a qualified engineer to perform the requisite hazardous waste tank assessment in accordance with OAC 3745-66-92.
- A copy of the Curriculum Vitae for Joseph A. Nyzen, P.E., R.A.
- A statement indicating that the room, in which the hazardous waste tanks are located, will serve as an adequate secondary containment system.
- A copy of a fax to Envirotek regarding another engineer, Felix L. Theys, that Troy has been in contact with regarding the hazardous waste tank system assessment.

My review of this documentation reveals that Troy remains in violation of the following hazardous waste violations cited in Ohio EPA's November 6, 2006 Partial Return to Compliance letter:

OAC 3745-66-92 A)(B)(D)(E)(F) Design and installation of new tank systems and components

OAC 3745-66-93 Containment and detection of releases

OAC 3745-66-95 Tank Inspections

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To abate these violations, Troy must submit to this office a written assessment of the hazardous waste tank system (including secondary containment and ancillary equipment) reviewed and certified by an independent, qualified, registered professional engineer which meets the requirements of OAC 3745-66-92 and OAC 3745-66-93. Please include all documentation pertinent to the hazardous waste tank system such as engineering drawings, manufacturers specifications and technical information in order to facilitate review of the assessment by Ohio EPA's Engineering Unit.

Furthermore, Troy must also submit to this office at least two consecutive weeks of completed hazardous waste tank system inspection log sheets. A sample tank inspection log sheet was given to Fletcher Cummings at the time of the February 7, 2006 inspection.

Please submit all of the requested documentation to my attention within thirty (30) days of receipt of this letter demonstrating that all issues have been addressed.

Ohio EPA has the following comment:

By letter dated December 20, 2006, Troy submitted an inquiry regarding future modifications of OAC 3745-66-95 in accordance with the new federal rule changes as described in the April 4, 2006 Federal Register. Ohio EPA promulgates rules after U.S. EPA finalizes rules, therefore Ohio EPA rules will always lag behind the federal rules. At this time, Ohio EPA has not yet adopted the new federal rule changes referenced above. Speculation on which of the new rules or when they may be adopted is premature due to the lengthy review process involved.

To get the latest updates on recent rulemaking actions, Ohio EPA recommends subscribing to DHWM's Electronic News Service, found online at:

<http://www.epa.state.oh.us/dhwm/listserv.html>

Failure to list specific deficiencies in this communication does not relieve Troy from the responsibility of complying with all applicable hazardous waste regulations. This letter does not relieve Troy 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
Harry Sarvis, DHWM, CO, OEPA