



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 Korleski, Director

June 6, 2007

RE: UNIVERSAL MATERIALS, INC.  
OHD 980 792 600  
SUMMIT COUNTY  
CESSATION OF REGULATED  
OPERATIONS/NOTICE OF VIOLATION

Mark Tussing  
Owen's-Illinois  
One Michael Owen's Way  
Perrysburg, OH 43551-2999

**CERTIFIED MAIL**

Dear Mr. Tussing:

Thank you for your May 11, 2007 response to Ohio EPA's April 12, 2007 notice of violation. Your letter was received by this office on May 21, 2007. You explained that the Cessation of Regulated Operations issues cited in Ohio EPA's letter have been addressed as follows:

**1. Removal of refractory materials that spilled outside, behind the walls of the main refractory storage building.**

Owen's-Illinois/Universal Materials' response: these materials have been collected, characterized and removed off-site for proper disposal.

**2. Removal of refractory material that remains along the back edge and corners in at least one of the bays refractory storage building.**

Owen's-Illinois/Universal Materials' response: these materials have been collected, characterized and removed off-site for proper disposal.

**3. Removal of sludge material in the secondary containment structure where diesel fuel was stored.**

Owen's-Illinois/Universal Materials' response: these materials have been collected, characterized and removed off-site for proper disposal.

Please note that Ohio EPA must review all disposal documentation regarding these issues during the final inspection.

The following violation remains outstanding:

**1. Establishment of Unlawful Treatment, Storage, Disposal facility, or Transportation of Hazardous Waste ORC 3734.02(E) and (F)**

You stated the following in your response:

"UMI's operations have been the subject of multiple declarations by both US EPA and Ohio EPA that the bricks and refractory materials used in UMI's process were not wastes..."

Please note that according to the Definition of Waste in Ohio Administrative Code (OAC) rule 3745-51-02(B)(1) materials are wastes if they are disposed

UNIVERSAL MATERIALS, INC.  
JUNE 6, 2007  
PAGE - 2 -

The refractory materials managed at Universal Materials in the former outdoor mixing area that were released onto the ground meet the definition of "disposal" as found in OAC rule 3745-50-10. Since the material meets the definition of a waste and is characteristically hazardous for chromium as defined in OAC rule 3745-51-24, you have unlawfully disposed of a hazardous waste and created an unlawful hazardous waste facility.

Universal Materials shall demonstrate efforts towards abating this violation by submitting a closure plan as described in Ohio EPA's April 12, 2007 Notice of Violation. You have 15 days to respond to this letter. A response should be received by this office no later than June 25, 2007

Failure to list specific deficiencies or violations in this communication does not relieve Owen's-Illinois from the responsibility of complying with all applicable Ohio EPA laws and regulations. Please be advised that present or past instances of non-compliance can continue as subjects of pending or future enforcement actions.

Please feel free to contact me at (330) 963-1170 if you have any questions.

Sincerely,



Edward J. D'Amato  
Environmental Specialist  
Division of Hazardous Waste Management

EJD:ddw

cc: Ralph McGinnis, DHWM, CO  
Harry Sarvis, DHWM, CO  
Jeremy Carroll, DHWM, CO  
ec: Frank Popotnik, DHWM, NEDO  
Robert Almquist, DHWM, NEDO  
John Palmer, DHWM, NEDO