



State of Ohio Environmental Protection Agency

Northeast District Office

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**CERTIFIED MAIL**

May 6, 2010

Mr. Patrick Oberth  
Facility Manager  
Vexor Technology, Inc.  
955 W. Smith Rd.  
Medina, OH 44256

**RE: VEXOR TECHNOLOGY, OHD077772895, MEDINA COUNTY, NOV**

Dear Mr. Oberth:

Vexor Technology, Inc. (Vexor), located at 955 West Smith Road in Medina, operates a waste processing facility and engages in the management of used oil and universal wastes. On October 23, 2006, Vexor entered into Director's Final Findings and Orders (DFFOs) with the Ohio Environmental Protection Agency (Ohio EPA) to address previous hazardous waste violations. As part of the DFFOs, Vexor was required to implement a facility compliance plan (FCP) to address the receipt and management of wastes at the facility.

Ohio EPA has identified the following violations of Ohio's hazardous waste laws as found in Chapter 3734 of the Ohio Revised Code (ORC) and the rules promulgated thereunder in the Ohio Administrative Code (OAC).

**1. ORC § 3734.02(E)&(F), Establishment of an Unlawful Hazardous Waste Facility and Unlawful Storage and Treatment of Hazardous Waste:** (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. (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.

A. On March 31, 2010, Vexor Technology, Inc. (Vexor) accepted waste from an off-site generator (Vexor number 17936) as described on manifest number 32610, line item F. On April 7, 2010, Vexor placed the aforementioned waste into the facility's solidification pits. Upon mixing with other wastes, a reaction and fire occurred. The reaction and fire involved a 10-gallon container of Induclor (calcium hypochlorite) which is an oxidizing material. All wastes involved in the fire, including fire fighting water were solidified and later shipped to a solid waste disposal facility on April 8, 2010.

Pursuant to OAC 3745-51-21(A)(4), an oxidizing material is an ignitable (D001) hazardous waste. Vexor does not possess a hazardous waste facility installation and operation permit. Accordingly, Vexor violated ORC § 3734.02(E)&(F) through the unlawful storage and treatment of an ignitable hazardous waste.

B. On December 9, 2009, Vexor received and stored one, 55-gallon drum of ignitable hazardous waste which was not shipped off-site until December 28, 2009 to a permitted hazardous waste facility. Vexor exceeded the ten (10) business day timeframe for the rejection of off-specification wastes (i.e., hazardous wastes) as described under Chapter Four, Section II of the FCP.

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

To address this violation in part, Vexor must propose modifications to the FCP that will prevent the unlawful storage and treatment of hazardous waste, as well as a reoccurrence of the April 7, 2010 incident.

**2. ORC § 6111.07(A), No person shall violate or fail to perform any duty imposed by ORC §§ 6111.01 to 6111.08 and Permit to Install Number 02-20895:**

Vexor violated the terms of Permit to Install (PTI) Number 02-20895 issued in accordance with OAC rule 3745-42-02 and ORC Chapter 6111 by accepting for processing hazardous waste. Vexor's PTI application states the solidification system will be used only for the solidification of non-hazardous wastes and if any waste will be used as solidification agents, the waste will be non-hazardous. On March 31, 2010, Vexor accepted ignitable hazardous waste, as described in OAC rule 3745-51-21, and subsequently processed it through the solidification pits on April 7, 2010.

The acceptance and processing of the above mentioned hazardous waste is a violation of ORC Chapter 6111, OAC rule 3745-42-02 and PTI Number 02-20895. Please inform this office in writing with a description of the actions taken or proposed to prevent any further violations. Your response should include the dates, either actual or proposed, for completion of the actions.

**3. ORC § 3734.13(D), Violation of a Director's Order: No person shall violate any term or condition of any order issued under this section.**

Vexor violated Order No. 1 of the October 23, 2006 DFFOs through failing to implement the approved FCP. Specifically, Vexor failed to conduct compatibility testing on wastes as described under Chapter One, Section 6.0.2 of the FCP. Additionally, Vexor exceeded the 10 business day timeframe for the rejection of off-specification wastes (i.e., hazardous wastes) as described under Chapter Four, Section II. Specifically, on December 9, 2009, Vexor received and stored one, 55-gallon drum of ignitable hazardous waste which was not shipped off-site until December 28, 2009 to a permitted hazardous waste facility.

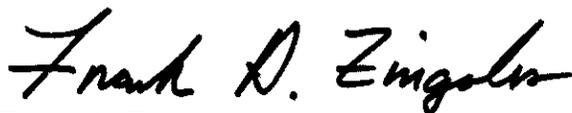
To address this violation in part, Vexor must implement all aspects of an approved FCP. Identify in writing the corrective actions taken to address this violation.

The above violations must be immediately addressed and all of the above requested documentation must be submitted to my attention at the Ohio EPA within 30 days of receipt of this letter.

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 Vexor 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: Todd Anderson, Legal, CO  
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