



Environmental
Protection Agency

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

Re: **Silgan Can Company**
OHR000029223
Henry County
DMWM, NWDO

August 16, 2011

Mr. Phillip Cesen
Silgan Can Company
12-773 State Route 110
Suite 101
Napoleon, Ohio 43545

Dear Mr. Cesen:

Thank you for sending the response to the Ohio Environmental Protection Agency's (Ohio EPA's) Notice of Violation (NOV) dated July 6, 2011. Silgan Can Company's (SCC's) response was received by Ohio EPA on August 4, 2011. The response included a cover letter, photographs, hazardous waste manifest, and land disposal restriction form.

My review of the submitted information reveals that SCC has addressed all violations discovered during the February 8, 2011, compliance evaluation inspection as outlined below. In an attempt to streamline this letter, details concerning previously abated violations or general concerns which have been addressed in previous correspondence have been omitted.

Violations:

1. **Ohio Administrative Code (OAC) Rule 3745-65-52(E), Content of Contingency Plan:** This violation is considered abated on February 8, 2011.
2. **OAC Rule 3745-52-11, Hazardous Waste Determination:**
 - a. **Water based waste from the coating line-**This violation is considered abated on March 28, 2011.
 - b. **Spent parts washer solvent-**This violation is considered abated on March 28, 2011.

3. **Ohio Revised Code (ORC) Section 3734.02 (F), Unlawful transportation of a hazardous waste:** "No person shall store, treat, or dispose of hazardous waste identified or listed under this chapter and rules adopted under it, regardless of whether generated on or off the premises where the waste is stored, treated, or disposed of, or transport or cause to be transported any hazardous waste identified or listed under this chapter and rules adopted under it to any other premises, except at or to any of the following: (1) A hazardous waste facility operating under a permit issued in accordance with this chapter; (2) A facility in another state operating under a license or permit issued in accordance with the "Resource Conservation and Recovery Act of 1976" 90 Stat. 2806, 42 U.S.C.A. 6921, as amended ..."

SCC caused a hazardous waste to be unlawfully transported to an unauthorized facility for disposal.

On August 4, 2011, Ohio EPA received documentation that SCC has started managing the water based waste from the coating line as a hazardous waste. This waste stream was shipped to Tradebe Treatment and Recycling LLC for fuel blending prior to energy recovery on June 24, 2011.

No further action is required in response to this violation. This violation is considered addressed on August 4, 2011.

4. **OAC Rule 3745-52-20(A)(1), Manifest - general requirements:** A generator who transports, or offers for transport a hazardous waste for offsite treatment, storage, or disposal, or a treatment, storage, and disposal facility who offers for transport a rejected hazardous waste load, must prepare a manifest..."

SCC failed to ship the hazardous water based waste from the coating line (D018) off site utilizing a hazardous waste manifest.

On August 4, 2011, Ohio EPA received documentation that SCC shipped the water based waste from the coating line to Tradebe Treatment and Recycling LLC utilizing a hazardous waste manifest.

Therefore, this violation is considered resolved on August 4, 2011.

5. **OAC Rule 3745-270-07(A)(1), Testing, tracking, and recordkeeping requirements for generators, treaters, and disposal facilities:** "A generator of a hazardous waste must determine if the waste has to be treated before it can be land disposed..."

SCC failed to determine if the hazardous water based waste from the coating line (D018) needed to be treated prior to shipping it off site for disposal.

On August 4, 2011, Ohio EPA received a completed land disposal restriction form for the water based waste from the coating line.

Therefore, this violation is considered resolved on August 4, 2011.

6. **OAC Rule 3745-270-07(A)(2), Testing, tracking, and recordkeeping requirements for generators, treaters, and disposal facilities:** "If the waste or contaminated soil does not meet the treatment standards, or if the generator chooses not to make the determination of whether his waste must be treated, with the initial shipment of waste to each treatment or storage facility, the generator must send a one-time written notice to each treatment or storage facility receiving the waste, and place a copy in the generator's files.

SCC failed to send a one-time written notice to the treatment or storage facility receiving the hazardous water based waste from the coating line (D018).

On August 4, 2011, Ohio EPA received documentation that SCC sent a completed land disposal restriction form for the water based waste from the coating line to Tradebe Treatment and Recycling LLC.

Therefore, this violation is considered resolved on August 4, 2011.

General Concerns:

1. **Waste Evaluations:** This general concern is considered addressed on June 9, 2011.
2. **Continued Use Program for Parts Washer Solution:** This general concern is considered addressed on June 16, 2011.
3. **Drains at Facility:** This general concern is considered addressed on February 23, 2011.

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Should you have any questions, please feel free to call me at (419) 373-3065.

Sincerely,

Kara Reynolds

Kara Reynolds
Environmental Specialist
Division of Materials and Waste Management

/llr

pc: Colleen Weaver, DMWM, NWDO
Kara Reynolds, DMWM, NWDO
Cindy Lohrbach, DMWM, NWDO
~~DMWM/HW, NWDO~~ Henry County File: ~~Silgan Can Company~~

NOTICE:

Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve your company from having to comply with all applicable regulations.