

Environmental
Protection Agency

Commissioner: Governor

Deputy Commissioner: Lt. Governor

Assistant Commissioner: Director



December 15, 2011

Tim Gregory
Regulatory Specialist
Shincor Silicones, Inc.
1150 Damar Dr.
Akron, OH 44305

**RE: SHINCOR SILICONES, 1030 EVANS AVE., AKRON, OHIO, 44305,
OH0000065342, SUMMIT COUNTY**

Dear Mr. Gregory:

On October 12, October 17, October 18, October 31, November 30, December 1 and December 9, 2011, I received Shincor Silicones, Inc. (Shincor's) response to Ohio EPA's September 9, 2011 Notice of Violation/Partial Return to Compliance (NOV/PRTC) letter. The following is the status of the unaddressed violations from Ohio EPA's September 9, 2011 letter:

| Letter Citation # | Rule Citation |
|-------------------|---|
| 2. | Waste Evaluation, OAC rule 3745-52-11: Shincor's response indicated that all wastes generated from the Silicone Gum Plant will be managed as a hazardous waste unless analytical testing (i.e., flashpoint) determines otherwise. Based on submitted documentation, this violation has been adequately addressed. No further response is requested. |
| 5. | OAC rule 3745-52-41(A)(1-8), Annual Report: On October 17 and December 5, 2011, Ohio EPA's Central Office received Shincor's 2009 annual hazardous waste report. Based on submitted documentation, this violation has been adequately addressed. No further response is requested. |
| 6. | Personnel Training, OAC rule 3745-65-16(B)(C)(D)(1-4): Shincor's response included the personnel training documents required by OAC rule 3745-65-16(D)(1-4), and documentation that personnel received training on hazardous waste management and emergency response procedures. Based on submitted documentation, this violation has been adequately addressed. No further response is requested. |

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| 8. | Copies of Contingency Plan, OAC rule 3745-65-53(A)(B): Shincor's response indicated that the contingency plan will be maintained at the facility (i.e., electronically on the engineering server and a hardcopy at the MSDS storage location), and was distributed to emergency authorities. Based on submitted documentation, this violation has been adequately addressed. No further response is requested. |
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Ohio EPA offers the following comments:

1. After reviewing information provided by Shincor, Ohio EPA-DMWM has determined that the VOC condensate collection tank, which is directly connected via piping to air pollution control equipment (i.e., condenser unit) for the DMX/dough mixers, is an integral part of the VOC emission control system and production unit. Therefore, the VOC condensate collection tank and ancillary equipment would not be subject to hazardous waste tank system requirements. This decision is based upon an analogous decision made regarding the air pollution equipment at Northstar Steel. Please see the U.S. EPA interpretative letter dated June 1, 1998, from Elizabeth Cotsworth to William Guerry, Jr., RCRA On-line number 14200. A copy of this letter is attached for your reference.

However, Ohio EPA does encourage Shincor to use the hazardous waste tank system requirements as best management practices while operating the tank system (e.g., implementing daily inspections, labeling, improving secondary containment, etc.). The hazardous waste tank system requirements may be found in OAC rules 3745-66-90 through 3745-66-101.

Please note that if the production operation were to cease operating and waste was left to remain in the tank for greater than 90 days, this tank would be a hazardous waste tank subject to the applicable provisions. Additionally, if in the future, the tank is operated or configured differently than it currently exists, this interpretation may no longer be applicable. Lastly, any releases from this tank would be releases of hazardous waste and regulated as such.

Shincor has indicated that they anticipate removing the VOC condensate collection tank from service in mid-2012 depending upon capital availability. Please note that any wastes generated from decommissioning activities must be evaluated and appropriately managed in compliance with the hazardous waste laws.

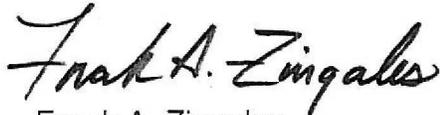
Ohio EPA encourages Shincor to seek reclamation opportunities for the VOC condensate. Currently, the VOC condensate material would be considered characteristic hazardous waste sludge. If appropriately reclaimed (other than for burning for energy recovery or for use in a product which is applied to the land), this material would not be considered a waste and therefore not a hazardous waste.

2. Shincor's response included a revised waste profile for the flammable silicone (profile 339473) waste stream. The revised profile identified the flashpoint of the flammable silicone waste stream.

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 Shincor 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 Materials and Waste Management

FAZ:ddw

Enclosure

ec: Natalie Oryshkewych, DMWM, NEDO
Frank Popotnik, DMWM, NEDO
Sheryl Slone, DMWM, NEDO
Mary Ann Silagy, DMWM, CO
Jeff Mayhugh, DMWM, CO
cc: Marlene Kinney, DMWM, NEDO

Enclosure: U.S. EPA interpretative letter dated June 1, 1998, from Elizabeth Cotsworth to William Guerry, Jr., RCRA On-line number 14200.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
SOLID WASTE AND EMERGENCY
RESPONSE

Mr. William M. Guerry, Jr.
Collier, Shannon, Rill & Scott, PLLC
3050 K Street, N. W.
Suite 400
Washington, D.C. 20007

Dear Mr. Guerry,

Thank you for your letter of December 3, 1997 regarding the management of emission control dust from electric arc furnaces (EAFs), and specifically, requesting a regulatory determination under the Resource Conservation and Recovery Act (RCRA) for silos that collect captured emission control dust from baghouses.

As your letter describes, baghouses that are part of EAF emission control equipment filter out metal fumes and other emissions from the furnace as EAF dust. As the emissions are filtered in the baghouse, the EAF dust settles and collects in hoppers located in the lower portion of the baghouse. Your letter describes how some steel mills are now using baghouse silo systems to improve the management of EAF dust. The silo, located adjacent to the baghouse, receives the EAF dust from the baghouse hoppers via piping. The silo serves as a single collection point for the EAF dust and a single discharge point of that dust to trucks or rail cars.

Your letter mentions that states have considered baghouse silos to be either a component of the EAF's dust handling system in compliance with the Clean Air Act (CAA), or a regulated hazardous waste storage unit (e.g., tank). We believe that a baghouse silo that is directly connected via piping to the baghouse, as described in your letter, is an integral part of the EAF emission control system. We believe that baghouse silos fall within the scope of what the CAA regulations define as a "dust handling system" (40 CFR 60.271 a).

Dust-handling system means equipment used to handle particulate matter collected by the control device for an electric arc furnace or AOD vessel subject to this subpart. For the purposes of this subpart, the dust-handling system shall consist of the control device dust hoppers, the dust-conveying equipment, any central dust storage equipment, the dust-treating equipment (e.g., pug mill, pelletizer), dust transfer equipment from storage to truck), and any secondary control devices used with the dust transfer equipment. (emphasis added)

RO 14200

In the baghouse-silo system described in your letter, the EAF dust is conveyed from the baghouse device into the silo, from which the dust is then loaded into trucks or rail cars for transport. As you pointed out, fugitive emissions from the dust handling equipment are subject to CAA requirements. We have stated in the past that "determining the applicability of RCRA [to baghouse dust] would generally be made when the material is removed from the baghouse" (letter from Kidwell to Lively, October 19, 1995; permit policy compendium no. 9441.1995(33)).

Because of the unique situation you described, where enclosed silos are integral to the baghouse dust handling system, we believe that it is reasonable that the applicability of RCRA be determined when the material is removed from the silo. Thus, the silo in this case serves as part of the dust handling system, and would not be subject to RCRA, with the understanding, based on your letter, that the purpose of the overall system is dust collection and conveyance, and that the silo contains the EAF dust, which is hard-piped from the baghouse, protecting it from environmental impacts such as precipitation, so that there are no releases from the silo to soils or groundwater. EPA would have to analyze separately any baghouse-silo arrangement that did not match the description in your letter to determine whether the silo would be an integral part of the dust handling system and, therefore, not subject to RCRA regulation. In addition, any long term storage would indicate that the silos are not functioning simply as part of EAF emission control systems, but as waste storage units as well, in which case they could be subject to RCRA requirements.

Please note that because RCRA authorized states may have more stringent requirements than the federal program, we suggest that facilities contact their state agency to determine whether any additional requirements apply. Should you have any questions about the contents of this letter, please contact Jeff Games of my staff at (703) 308-8655.

Sincerely,

Elizabeth A. Cotsworth, Acting
Director
Office of Solid Waste

cc: Matt Hale, OSW
Steve Heare, OSW
Dave Bussard, OSW
William Sonntag, Office of Reinvention
Brian Grant, OGC
Al Vervaert, OAQPS
Christopher Oh, OECA