



State of Ohio Environmental Protection Agency

Northwest District Office

347 North Dunbridge Rd.
Bowling Green, OH 43402-9398

TELE: (419) 352-8461 FAX: (419) 352-8468
www.epa.ohio.gov

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korteski, Director

**RE: Ineos USA LLC
OHD 042 157 644
Allen County
DHWM, NWDO**

October 28, 2009

Mr. Patrick Conrath
Site Director
Ineos USA LLC
1900 Fort Amanda Road
Lima, Ohio 45804

Dear Mr. Conrath:

Thank you for sending the response to the Ohio Environmental Protection Agency's (Ohio EPA's) Notice of Violation (NOV) dated September 22, 2009. Ineos USA LLC's (Ineos') response was received by Ohio EPA on October 20, 2009, and was dated October 16, 2009. The response included a cover letter and information on the filter cake shipments since January 2003.

My review of the submitted information reveals that Ineos has addressed all violations discovered during the August 26, 2009, compliance evaluation inspection as outlined below.

- 1. Ohio Revised Code (ORC) Section 3734.02(E)&(F), Unpermitted Hazardous Waste Treatment, Storage & Disposal:** "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 ..."

During the inspection, it was noted by Ohio EPA that a period of greater than 90 days was found between hazardous waste shipments according to the dates on the hazardous waste manifests for the filter cake roll off box located in the filter cake room.

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This period was from March 25, 2009, through August 6, 2009, for a period of 134 days.

On October 20, 2009, Ohio EPA received documentation that Ineos has scheduled a shipment of the filter cake waste for every 85 days, beginning October 3, 2009. Ineos is working with the transportation company and the incineration facility to ensure that the storage of this waste for greater than 90 days does not happen in the future. Ineos also plans to include this area in the hazardous waste permit as a greater than 90 day storage area.

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

Sincerely,

Kara Reynolds

Kara Reynolds
Environmental Specialist
Division of Hazardous Waste Management

/lb

cc: Colleen Weaver, DHWM, NWDO
~~Kara Reynolds, DHWM, NWDO~~
Cindy Lohrbach, DHWM, NWDO
Chuck Lowe, DDAGW, CO
DHWM, NWDO Allen County File: Ineos General 2009
Joseph Bianco, Ineos USA LLC, Lima, OH

ec: John Pasquarette, DHWM, NWDO
Gary Deutschman, DHWM, NWDO

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.