



State of Ohio Environmental Protection Agency

Northeast District Office

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Twinsburg, Ohio 44087

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

April 5, 2007

RE: NOTICE OF VIOLATION AND
RETURN TO COMPLIANCE
VON ROLL AMERICA, INC.
OHD 980 613 541 / 02 - 15 - 0589
COLUMBIANA COUNTY

Ms. Allison Knowles
Von Roll America, Inc.
1250 St. George Street
East Liverpool, OH 43920

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Dear Ms. Knowles:

Ohio EPA received your letter dated March 22, 2007 self-reporting an action of non-compliance. This notification is in accordance with Ohio Administrative Code (OAC) Rule 3745-54-76 which states, "a treatment, storage, or disposal facility is required to submit a written report if a shipment of hazardous waste is received at the facility without an accompanying manifest."

Details related to the incident and the state's hazardous waste regulations and permit conditions violated are included below.

Background

On February 12, 2007, Von Roll America (VRA), Inc. Received a shipment of non-hazardous waste on a non-hazardous waste manifest. When VRA analyzed the sample, the waste was found to be hazardous for corrosivity. This was discovered on February 22, 2007. Since this waste was originally received as non-hazardous waste on a non-hazardous waste manifest, an "Unmanifested Waste Report" should have been submitted to the Director within fifteen days of discovery, i.e., by February 27, 2007. VRA failed to submit the required report by that date. **This date, February 27, 2007 is considered the date of the non-compliance.** The failure to submit the required report in a timely manner was the result of delayed communication between internal departments and the customer.

This letter serves as a **notice of violation**. Ohio EPA has determined the actions of the Permittee, i.e., not submitting the Unmanifested Waste Report in a timely manner resulted in a violation of OAC Rules 3745-54-76 and 3745-50-58(A). Permit Conditions B.24.(c). and A.5.of the facility's Ohio Hazardous Waste Facility Installation and Operation Permit were also violated. The following better describes the permit conditions and regulations.

1. Unmanifested waste report (OAC 3745-54-76) and Permit Condition B.24.(c).

If a facility accepts for treatment, storage, or disposal, any hazardous waste from an off-site source without an accompanying manifest,and if the waste is not excluded from the manifest requirement by rule....then the owner or operator must prepare and submit a single copy of an "Unmanifested Waste Report" to the director **within fifteen days after receiving the waste.**"

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2. Duty to Comply OAC Rule 3745-50-58(A) and Permit Condition A.5.

The Permittee must comply with all conditions of this permit except that the Permittee need not comply with the conditions of this permit to the extent and for the duration such noncompliance is authorized in an emergency permit. Any permit noncompliance, except under the terms of an emergency permit, constitutes a violation of Chapter 3734. of the Revised Code and is grounds for enforcement action; for permit revocation or modification; or for denial of a permit renewal application.

The Unmanifested Waste Report was submitted to the Agency on March 20, 2007. With that action, VRA abated the violation and **returned to compliance on March 20, 2007.**

If you have any questions concerning this action, you may contact me at the Ohio EPA East Liverpool field office, (330) 385-8447 or Frank Popotnik at the Northeast District Office, (330) 963-1198.

Sincerely,



Patricia Natali
Environmental Specialist
Division of Hazardous Waste Management

PN:ddw

cc: Frank Popotnik, DHWM, NEDO
Michelle Tarka, DHWM, NEDO
Natalie Oryshkewych, DHWM, NEDO
Tammy McConnell, CO
Harry Sarvis, DHWM, CO