



State of Ohio Environmental Protection Agency

STREET ADDRESS:

MAILING ADDRESS:

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Columbus, Ohio 43215

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P.O. Box 1049
Columbus, OH 43216-1049

July 18, 2008

ROB LOWRY
PROPOSED QUEENSGATE SOUTH
8740 ORION PLACE STE 100
COLUMBUS, OH 43240

eval 001
enf 001 (Ka)

Re: 2007 Hazardous Waste Annual Report Requirement
PROPOSED QUEENSGATE SOUTH, CINCINNATI - OHR000139832

Dear ROB LOWRY:

My review of manifest data from the Michigan Department of Environmental Quality (MI DEQ) has revealed that one or more shipments of hazardous waste were sent by PROPOSED QUEENSGATE SOUTH to receiving facilities in Michigan during the 2007 calendar year. The total is approximately 37.9 tons as shown on the enclosed printout. This total indicates that PROPOSED QUEENSGATE SOUTH was a large quantity generator of hazardous waste in 2007. Because I have not received a Hazardous Waste Annual Report for 2007, PROPOSED QUEENSGATE SOUTH may be in violation of Rule 3745-52-41 of the Ohio Administrative Code (OAC).

A large quantity generator is defined as a site which generates in any single month more than 1000 kg (2200 lbs) of non-acute hazardous waste or more than 1 kg (2.2 lb) of acutely hazardous waste. This includes wastes from one-time generation as well as wastes from ongoing production processes. It may take only one month of generating above the threshold quantity to subject a site to the Annual Report requirement. The generator is responsible for contacting Ohio EPA in order to obtain the reporting forms.

OAC Rule 3745-52-41 requires a generator who ships any hazardous waste off-site to prepare and submit to the Ohio EPA an **Annual Hazardous Waste Report** and to describe and certify efforts that were made to minimize hazardous wastes. These reports are due March 1 of each year and contain information about the activities of the previous calendar year. Only small quantity generators (between 220 and 2200 lb/mo of non-acutely hazardous wastes) and conditionally exempt small quantity generators (less than 220 lb/mo of non-acutely hazardous wastes) are exempt from the Annual Report requirement as described in OAC Rule 3745-52-44.

To abate the violation of OAC Rule 3745-52-41, PROPOSED QUEENSGATE SOUTH must complete and submit to Ohio EPA a 2007 Annual Hazardous Waste Report within 30 days of receipt of this letter. Failure to respond to this Notice of Violation may result in referral to the Compliance Assurance Section for consideration of escalated enforcement. The reporting

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

forms and instructions are on our Web site at
http://www.epa.state.oh.us/dhwm/ann_report.html.

PROPOSED QUEENSGATE SOUTH should have on file the manifest records necessary for completion of the reports. OAC Rule 3745-52-40 requires generators to keep a signed copy of each manifest for a period of at least three years from the date the waste was accepted by the initial transporter. Receiving facilities and transporters are under a similar requirement; if you need copies of the original manifest(s), contact them for assistance.

If PROPOSED QUEENSGATE SOUTH was not a large quantity generator in 2007, documentation must be submitted to this office within 30 days of receipt of this letter. This documentation must show that PROPOSED QUEENSGATE SOUTH did not generate more than the threshold quantity of hazardous waste in any month during 2007. If you believe that the manifest information supplied by MI DEQ is in error, please call me to discuss the discrepancy.

A letter that acknowledges receipt of the report will be sent to you after it is processed. I can answer questions concerning the Annual Report at (614) 644-2891. Your prompt attention to this matter is appreciated.

Sincerely,



Mary Ann Silagy
Environmental Specialist 2
Regulatory and Information Services
Ohio EPA - Division of Hazardous Waste Management
maryann.silagy@epa.state.oh.us

cc: Central File
DHWM, SWDO

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.