



State of Ohio Environmental Protection Agency

STREET ADDRESS:

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

September 25, 2009

TOM LAMB
CIRCLEVILLE AG PRODUCTS
347 E CORWIN ST
CIRCLEVILLE, OH 43113

**Re: Notification Requirement and 2008 Hazardous Waste Annual Report
Requirement – Notices of Violation
CIRCLEVILLE AG PRODUCTS, CIRCLEVILLE - OHR000150581**

Dear TOM LAMB:

My review of customer data from Ohio Treatment, Storage, and Disposal Facilities (TSDFs) has revealed that one or more shipments of hazardous waste were received from CIRCLEVILLE AG PRODUCTS during the 2008 calendar year. The total amount reported is approximately 66.87 tons as shown on the enclosed printout. This total indicates that CIRCLEVILLE AG PRODUCTS was a large quantity generator in 2008. Because I have not received a Hazardous Waste Annual Report for 2008, CIRCLEVILLE AG PRODUCTS may be in violation of Rule 3745-52-41 of the Ohio Administrative Code (OAC). Additionally, we have not received notification from CIRCLEVILLE AG PRODUCTS of their hazardous waste activities at this site which is a violation of OAC Rule 3745-52-12.

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 or visiting our web site noted below 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, CIRCLEVILLE AG PRODUCTS must complete and submit to Ohio EPA a 2008 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. You may access the reporting forms and instructions on our website at http://www.epa.ohio.gov/dhwm/ann_report.aspx. The RCRA Subtitle C Site Identification portion of this annual report will serve to abate the violation of OAC Rule 3745-52-12 also – be sure to mark the "Subsequent Notification" box as well as

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

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the "As a component of the hazardous waste report for the year 2008" box in Section 1 of the Site ID form for this purpose. Be sure the form is filled out completely and that we receive it with an original wet-ink signature in the certification box (Box 12). Also be sure to include all necessary GM and OI forms.

CIRCLEVILLE AG PRODUCTS 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 CIRCLEVILLE AG PRODUCTS was not a large quantity generator in 2008, documentation must be submitted to this office within 30 days of receipt of this letter. This documentation must show that CIRCLEVILLE AG PRODUCTS did not generate more than the threshold quantity of hazardous waste in any month during 2008. If you believe that the information supplied by Ohio TSDFs is in error, please call me to discuss the discrepancy.

A letter that acknowledges receipt of the report and notification 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
Division of Hazardous Waste Management
maryann.silagy@epa.state.oh.us

enclosure

cc: Central File
DHWM, CDO

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.