



State of Ohio Environmental Protection Agency

Northeast District Office

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

November 17, 2008

**RE: ITEN INDUSTRIES, PLANT 1
OHD 004 160 750
COMPLAINT # 7100
P RTC**

David Zündel
Iten Industries
PO Box 2150
Ashtabula, OH 44005

Dear Mr. Zundel:

I have received your October 31, 2008 letter which was in response to my October 24, 2008 NOV letter. This was based on my September 23, 2008 inspection of Iten, Plant 1 located at 4001 Benefit Avenue in Ashtabula, Ohio. We also discussed these issues on the telephone on November 6, 2008. The current status of these issues is outlined below.

1. Ohio Revised Code (ORC) 3734.02(F) – Causing hazardous waste to be transported to an unpermitted facility.
ORC 3734.02(F) states that no person shall cause hazardous waste to be transported except to (in general) a facility operating under a hazardous waste permit.

During our November 6, 2008 telephone call, you said that the material shipped from Plant 1 to Plant 3 was thought, at the time of shipping, to be usable at Plant 3. When it arrived at Plant 3 it was determined to not be usable and was then shipped offsite as a hazardous waste. Based on this, it appears Iten did not transport hazardous waste and, therefore, did not violate ORC 3734.02 (F).

Acetone that has been used for cleaning should not be shipped between your plants. An exception to this would be when the plants use acetone with different specifications and when no longer usable at one plant, it still can be used (without reclamation) at another plant. You should get Ohio EPA approval before doing this.

2. Ohio Revised Code (ORC) 3734.02(E) and (F) – Accumulation beyond 180 days.
ORC 3734.02 (E) and (F) state that no person shall establish or operate a hazardous waste facility without a permit and that no person shall store, treat, or dispose of hazardous waste except at a facility with a hazardous waste permit.

Based on the information presented in item 1 above, it appears Iten did not violate this rule.

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3. OAC rule 3745-52-20(A) – Completion of manifests.
This rule requires the completion of items 1 through 20 on the hazardous waste manifest.

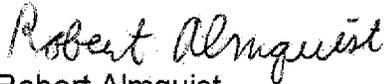
Your October 31, 2008 letter states that the material shipped with manifest 003152341 JJK (shipped on January 18, 2008) was not waste acetone. **Please respond with a description of what the material was and whether or not it was a hazardous waste. Your letter also states that the proper manifest will be sent under separate cover. I have not yet received this.**

Please send a written response to this letter within 30 days including the documentation required above.

You can find copies of the regulations and other information on the Division of Hazardous Waste Management web page at <http://www.epa.state.oh.us/dhwm/>.

If you have any questions, please contact me at (330) 963-1217, or robert.almquist@epa.state.oh.us.

Sincerely,



Robert Almquist
Division of Hazardous Waste Management

RA:cl

cc: Natalie Oryshkewych, DHWM, NEDO

ec: Frank Popotnik, DHWM, NEDO
Harry Sarvis, DHWM, CO
Ron Fodo, SIU, NEDO
Tony Becker, DAPC, NEDO

Notice

Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve your facility from its obligation to comply with all applicable regulations.