



State of Ohio Environmental Protection Agency

Northeast District Office

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Ted Strickland, Governor  
Lee Fisher, Lieutenant Governor  
Laura H. Powell, Acting Director

January 25, 2007

RE: ITEN INDUSTRIES  
OHD 004 160 750

*RTC*

Peter Huggins  
Iten Industries  
P O Box 2150  
Ashtabula, OH 44005

Dear Mr. Huggins:

Thank you for your December 20, 2006 letter which responded to my November 29, 2006 letter. As discussed below, Iten has documented its correction of all the violations found during the November 13, 2006 inspection of 4001 Benefit Avenue in Ashtabula, Ohio.

**Small Quantity Generator checklist:**

1. OAC rule 3745-52-11 – Hazardous waste determination.  
Iten has documented its correction of this violation. Of the 264 drums you have determined that 110 of them had solidified. As per OAC 3745-51-03(G)(1), these are not hazardous waste. It is my understanding that these have been disposed of at a solid waste landfill. One hundred (100) of the drums have been processed into usable material. Fifty-four (54) drums are planned to be used in your process. It appears that these 54 drums are not a waste because they will be returned to the original process from which they were generated, without first being reclaimed or land disposed [OAC 3745-51-02(E)(1)]. In order for this type of material to remain classified as a nonwaste, you must ensure that it is not accumulated speculatively. This term is defined in OAC 3745-51-01(C)(8) and, in general, means you must be able to show that at least 75% of the material is recycled each year. These drums, and all cleanup material drums, must be labeled in such a way that you can show this.

Iten has made provisions to punch and drain waste aerosol cans. It is true that once the cans are punctured and drained they are not a hazardous waste. The liquid collected in the drum underneath the puncture unit is a waste and, as with any waste, you must determine if it is a hazardous waste and manage it accordingly.

2. Ohio Revised Code (ORC) 3734.02(E) and (F) – Accumulation beyond 180 days.

Ohio EPA encourages programs to reduce waste generation and material costs such as the program Iten now has in place to use cleanup material in the next process mix. This is of benefit both to Iten and the environment. As seen from the discussion in Item #1 above, what constitutes hazardous waste and hazardous waste storage is sometimes dependant on how much is recycled and how it is recycled.

- 3-13. Violations 3 through 13 were of regulations that apply to Small Quantity Generators of hazardous waste (220 pounds to 2200 pounds of hazardous waste generated per calendar month). On January 19, 2007, David Zundel told me that during December 2006 Iten generated less than 220 pounds of hazardous waste and that this will most likely be the case in the future. Iten then will most likely be a Conditionally Exempt Small Quantity Generator (CESQG) which is not subject to the rules cited in violations 3 through 13. Therefore, Iten has shown a correction of these violations. I have enclosed a checklist outlining the rules that apply to a CESQG.

A note on violation 4: Your letter documented that this spill has been cleaned up and that procedures to prevent such spills have been re-emphasized. Even though that rule does not apply to a CESQG, all spills should be cleaned up to avoid possible illegal hazardous waste disposal, air pollution violations, and/or water pollution violations.

A note on violation 12: Your letter stated that employees have been instructed to keep all drums closed. Keeping hazardous waste drums closed will avoid the possible violation of illegal hazardous disposal to the air, such as, through evaporation of a hazardous solvent.

**Used Oil checklist**

14. OAC rule 3745-279-22(C) - Used oil labels.  
Your letter stated that all drums of used oil are now labeled as used oil which documents your correction of this violation.

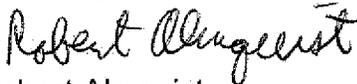
**Universal Waste checklist**

15. OAC 3745-273-13 (D) - Universal waste lamp containers.  
Your letter documents Iten's correction of this violation.
16. OAC 3745-273-14 (E) - Universal waste lamp labeling.  
Your letter documents Iten's correction of this violation.

Peter Huggins  
Iten Industries  
January 25, 2007  
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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](mailto:robert.almquist@epa.state.oh.us).

Sincerely,



Robert Almquist  
Division of Hazardous Waste Management

RA:cl  
Enclosure

cc: Natalie Oryshkewych, DHWM, NEDO

ec: Frank Popotnik, DHWM, NEDO  
Harry Sarvis, DHWM, CO  
Anthony Becker, DAPC, NEDO  
Peter Huggins, ITEN Industries  
David Zundel, ITEN Industries

**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.**

