



State of Ohio Environmental Protection Agency

Northeast District Office

2110 East Aurora Rd.
Twinsburg, Ohio 44087

TELE: (330) 963-1200 FAX: (330) 487-0769
www.epa.state.oh.us

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

November 13, 2008

**RE: ITEN INDUSTRIES, PLANT 3
OHD 002 944 841
COMPLAINT # 7102
RTC**

David Zundel
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 3 located at 1303 W 38th St., Ashtabula, Ohio. We also discussed these issues on the telephone on November 6, 2008. Iten has adequately addressed all the issues found as a result of the inspection, as is outlined below.

1. Ohio Revised Code (ORC) 3734.02(E) and (F)
ORC 3734.02 (E) and (F) state that no person shall establish or operate a hazardous waste facility without 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 accept hazardous waste from another location and, therefore, did not violate ORC 3734.02 (E) and (F).

Iten became a Large Quantity Generator (LQG) during the month of September 2008 when this waste was generated. During that month, Iten was in violation of many of the LQG rules, including those regarding contingency plans and personnel training. You will need to file a 2008 annual report by March 1, 2009 covering all the hazardous waste generated at this location during 2008. The software and form for this can be found at:

<http://www.epa.state.oh.us/dhwm/demwebpg.html>

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.

David Zundel
Iten Industries
November 13, 2008
Page 2

2. OAC rule 3745-273-13 (D) - Universal waste lamp containers.
Previously corrected.
3. OAC rule 3745-273-16 – Employee training for handlers of universal waste.
Previously corrected.
4. Your October 31, 2008 letter documents that you have addressed this issue.

I was pleased to hear that initial testing of a water-based system (that would eliminate the use of acetone) is going well. If this water-based system doesn't work for all applications, you may want to look into getting a distillation system for your used acetone. I can get you some information regarding this if you want.

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
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.