



John R. Kasich, Governor  
Mary Taylor, Lt. Governor  
Scott J. Nally, Director

February 13, 2013

RE: TUSCARAWAS COUNTY  
SEMCO CERAMICS  
DMWM SEDO  
OHR 000 156 935

Mr. Frank Stroman  
Stebbins Engineering  
363 Eastern Boulevard  
Watertown, New York 13601

Dear Mr. Stroman:

On February 11, 2013, Ohio EPA received a response to the January 4, 2013 Notice of Violation from your consultant, Cox-Colvin. In this response, it is stated that a closure plan will be formally submitted to Ohio EPA on or before April 19, 2013 and a 60 day extension was requested to submit this closure plan. Unfortunately there is not a mechanism in Ohio's hazardous waste rules to grant this extension; however Ohio EPA understands the need for additional time. The following violations will remain outstanding until such a time that the closure plan, meeting the requirements of OAC Rule 3745-55-12, is received, approved, and implemented for the on-site disposal area.

- (1) **ORC 3734.02(E) & (F), Prohibitions:** This law states in part, that no person shall store, treat or dispose of hazardous waste without a hazardous waste facility installation and operation permit. ORC 3734.02(F) states that no person shall treat, store, or dispose of hazardous waste except at the types of facilities within this rule.

Since SEMCO is in violation of ORC 3734.02(E) and (F) for the disposal of characteristically hazardous wastes, this facility is subject to all the applicable general facility standards found in OAC chapters 3745-54 and 55. **This violation will be abated, in part, once SEMCO has implemented an approved closure plan for this disposal area.**

- (2) **OAC Rule 3745-55-12(A), Closure Plan:** The owner or operator of Hazardous waste management facility, shall have a written closure plan.

Because characteristically hazardous wastes (D005) have been illegally disposed of in the on-site disposal area, SEMCO must submit a closure plan for the removal of hazardous wastes. In order to abate this violation, SEMCO must formally submit a closure plan which meets the requirements of OAC Rule 3745-55-12 to Ohio EPA on or before April 19, 2013.

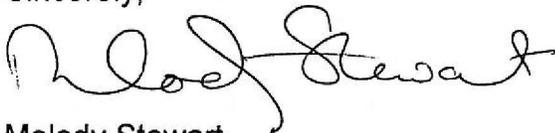
To ensure that the closure plan complies with this rule, Ohio EPA encourages

SEMCO to refer to Ohio EPA's Hazardous Waste Management Closure Plan Review Guidance found on Ohio EPA's website at: <http://www.epa.ohio.gov/portals/32/pdf/2008CPRG.pdf>

Please be advised that violations cited above will continue until the violations have been properly abated. Failure to comply with Chapter 3734. of the Ohio Revised Code and rules promulgated thereunder may result in a civil penalty of up to \$10,000 per day for each violation.

Nothing in this letter shall be construed to authorize any waiver from the requirements of any applicable state or federal laws or regulations. This letter shall not be interpreted to release the owner or operator, or others, from responsibility under Chapters 3704, 3714, 3734, or 6111 of the Ohio Revised Code or under the Federal Clean Water Act, Resource Conservation and Recovery Act, or Comprehensive Environmental Response, Compensation, and Liability Act for remedying conditions resulting from any release of contaminants to the environment.

Sincerely,



Melody Stewart  
District Representative  
Division of Materials and Waste Management

MS/mr

cc: Bruce McCoy, DMWM-CO  
Dale Warner, DMWM-SEDO

**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.