



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

Eval 040

Enf. 021

RTCD 2 violations

August 22, 2013

Mr. Lawrence Kovac
IRG Dayton II, LLC
360 East Highland Road
Macedonia, Ohio 44056

Delphi Automotive Systems LLC

**RE: IRG Dayton II, LLC, Hazardous Waste Permit Renewal
OHD060928561 / 05-57-0274**

Dear Mr. Kovac:

This letter is to put IRG Dayton II, LLC (IRG) on notice that they failed to submit their renewal Ohio hazardous waste facility installation and operation permit (# 05-57-02) for the IRG Dayton 1, LLC site located at 1515 Cincinnati Street, Dayton Ohio within 180 days of the permit's expiration date. IRG has violated the following state hazardous waste regulations and conditions of its hazardous waste facility installation and operation permit. All violations of IRG's permit are violations of ORC 3734.11 (B).

- 1. Duty to Comply, Condition A.5 and OAC Rule 3745-50-58(A):** The Permittee must comply with all applicable provisions of ORC Chapter 3734, all applicable Ohio hazardous waste rules, and all terms and conditions of this permit, except to the extent and for the duration that the laws of the state of Ohio authorize such noncompliance. Any permit noncompliance, other than noncompliance authorized by the laws of the state of Ohio, constitutes a violation of ORC Chapter 3734 and is grounds for enforcement action, revocation, modification, denial of a permit renewal application or other appropriate action.

IRG failed to comply with Condition A.5 and OAC Rule 3745-50-58(A) by not complying with all terms and conditions of IRG's permit.

- 2. Duty to Reapply and Permit Expiration, Condition A.6(a)(c), OAC 3745-50-40(D), and OAC 3745-50-58 (B):** (a) If the Permittee wishes to continue an activity allowed by this permit after the expiration date of this permit, the Permittee must submit a completed application for a hazardous waste facility installation and operation permit renewal and any necessary accompanying general plans, detailed plans, specifications, and such information as the Director may require, to the Director no later than one hundred eighty (180) days before the expiration date of this permit, or upon approval of the Director, a later date prior to the expiration date if the Permittee can demonstrate good cause for late submittal. (c) The Corrective Action obligations contained in this

permit will continue regardless of whether the Facility continues to operate or ceases operation and closes. The Permittee is obligated to complete facility-wide Corrective Action under the conditions of this permit regardless of the operational status of the Facility. The Permittee must submit an application for permit reissuance at least 180 days before the expiration date of this permit.

IRG failed to comply with this Condition A.6(a)(c) and OAC Rules 3745-50-40(D) and 3745-50-58(B) when they failed to submit their permit renewal application with 180 days of their permit expiration date (October 8, 2013).

On August 9, 2013 IRG submitted their hazardous waste permit renewal application (# 05-57-0274). **Based on this submittal, IRG has abated all violations cited above.**

If you have any questions, please either email me at jeff.smith@epa.ohio.gov or call me at (937) 285-6070.

Sincerely,



Jeff Smith
Environmental Specialist III
Division of Materials and Waste Management

JS/tb

ec: Jeff Smith, DMWM, SWDO
George Strobel, DMWM, SWDO
Shawn Sellers, DHWM, CO
DMWM Data Entry/Facility File