



FILE COPY

State of Ohio Environmental Protection Agency

STREET ADDRESS:

Central District Office

MAILING ADDRESS:

Lazarus Government Center
50 W. Town St., Suite 700
Columbus, Ohio 43215

TELE: (614) 728-3778 FAX: (614) 728-3898
www.epa.state.oh.us

P.O. Box 1049
Columbus, OH 43216-1049

September 15, 2008

Mr. Jim Osteen
Luvata Ohio, Inc.
801 Pittsburgh Drive
Delaware, OH 43015

Re: Luvata Ohio, Inc.
U.S. EPA ID#: OHD004286043
Delaware County, CDO
RTC

Dear Mr. Osteen:

Thank you for your July 11, 2008 response to Ohio EPA's February 25, 2008 Notice of Violation (NOV) letter for Luvata Ohio, Inc.'s (Luvata's) Rolled Products facility in Delaware, Ohio. The documentation you submitted included photographic documentation demonstrating closed and labeled hazardous waste and universal waste containers, personnel training records, facility checklists, and a Spill Prevention, Control, and Countermeasures (SPCC) Plan.

On May 20, 2008, I performed a follow-up inspection of the facility and partially returned Luvata to compliance for Violations 1, 3, 5, and 7, as noted in my June 3, 2008 letter. After reviewing your July 11, 2008 response, verifying during my August 19, 2008 visit to the facility that Luvata is no longer generating large quantities of hazardous waste and that all hazardous waste has been shipped off site, and reviewing the manifests received on August 29, 2008, the outstanding violations are addressed as follows:

2. **OAC Rule 3745-270-09, Special rules regarding wastes that exhibit a characteristic:** As stated in your response letter, Luvata is no longer rendering corrosive tin sludge non-hazardous, as Luvata is no longer operating its Micromill process. At this time, we will not retroactively apply this requirement to Luvata's processes. Thus, no further action is required of Luvata to address this violation. However, in the future, if Luvata starts operating its Micromill again and renders hazardous waste non-hazardous, then Luvata must comply with all of the applicable hazardous waste rules, including the notification and certification in OAC Rule 3745-270-09(D).

4. **OAC Rule 3745-52-34(C)(1), Satellite accumulation area requirements:** Since Luvata is no longer operating its Micromill and/or generating hazardous waste, Luvata no longer has satellite accumulation areas at the facility. Thus, this requirement/violation is no longer applicable.

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

6. **OAC Rule 3745-273-13(D)(1), Waste management standards for small quantity handlers of universal waste:** Based on the documentation submitted in your July 11, 2008 response, Luvata has adequately abated this violation.
8. **OAC Rule 3745-65-54(C), Amendment of contingency plan:** The SPCC plan submitted in your July 11, 2008 response does not meet the hazardous waste contingency plan requirements in OAC Rules 3745-65-50 through 3745-65-56. However, since Luvata is no longer generating hazardous waste and all hazardous waste has been sent off site, you are no longer subject to the contingency plan requirements. At this time, we will not retroactively apply this requirement to your facility. Thus, no further action is required of Luvata to address this violation. However, in the future, if Luvata becomes a large quantity generator (LQG) of hazardous waste again, then Luvata must comply with all of the applicable hazardous waste rules, including the contingency plan requirements in OAC Rules 3745-65-50 through 3745-65-56. OAC Rule 3745-65-52 lists the items that a contingency plan must, at a minimum, contain (see attached).

General Comments

1. In your July 11, 2008, response you submitted Luvata's personnel training records to me. Based on my review of these records, Luvata's personnel training records do not meet the hazardous waste personnel training requirements in OAC Rule 3745-65-16. However, since Luvata is no longer generating hazardous waste and all hazardous waste has been sent off site, you are no longer subject to the personnel training requirements. At this time, we will not retroactively apply this requirement to your facility. Thus, no further action is required of Luvata to address this violation. However, in the future, if Luvata becomes a LQG of hazardous waste again, then Luvata must comply with all of the applicable hazardous waste rules, including the personnel training requirements in OAC Rule 3745-65-16.
2. Please be aware that you are subject to the generator closure requirements for your LQG hazardous waste accumulation area. Although LQGs are not required to submit a formal closure plan, OAC Rule 3745-52-34 requires that the generator meet the closure performance standard of OAC Rule 3745-66-11, as well as the applicable disposal or decontamination requirements of OAC Rule 3745-66-14.

Additional information about generator closure is available in Ohio EPA's *Closure Plan Review Guidance*, Chapter 1, Section 1.10, available at:
<http://www.epa.state.oh.us/dhwm/cprg.html>. I have also included a copy of the relevant pages.

3. As discussed during my August 19, 2008 site visit, Luvata has submitted the Notification of Regulated Waste Activity Form (EPA Form 9029) to Ohio EPA to notify of a change in generator status. Although Luvata currently does not generate hazardous waste (or anticipates generating only conditionally exempt small quantities), you are still subject to the used oil generator requirements and the universal waste rules for lamps and batteries.

If, in the future, Luvata changes processes and begins generating large amounts of hazardous waste again, then you will once again need to fill out and submit this form to Ohio EPA. It is available at: <http://www.epa.state.oh.us/dhwm/notiform.html>.

4. In the future, if any hazardous waste issues and/or questions arise, please continue to work with Ohio EPA and me to ensure compliance. Although Luvata has been able to resolve its outstanding violations, it took a very long time for the company to get back into compliance after my initial February 14, 2008 inspection. Any future violations of this nature and extent may result in escalated enforcement.

If you should have any questions, please feel free to contact me at (614) 728-3887. You can find copies of the rules and other information on the division's web page at: www.epa.state.oh.us/dhwm.

Sincerely,



Melissa Musko
Environmental Specialist
Division of Hazardous Waste Management
Central District Office

c: Kristina Durnell, DHWM/CO
CDO File

MM/nsm Luvata.RTC.letter

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.



123