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State of Ohio Environmental Protection Agency

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

June 3, 2008

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

Re: Luvata Ohio, Inc.
Large Quantity Generator
OHD004286043
Delaware County, CDO
PRTC/NOV

Dear Mr. Osteen:

On May 20, 2008, I inspected Luvata Ohio, Inc.'s (Luvata's) Rolled Products facility in Delaware, Ohio, to determine its compliance with Ohio's hazardous waste laws and rules and to find out if any of the violations noted in my February 25, 2008 Notice of Violation (NOV) letter had been abated. To date, I have not yet received a formal response from Luvata regarding the February 25, 2008, NOV letter.

During my May 20, 2008 inspection (follow-up inspection), I noted that Luvata had closed and labeled the Gaylords being used to accumulate F006 filter socks and is no longer generating corrosive tin sludge; the company is in the process of closing down and cleaning out the Micromill (tin-plating line). In addition, Luvata relabeled its used oil drums with the words "Used Oil;" is recording weekly inspections of containers in an inspection log; and has labeled its universal waste packages and containers with the words "Used Lamps."

Thus, as a result of my follow-up inspection, Luvata has adequately demonstrated abatement of the following violations discovered during my February 14, 2008, inspection:

Letter Citation #	Rule Citation
1(a).	OAC Rule 3745-52-34 and 3745-66-73(a), Accumulation time of hazardous waste and generator treatment in closed containers
1(b).	OAC Rule 3745-52-34 and 3745-66-74, Accumulation time of hazardous waste and weekly inspections

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

- To return to compliance, Luvata must update its contingency plan to ensure that it accurately reflects current facility operations and complies with OAC Rules 3745-65-50 to 3745-65-56. Also, please note that OAC Rule 3745-65-53 requires you to maintain a copy of the contingency plan and all revisions at the facility and also submit a copy to all local police departments, fire departments, hospitals, and Ohio EPA and local emergency response teams that may be requested to provide emergency services. Please update the facility's contingency plan and send a copy to me to demonstrate compliance with this rule **as soon as possible, but no later than 30 days** after your receipt of this letter.

General Comments

1. As discussed during my follow-up inspection, Luvata may send its F006 waste to World Resources Company in Pottsville, Pennsylvania, for metals recovery. Please note that a large quantity generator (LQG) who also generates F006 waste, and who must transport this waste, or offer this waste for transportation, over a distance of **200 miles or more** for off-site metals recovery, may accumulate F006 waste on-site for **up to 270 days** without an Ohio hazardous waste permit if the generator complies with OAC Rule 3745-52-34(G) (OAC Rule 3745-52-34(H)).

At the time of my follow-up inspection, Luvata was accumulating at least one drum of F006 hazardous waste for more than 180 days. The accumulation start date on the drum was November 15, 2007. However, if the waste will be sent to World Resources Company (over 200 miles away), the 270-day time limit would be applicable.

In the event that Luvata does not send the F006 waste off site for metals recovery, a large quantity generator has 90 days to accumulate hazardous waste on site. Currently, Luvata has at least 6 to 8 drums/Gaylords that have been accumulating on site for more than 90 days. No waste has been shipped off site since my February 14, 2008 inspection.

Once the F006 waste is shipped off site, **please provide copies of the manifests to me to document where and when the waste was sent.** After receiving this documentation, we will determine the status of your company's compliance with the applicable requirements and notify you of our findings in a separate letter.

2. As discussed in my February 25, 2008 NOV letter, Luvata is to submit the following personnel training documentation to me **as soon as possible, but no later than 30 days** after your receipt of this letter:
 - (a) A summary what Luvata's personnel training program includes.

- (b) The job title for each position at the facility related to hazardous waste management, the name of the employee filling each job, a written job description for each position, and the type of training given for each position.
- (c) Records that document that new facility personnel have successfully completed the program within six months of their start of employment, or assignment to the facility, or to a new position at the facility, whichever is later.
- (d) Records that document that facility personnel take part in an annual review of the initial training.

After receiving this documentation, we will determine the status of your company's compliance with the personnel training requirements in OAC Rule 3745-65-16 and notify you of our findings in a separate letter.

3. As discussed during the follow-up inspection, Luvata is planning to send all of the tin sludge off site as nonhazardous. This includes tin sludge that was generated as nonhazardous and the corrosive tin sludge that was rendered nonhazardous. Please note that you must comply with the notification requirements in OAC Rule 3745-270-07(A)(3) for deactivated tin sludge shipped off site (see OAC Rule 3745-270-07(A)(5)(c)).

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 PRTCforLuvata.May08

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.

