



State of Ohio Environmental Protection Agency

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CERTIFIED MAIL

May 15, 2008

**Re: Director's Final Findings & Orders
Exemption Pursuant to R.C. 3734.02(G)
Tecnocap LLC
US EPA ID No.: OHD 981 582 524**

Mr. Brian Bates
Operation Manager
Tecnocap LLC
2100 Griswold Street NE
Warren, Ohio 44483

Dear Mr. Bates:

Here are the Director's Final Findings and Orders (Orders) issued to Tecnocap LLC on May 14, 2008. These Orders are effective today.

If you have any questions concerning compliance with these Orders, do not hesitate to contact Natalie Oryshkewych at (330) 963-1267.

Sincerely,

David A. Sholtis
Assistant Chief
Division of Hazardous Waste Management

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Attachments

cc: Michael A. Savage, Chief, DHWM
Harry Sarvis, Mgr., CAS, DHWM
Todd Anderson, Legal
Heidi Greismer, PIC
Natalie Oryshkewych, Mgr, NEDO, DHWM

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

OHIO E.P.A.

MAY 15 2008

ENTERED DIRECTOR'S JOURNAL

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

In the Matter of:

**Tecnocap LLC
2100 Griswold Street NE
Warren, Ohio 44483**

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:
:

**Director's Final Findings
and Orders**

PREAMBLE

It is hereby agreed by and among the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to Tecnocap LLC (Respondent) pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency (Ohio EPA) under Ohio Revised Code (ORC) §§ 3734.02(G), 3734.13 and 3745.01.

II. PARTIES BOUND

These Orders shall apply to and be binding upon the Respondent and successors in interest liable under Ohio law. No change in ownership of the Respondent, or of the Facility, shall in any way alter Respondent's obligations under these Orders.

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meaning as defined in ORC Chapter 3734. and the rules promulgated thereunder.

IV. FINDINGS

The Director of Ohio EPA has determined the following findings:

I certify this to be a true and accurate copy of the official documents as filed in the records of the Ohio Environmental Protection Agency.

By:  Date: 5-15-08

1. Pursuant to ORC § 3734.02(G) and rule 3745-50-31 of the Ohio Administrative Code (OAC), the Director, may, by order, exempt any person generating, storing, treating, or disposing hazardous waste in such quantities or under such circumstances that, in the determination of the Director, it is unlikely that the public health or safety or the environment will be adversely affected thereby, from any requirement to obtain a permit or comply with other requirements of ORC Chapter 3734. Any such exemption shall be consistent with and equivalent to rules promulgated under the Resource Conservation and Recovery Act of 1976, 90 Stat. 2806, 42 U.S.C. § 6921 et seq., as amended.
2. Respondent is the owner and operator of the facility located at 2100 Griswold Street, Northeast, Warren; Ohio (Facility). Respondent is a manufacturer of customized and stock metal closures. At the Facility, Respondent operates a printing operation that prints on metal and is a large quantity generator of hazardous waste. The Respondent generates hazardous waste including ignitable hazardous waste (D001). The ignitable hazardous waste is accumulated in containers.
3. OAC rule 3745-66-76 requires that containers holding ignitable hazardous waste or reactive hazardous waste shall be located at least 15 meters, i.e., 50 feet, from a facility's property line.
4. Respondent accumulates its hazardous waste, including ignitable hazardous waste, less than 50 feet from the property line. The accumulation area is located in a room which has been specifically constructed for the accumulation of ignitable materials. The room includes an automatic sprinkler system, three hour fire door between the room and the rest of the Facility, and 12-inch containment curbing with a capacity of 27,600 gallons. The room is located approximately 40 feet from the Facility's property line.
5. On November 30, 2004, the former operator of the Facility, Penn Wheeling Acquisition Company, LLC, requested an exemption from the requirement of OAC rule 3745-66-76 to locate containers holding ignitable hazardous waste at least 50 feet from the Facility's property line. By letter dated January 24, 2005, Penn Wheeling Acquisition Company, LLC supplemented the exemption request with additional information. The request, as supplemented, included information justifying the exemption, including a letter from the local fire department supporting the exemption request.

6. Pursuant to Director's Final Findings and Orders dated May 3, 2005, the Director granted Penn Wheeling Acquisition Company, LLC an exemption under ORC § 3734.02(G) and OAC rule 3745-50-31 from the requirement to store ignitable hazardous waste at least 50 feet from the Facility property line, as required by OAC rule 3745-66-76, provided that the ignitable hazardous waste was only accumulated in the room described in Finding No. 4. of these Orders and was managed in accordance with all other applicable hazardous waste laws.
7. On February 8, 2008, Ohio EPA inspected the Facility. During the inspection, Ohio EPA verified that Respondent was accumulating ignitable hazardous waste in the accumulation room referenced in Finding No. 4. of these Orders in the same manner as Penn Wheeling Acquisition Company, LLC.
8. By letter dated March 11, 2008 and electronic mail dated March 17, 2008, Respondent informed Ohio EPA that it had purchased the Facility from Penn Wheeling Acquisition Company, LLC in October 2006. In this correspondence, Respondent also claimed to be a successor in interest to Penn Wheeling Acquisition Company, LLC. However, to avoid any confusion, Respondent requested an exemption from the requirement of OAC rule 3745-66-76 to locate containers holding ignitable hazardous waste at least 50 feet from the Facility's property line. In support of its exemption request, Respondent stated that it "continues to generate, manage and accumulate its ignitable hazardous wastes as has been done in the past without change. The accumulation area retains all sprinkler systems, fire doors and containment. The wastes generated are the same, the management at the location is the same."
9. Pursuant to ORC § 3734.02(G) and OAC rule 3745-50-31, the Director has determined that Respondent's accumulation of ignitable hazardous waste less than 50 feet from the Facility property line is unlikely to adversely affect the public health or safety or the environment.
10. The Director's Final Findings and Orders of May 3, 2005 are hereby terminated.

V. ORDERS

1. Respondent is hereby exempted from the requirement to store ignitable hazardous waste at least 50 feet from the Facility property line, as required by OAC rule 3745-66-76, provided that the ignitable hazardous waste is only accumulated in the room described in Finding No. 4. of these Orders and is managed in accordance with all other applicable hazardous waste laws.
2. The Director may revoke the exemption granted in Order No. 1. of these Orders for any reason, including but not limited to, a determination that Respondent's activities at the Facility adversely affect public health or safety or the environment, and/or activities are not being conducted in accordance with these Orders.
3. The exemption from the State of Ohio's hazardous waste requirements provided by these Orders shall terminate when either one of the following events occurs:
 - a. Respondent ceases to accumulate ignitable hazardous waste at the Facility; or
 - b. The Director revokes the exemption granted to Respondent under these Orders.
4. The issuance of these Orders by the Director does not release Respondent of any liability it may have incurred for any violations which may have occurred at the Facility prior to the effective date of these Orders. The issuance of these Orders does not release Respondent from any obligation it has to comply with the State of Ohio's environmental laws, except as otherwise specifically provided herein.
5. These Orders do not exempt Respondent from any other local, state, or federal laws or regulations which are otherwise applicable.

VI. OTHER CLAIMS

Nothing in these Orders shall constitute or be construed as a release from any claim, cause of action or demand in law or equity against any person, firm, partnership or corporation, not a party to these Orders, for any liability arising from, or related to, the operation of Respondent's Facility.

Tecnocap LLC
Director's Final Findings and Orders
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IT IS SO AGREED:

Tecnocap LLC



Signature

March 25, 2008

Date

Brian Bates

Printed or Typed Name

Operations Manager

Title