



State of Ohio Environmental Protection Agency

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RECEIVED
OHIO EPA

April 14, 2006

APR 14 2006

DIV. OF HAZARDOUS
WASTE MGT.

Mr. Edward Green
Toxco, Inc.
8090 Lancaster-Newark Road
Baltimore, OH 43105

**Re: Hazardous Waste Permit Modification
Class 1A
Approval With Conditions
Toxco, Inc.
OHD 071 654 958**

Dear Mr. Green:

On March 13, 2006, Ohio EPA received a request for a Class 1A (Class 1 requiring prior approval) hazardous waste permit modification (tracking number - OHD071654958-060313-1A-2) from Toxco, Inc. (Toxco). With this letter, Ohio EPA approves with conditions the above referenced Class 1A modification submitted pursuant to Ohio Administrative Code (OAC) Rule 3745-50-51.

The following modification has been made to your December 21, 2005, Ohio Hazardous Waste Facility Installation and Operation Permit (Permit). Also, the records of Ohio EPA have been changed accordingly:

Changes in interim compliance dates for Permit Condition A.27(a) requiring submittal of a modification request by April 15, 2006.

The following modification was not made to your Permit:

Changes in interim compliance dates for Permit Condition A.27(b) requiring submittal of an updated closure cost estimate, an updated financial assurance mechanism for closure and documentation demonstrating third party liability coverage by May 12, 2006.

This modification was not made to your Permit because as stated in Ohio EPA's letter to Toxco dated April 7, 2006, the closure cost estimate, financial assurance mechanism for

Bob Taft, Governor
Bruce Johnson, Lieutenant Governor
Joseph P. Koncelik, Director

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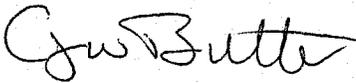


closure and documentation demonstrating third party liability coverage that are contained in Toxco's permit application have expired. Therefore Toxco must submit this information immediately.

Attached is a copy of the revised permit pages. These pages have been included to ensure that all involved parties have written confirmation of the change*.

If you have any questions concerning this action, please contact Elizabeth Lamerson at the Ohio EPA Central District Office.

Sincerely,



Craig Butler, Chief
Central District Office

*Also, in accordance with Ohio Administrative Code Rule 3745-50-51(D)(1)(a)(ii), Toxco, Inc. shall send a notice within 90 days of an approved Class 1A Modification to all persons on the Agency mailing list. An updated mailing list can be obtained by contacting Pamela Allen at (614) 644-2917, or by e-mail at pam.allen@epa.state.oh.us.

cc: Pamela Allen, Manager, RIS, DHWM, CO
Jeremy Carroll, Supervisor, Engineering Unit, DHWM, CO
Elizabeth Lamerson, DHWM, CDO
Lundy Adelsberger, DHWM, CDO

A.24 Other Information
OAC Rule 3745-50-58(L)(11)

If at any time the Permittee becomes aware that it failed to submit any relevant facts, or submitted incorrect information to the Director, the Permittee must promptly submit such facts, information or corrected information to the Director.

A.25 Confidential Information
OAC Rule 3745-50-30

In accordance with ORC Chapter 3734 and the rules adopted thereunder, the Permittee may request confidentiality for any information required to be submitted by the terms and conditions of this permit, or any information obtained by the Director, or an authorized representative, pursuant to the authority provided under Permit Condition A.11.

A.26 Ohio Annual Permit, Disposal, and Treatment Fees
OAC Rules 3745-50-33 through 3745-50-36

The annual permit fee, calculated pursuant to OAC Rule 3745-50-36 and payable to the Treasurer of the State, must be submitted to the Director on or before the anniversary of the date of issuance during the term of the permit. For the purpose of the payment of the Ohio Annual Permit Fee, the date of issuance is the date the permit was entered into the Journal of the Director of Ohio EPA.

A.27 Compliance Schedule - Documents
OAC Rules 3745-50-50 and 3745-50-51

- (a) ~~Within thirty (30) days of permit journalization, t~~ The Permittee must submit the following modification request to the permit application in accordance with OAC Rule 3745-50-51 ~~by April 15, 2006:~~
- (i) Delete the heading on page 17 of 67 entitled "Exempt Battery Reclamation" and reinsert on page 19 of 67, before the paragraph beginning with "Batteries to be processed are brought to the electrolyte-specific battery breaking area..." The majority of pages 17 through 19 describe important aspects of the permitted storage and waste acceptance and analysis procedures and should not fall under the "Exempt Battery Reclamation" heading.
 - (ii) Section A.3. The Permittee must revise the description in "Permitted Container Storage Areas" to reflect current conditions (i.e., delete language describing how container storage areas will be constructed as containers of chemicals are removed, since the storage areas have already been constructed).

- (iii) The Permittee has received other environmental permits since the most recent Part A application was submitted. The Permittee must revise the "Other Environmental Permits" section of the Part A application to show the permit type and permit number of any environmental permits.
- (iv) Attachment 5c page 2 of 2 (flowchart). The Permittee lists a subsection of "Wet (Acid Filled) Batteries" as "Fork Lift, UPS, etc. Batteries." The permittee must revise the flowchart to include a more specific description of what other types of acidic batteries are denoted by "etc."
- (v) The permit application states the weighing, logging, and tagging will be conducted "in close proximity to the vehicle" and the Permittee notified the Ohio EPA in a September 8, 2004 e-mail this activity will be conducted in phase II, Bay 52. The Permittee must insert the language from the September 8, 2004 e-mail into the permit application.
- (vi) Section A.16 and Section A.17 describe the financial assurance and liability insurance documents and where they can be found in the permit application. The documents are incorrectly referred to as "unexecuted documents" when they have been executed and signed. The Permittee must revise language in Section A.16 and A.17 to delete references to "unexecuted documents."
- ~~(vii) Section A.20.a - Operating Record [OAC 3745-54-73]. The Permittee must add the method of storage for the batteries onto the processing or inbound or outbound forms. This is in accordance to 3745-54-73(B)(1) referencing table 2. This must be described on page 53, section A.20.a, number 1 of the application.~~

The Permittee must also reference both OAC 3745-54-73(B)(15) and OAC Rule 3745-54-73(B)(16) in number 10 of Section A.20.a. Both of these rules apply since the Permittee is both an on-site and off-site storage facility and must keep a copy of the notice required by the generator or the owner/operator under OAC 3745-270-07 in the operating record of the facility.
- (viii) Delete reference to OAC Rules 3745-55-92(B)-(E) and OAC Rule 3745-50-44(C)(2)(f) in Section C.3.c of the permit application. Section C.3.f - reference to OAC Rule 3745-66-95(G) must be deleted and replaced with OAC Rule 3745-66-95(B).