

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:



MR DUSTIN MOORE
 VP OF OPERATIONS
 CINCINNATI TAN CO. INC
 10152 INTERNATIONAL BLVD
 CINCINNATI OH 45246

2. Article Number

(Transfer from service label)

7007 0220 0001 2491 7462

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

 Agent Addressee

B. Received by (Printed Name)

C. Date of Delivery

 D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type

 Certified Mail Express Mail Registered Return Receipt for Merchandise Insured Mail G.O.D.

4. Restricted Delivery? (Extra Fee)

 Yes

UNITED STATES POSTAL SERVICE
CINCINNATI OH 452

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

09 AUG 2007 PM 3 L

• Sender: Please print your name, address, and ZIP+4 in this box •

**RECEIVED
OHIO EPA**



AUG 1 6 2007

OHIO EPA-SWDO
CATHY ALTMAN
401 EAST FIFTH STREET
DAYTON OH 45402 2911

SOUTHWEST DISTRICT

7007 0220 0001 2491 7462

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
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OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

mailed
8/6/07
Postmark
Here
Cathy
Altman

Sent To
 D. Moore Cincinnati, Taw Co.
 Street, Apt. No.;
 or PO Box No. 10152 International Blvd.
 City, State, ZIP+4
 Cinc. Oh 45246

See Reverse for Instructions.

Certified Mail Provides:

- A mailing receipt
- A unique identifier for your mailpiece
- A record of delivery kept by the Postal Service for two years

Important Reminders:

- Certified Mail may **ONLY** be combined with First-Class Mail[®] or Priority Mail[®].
- Certified Mail is *not* available for any class of international mail.
- **NO INSURANCE COVERAGE IS PROVIDED** with Certified Mail. For valuables, please consider Insured or Registered Mail.
- For an additional fee, a *Return Receipt* may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS[®] postmark on your Certified Mail receipt is required.
- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "*Restricted Delivery*".
- If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

IMPORTANT: Save this receipt and present it when making an inquiry.



State of Ohio Environmental Protection Agency

-CA
002 File

Southwest District Office

401 E. Fifth St.
Dayton, Ohio 45402.

TELE: (937) 285-6357 FAX: (937) 285-6249
www.epa.state.oh.us

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

August 6, 2007

CERTIFIED MAIL

Mr. Dustin Moore
VP of Operations
Cincinnati Tan Co. Inc.
10152 International Blvd
Cincinnati, Ohio 45246

RE: Complaint Investigation

Dear Mr. Moore:

On June 20, 2007, a notice of violation was sent certified mail to the Cincinnati Tan located at 8179 Princeton Glendale Road, with a copy sent to the corporate office located at 10152 International Blvd. During this inspection, Ms. Elise Archer, the Assistant Manager of Cincinnati Tan's Princeton Glendale Road store reported to me that spent tanning bulbs are routinely disposed in the dumpster. On July 19, 2007, I conducted a follow up inspection at the Princeton Glendale store. Treasa Powell, District Manager represented Cincinnati Tan. According to Ms. Powell, the disposal of bulbs in the trash was not the way the bulbs were typically managed and she attributed the improper disposal of bulbs at the Princeton Glendale Road store to one employee who had made the mistake. When I asked Ms. Powell how bulbs were to be managed, she was unsure. Ms. Powell stated the corporate office was considering purchasing a bulb crusher and transporting the bulbs from each store to the corporate office. I was informed that no bulbs have been disposed of from the Princeton Glendale store since my June 14, 2007, visit.

Upon leaving the Princeton Glendale store, I proceeded to the store located at 7737 Cox Lane, West Chester. I spoke with the manager, Cara Hartigan regarding the storage and disposal of bulbs. Ms. Hartigan explained that bulbs are routinely disposed of in the dumpster. Ms. Hartigan explained that 4 beds had been changed in the previous 2 weeks, with those bulbs being placed in the dumpster. I informed Ms. Hartigan that I had spoken with Ms. Powell and left a message with you regarding the need for Cincinnati Tan to discontinue disposing of the bulbs in the dumpster until waste characterization is completed.

Mr. Dustin Moore
August 6, 2007

Please be aware that Cincinnati Tan is continuing to dispose of the tanning bed bulbs in the dumpster without proper waste characterization. Therefore, Cincinnati Tan is still in violation of the following Ohio hazardous waste regulation:

1. Hazardous waste determination, Ohio Administrative Code (OAC)

3745-52-11: Any person who generates a waste, as defined in rule 3745-51-02 of the Administrative Code, must determine if that waste is a hazardous waste using the following method:

- (A) He should first determine if the waste is excluded from regulation under rule 3745-51-04 of the Administrative Code.
- (B) He must then determine if the waste is listed as a hazardous waste in rules 3745-51-30 to 3745-51-35 of the Administrative Code.
- (C) For purposes of compliance with Chapter 3745-270 of the Administrative Code, or if the waste is not listed as a hazardous waste in rules 3745-51-30 to 3745-51-35 of the Administrative Code, the generator must then determine whether the waste is identified in rules 3745-51-20 to 3745-51-24 of the Administrative Code by either:
 - (1) Testing the waste according to the methods set forth in rules 3745-51-20 to 3745-51-24 of the Administrative Code, or according to an equivalent method approved by the Region V Administrator of U.S. EPA pursuant to 40 CFR 260.21; or
 - (2) Applying knowledge of the hazardous characteristic of the waste in light of the materials or the processes used.

Cincinnati Tan failed to comply with this regulation by not properly evaluating the bulbs prior to disposing of them. **Therefore, Cincinnati Tan is in violation of OAC 3745-52-11.** To return to compliance, Cincinnati Tan must evaluate and properly dispose of the bulbs.

If the bulbs are determined to be hazardous, the bulbs must either be managed as hazardous waste or universal waste. If the bulbs are managed as hazardous waste (e.g., crushed), Cincinnati Tan must comply with all applicable hazardous waste regulations. The corporate office would not be permitted to transport the bulbs from each individual store for crushing at the corporate office. Each store would need to crush its own bulbs and individually comply with the hazardous waste regulations. Cincinnati Tan can reduce its regulatory burden by managing the bulbs as universal waste and recycling the bulbs.

As stated in the June 20, 2007, letter, disposal of hazardous waste in a trash dumpster is illegal and could result in Ohio EPA citing additional violations to Cincinnati Tan. Furthermore, a finding of illegal disposal could subject Cincinnati Tan to escalated enforcement.

Mr. Dustin Moore
August 6, 2007

Please provide this office with a list of the different bulbs used at each store. The list should include the manufacturer's name and a material safety data sheet for each different type of bulb. Please submit this information within fourteen (14) days of receipt of this letter. If you have any questions, please call me at (937) 285-6093.

Sincerely,



Cathy L. Altman
Division of Hazardous Waste Management

cc: ~~Dinah Crawford, DHWM-SWDO/SWDO~~ File
Cincinnati Tan, 7737 Cox Lane, West Chester, OH 45069

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.

12/12/12



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