

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.

1 STEVE BLEY FACILITY COMPLIANCE MGR
 SPRING GROVE RESOURCE RECOVERY
 4879 SPRING GROVE AVE
 CINCINNATI OH 45232

2. Article Number

(Transfer from service label)

7007 0220 0001 2491 2573

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

 Agent Addressee

B. Received by (Printed Name)

Montgomery

C. Date of Delivery

Delivery address different from item 1? Yes

Enter delivery address below:

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3. Service Type

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

4. Restricted Delivery? (Extra Fee)

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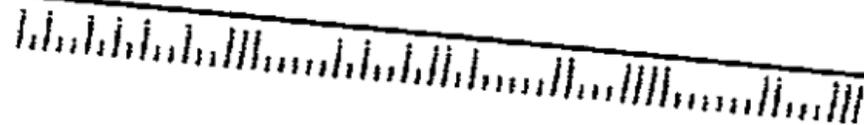


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CATHY ALTMAN
OHIO EPA
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Return Receipt Fee (Endorsement Required)	
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STEVE BLEY FACILITY COMPLIANCE MGR
SPRING GROVE RESOURCE RECOVERY
4879 SPRING GROVE AVE
CINCINNATI OH 45232

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.



Environmental
Protection Agency

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

Eval. 115
Enf. 453

April 1, 2011

Certified Mail

Mr. Steve Bley
Facility Compliance Manager
Spring Grove Resource Recovery, Inc.
4879 Spring Grove Avenue
Cincinnati, Ohio 45232

**RE: COMPLIANCE EVALUATION INSPECTION
SPRING GROVE RESOURCE RECOVERY – OHD000816629**

Dear Mr. Bley:

On March 15, 2011, Ohio EPA conducted a compliance evaluation inspection of Spring Grove Resource Recovery, Inc's (SGRR) Cincinnati, Ohio facility. Steve Vasse and you represented SGRR during the inspection. Jeff Smith, George Strobel, and I represented the Ohio EPA. On March 24, 2011, Jeff Smith and I returned to SGRR to complete the records review portion of the inspection. The purpose of the inspection was to determine SGRR's compliance with Ohio's hazardous waste laws and regulations as found in Chapter 3734 of the Ohio Revised Code (ORC) and Chapter 3745 of the Ohio Administrative Code (OAC) and SGRR's Ohio hazardous waste installation and operation permit issued September 30, 2002. Ohio EPA's inspection included an inspection of facility operations and a review of written documentation. Compliance with the Ohio hazardous waste rules and the conditions of SGRR's permit addressing financial requirements were not assessed during this inspection.

Ohio EPA has determined that for those areas SGRR has control over, for example: storage and management of wastes on-site; management of on-site data including inspections and manifesting, SGRR complies with Ohio's hazardous waste rules and the conditions of SGRR's permit. **However, SGRR does not comply with Ohio's hazardous waste rules and conditions of its permit for the waste prequalification procedures detailed in its Waste Analysis Plan.**

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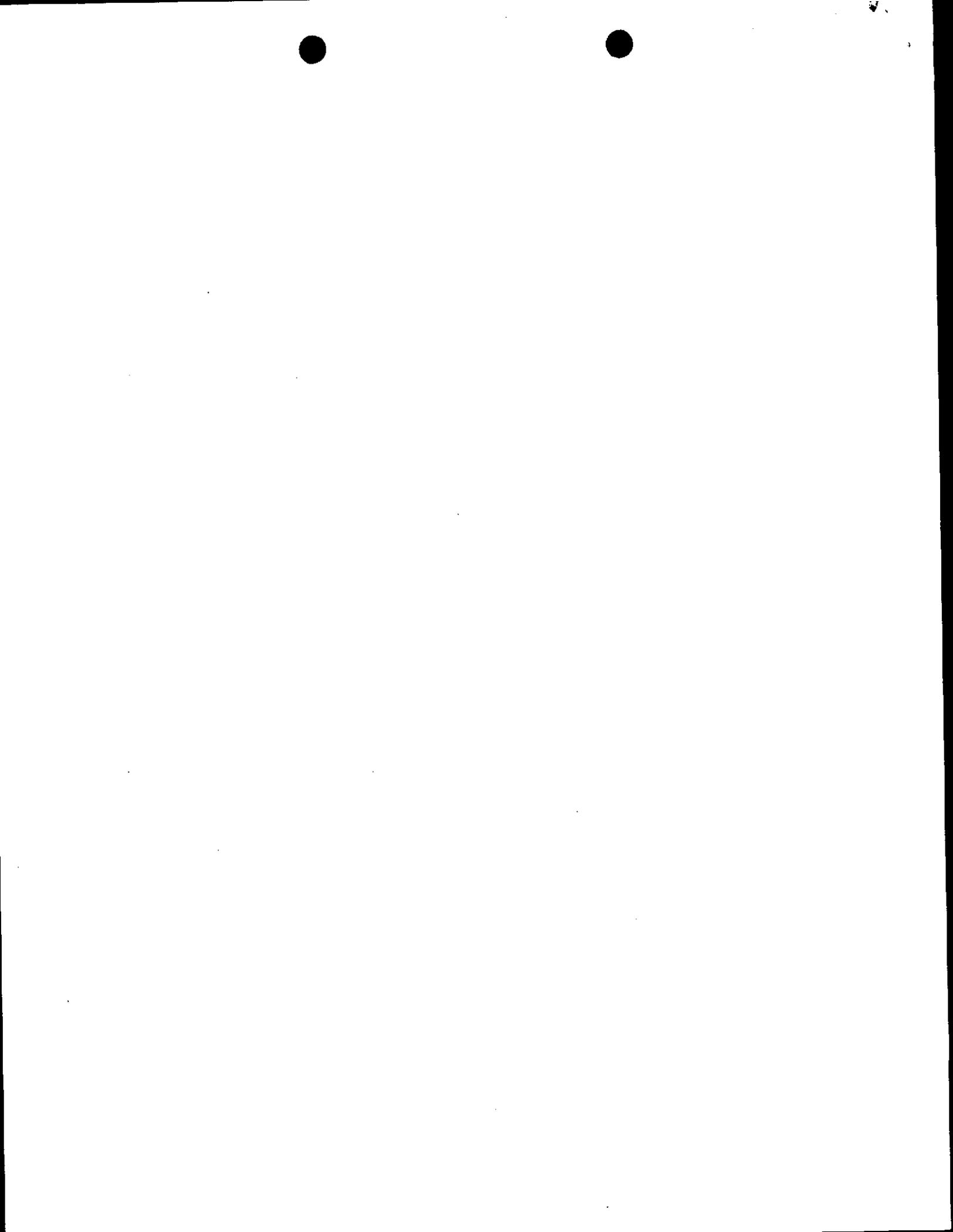
SGRR has violated the following state hazardous waste regulations and conditions of its Ohio hazardous waste installation and operation permit. All violations of SGRR's permit are violations of ORC 3734.11(B).

1. **Duty to Comply, Condition A.5 and OAC 3745-50-58(A)**: The Permittee shall comply with all applicable provisions of ORC Chapter 3734, all applicable Ohio hazardous waste rules, and all terms and conditions of this permit, except to the extent and for the duration such noncompliance is authorized by the laws of the State of Ohio. Any permit noncompliance, other than noncompliance authorized by the laws of the State of Ohio, constituted a violation of ORC Chapter 3734 and the rules adopted thereunder and is grounds for enforcement action, suspension, revocation, modification, revision, denial of a permit renewal application or other appropriate action.
2. **General Waste Analysis Plan, Condition B.3 and OAC 3745-54-13**: The Permittee shall follow the procedures described in the approved waste analysis plan found in Section C of the approved Part B permit application and the terms and conditions of this permit.

During the inspection on March 15, 2011, we randomly selected eleven (11) profile numbers from waste drums stored on-site at SGRR and requested copies of the profile information required by SGRR's permit. Of the eleven (11) requested profiles, only two (2) profiles had the information required by SGRR's permit. During the inspection we discussed the missing/incomplete information.

On March 16, 2011, you sent an e-mail to me requesting clarification on the information that was needed for each profile. In e-mails on March 21, and 22, 2011, I clarified the information that was needed for the remaining nine (9) profiles. During the March 24, 2011, inspection we discussed the outstanding information and how you have requested this information from the Central Profile Group (CPG).

The CPG is responsible for gathering the information required by SGRR's permit to complete the waste prequalification procedures. Part of the profiling process requires a detailed description of the process generating the waste when the generator uses knowledge in lieu of analytical testing. The CPG repeatedly fails to collect this information, at times listing simply "generator knowledge of the process" as an explanation on the profile sheet. There have been other issues



with the CPG's management of SGRR's profiling, please refer to Notice of Violation letters dated December 13, 2005, May 27, 2008, September 2, 2008, November 25, 2008, February 4, 2011- still outstanding.

Because the CPG fails to properly collect and maintain information required by SGRR's permit, SGRR is in violation of Condition A.5 (OAC 3745-50-58(A)) and Condition B.3 (OAC 3745-54-13).

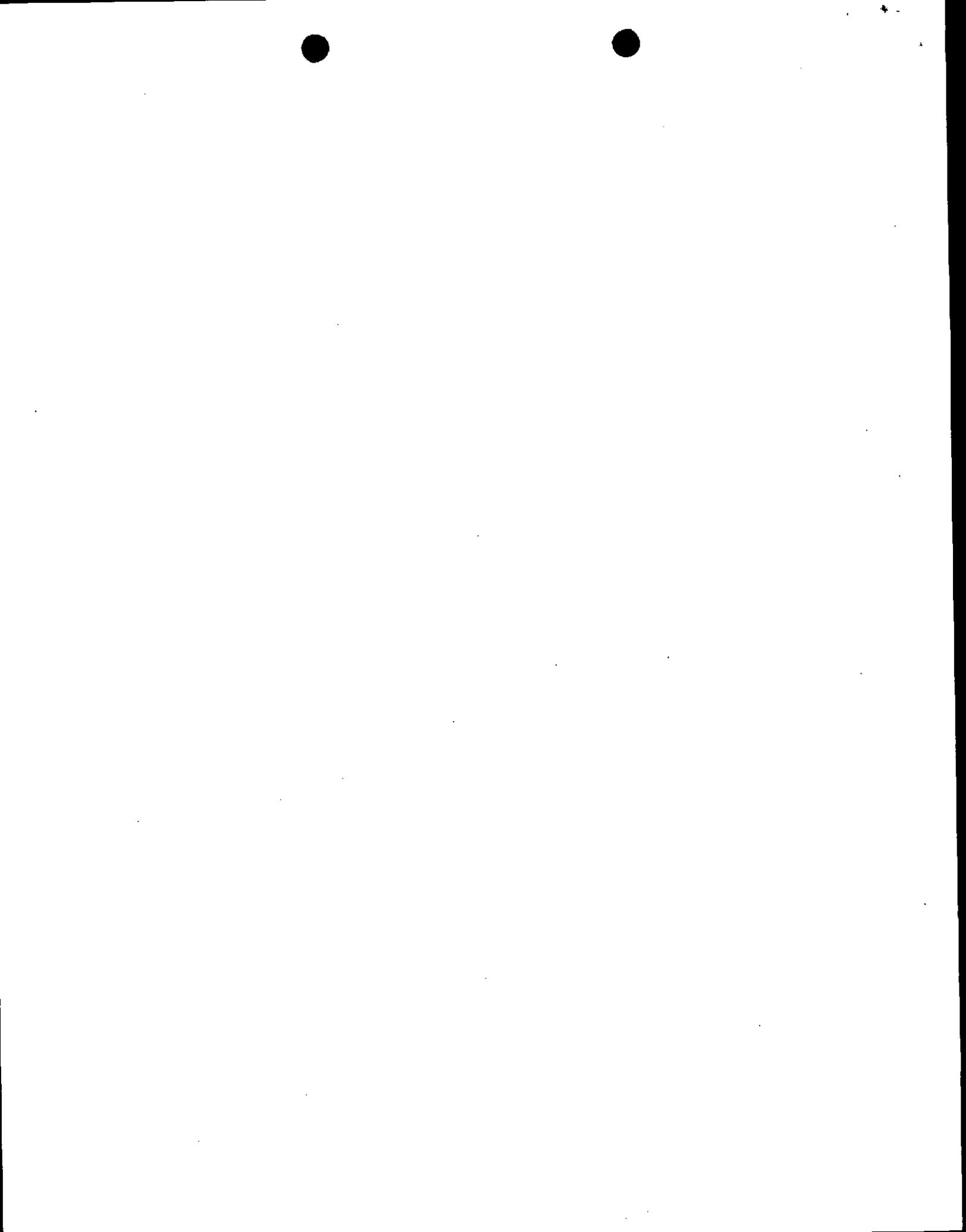
SGRR was notified in the February 4, 2011, letter that Ohio EPA would be initiating enforcement against SGRR for the non-compliance issue in December 2010. The violations detailed in this notice will be included in the enforcement action.

Additional Issue:

Profile number CH457130 is for expired non-hazardous pharmaceutical drugs. During the March 15, 2011, inspection you provided Ohio EPA a copy of Clean Harbors' formulary list. According to you, the generator is provided this list and can place any pharmaceuticals on this list into the non-hazardous waste container for pick-up by Clean Harbors.

Upon review of Clean Harbors' formulary I found multiple pharmaceuticals that would be either characteristic hazardous wastes or listed hazardous waste (e.g., Amyl nitrite – D001, Elixophyllin – D001, Leukeran – U035, Reserpine – U200, Cytosan – U058, Sunmark nicotine patches – P075). There are some pharmaceuticals on Clean Harbors' formulary that in one form are non-hazardous, but in another form could be hazardous waste (e.g., pine tar soap). Also there are ambiguous materials on the list like syringes, oral liquids, and patches, all of which have the potential to be listed or characteristic depending on the actual contents.

These findings raise serious concerns that SGRR has again accepted a hazardous waste as non-hazardous and subsequently shipped it off-site for illegal disposal. Please provide detailed information of each pharmaceutical drug accepted under this profile and the disposition of the waste. Please also provide the same information for any other pharmaceutical waste profiles that use Clean Harbors' formulary. **Please submit this information within 30 days of receipt of this letter.**



Enclosed is a copy of the checklist completed as a result of the inspection. If you have any questions, please either e-mail me at cathy.altman@epa.ohio.gov or call me at (937) 285-6093.

Sincerely,

A handwritten signature in cursive script that reads "Cathy L. Altman".

Cathy L. Altman

Division of Hazardous Waste Management

cc: DHWM Data Entry/Facility File,
Tammy Heffelfinger, DHWM, CO
Elissa Miller, Legal, CO

CA/ca

