



State of Ohio Environmental Protection Agency

Southwest District Office

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File

September 2, 2008

Mr. Steve Bley
Facility Compliance Manager
Clean Harbors Environmental Services, Inc.
4879 Spring Grove Avenue
Cincinnati, Ohio 45232

RE: SPRING GROVE RESOURCE RECOVERY – OHD000816629

Dear Mr. Bley:

On June 19, 2008, Ohio EPA received Spring Grove Resource Recovery's (SGRR) response to the May 27, 2008, notice of violation letter. Based on the information provided, SGRR has adequately demonstrated abatement of the following violations as cited in that letter:

- 2. **Proper Operation and Maintenance, Condition A.9 and Ohio Administrative Code (OAC) 3745-50-58(E)**
- 4. **Other Noncompliance, Condition A.22 and OAC 3745-50-58(L)(10).**

Based on the information provided by SGRR, Ohio EPA is rescinding the following violation:

- 5. **Manifest System, Condition B.24 and OAC 3745-5-71(A)(4)**

SGRR properly returned a copy of the manifest to the generator within thirty days of delivery.

Clean Harbors' customer service representatives contact generators to resolve waste discrepancies rather than an employee of SGRR. Therefore, SGRR remains in violation of the following hazardous waste laws and conditions of its Ohio Hazardous Waste Installation and Operation permit as cited in the May 27, 2008, notice of violation:

- 1. **Duty to Comply, Condition A.5 and OAC 3745-50-58(A):** The Permittee shall comply with 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, constitutes 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.

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As detailed below, SGRR failed to comply with the General Waste Analysis Plan condition of its Permit and OAC rule. **Therefore, SGRR is in violation of Condition A.5 and OAC 3745-50-58(A).**

3. **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.

Section C, 2.5.1 Non-Conformance and Rejections of SGRR's permit application states the following:

"Major non-conformance is addressed by contacting the generator and obtaining the correct information for the load. . .Amendments to waste profiles will require written approval from the generator or resubmittal of a new or amended GWMPs or equivalent to SGRR."

"In the event SGRR discovers a discrepancy between the prequalification description of the waste and the waste conformance testing, SGRR will contact the generator and attempt to resolve the discrepancy."

"SGRR will resolve all waste discrepancies or non-conformance issues (as defined in 2.5.1, 2.5.1.1, 2.5.1.2, 2.5.1.3 and 2.5.1.4) within (30) thirty days of acceptance date or the waste will be rejected."

SGRR did not contact the generator to resolve the discrepancy. SGRR did not obtain written approval from the generator prior to changing waste profiles. SGRR did not resolve the waste discrepancy within (30) thirty days of acceptance of the waste or did not reject the waste. **Therefore, SGRR is in violation of Condition B.3 and OAC 3745-54-13.**

SGRR is currently working with Clean Harbors to address the waste discrepancy issue. Within fourteen (14) days of receipt of this letter, please provide Ohio EPA with information regarding the abatement of these violations. If SGRR prefers to schedule a meeting to discuss this situation, please contact me at (937) 285-6093.

Sincerely,



Cathy L. Altman
Division of Hazardous Waste Management

cc: Dinah Crawford, SWDO-DHWM/DHWM File

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.