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1. Article Addressed to:

MR TIM KIMMEL  
 USA LAMP & BALLAST RECYC  
 7806 ANTHONY WAYNE AVENUE  
 CINCINNATI OH 45216

 2. Article Number  
 (Transfer from service label)

7006 2760 0003 0781 3640

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 X *Brook James*  Agent  
 Addressee

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C. Date of Delivery

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



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mailed  
11-7-08

Postmark  
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Cathy  
Altman

Sent To  
 I. Kimmel USA Lamp  
 Street, Apt. No.;  
 or PO Box No. 7806 Anthony Wayne Ave  
 City, State, ZIP+4 Cinc Oh 45216

## **Certified Mail Provides:**

- A mailing receipt
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- Certified Mail may **ONLY** be combined with First-Class Mail® or Priority Mail®.
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PS Form 3800, August 2006 (Reverse) PSN 7530-02-000-9047



State of Ohio Environmental Protection Agency

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

008/009  
003  
CA  
file

November 7, 2008

CERTIFIED MAIL

Mr. Tim Kimmel  
USA Lamp & Ballast Recycling, Inc.  
7806 Anthony Wayne Avenue  
Cincinnati, Ohio 45216

RE: Compliance Evaluation Inspection – USA Lamp & Ballast Recycling, Inc  
OHR000109819

Dear Mr. Kimmel:

Thank you for assisting me on the October 29, 2008, compliance evaluation inspection of USA Lamp & Ballast Recycling, Inc.'s (USA Lamp) Cincinnati, Ohio facility. Tom Kimmel also represented USA Lamp during the inspection. The purpose of the inspection was to determine USA Lamp's compliance with Ohio's hazardous waste laws and regulations as found under the Ohio Revised Code (ORC) and the Ohio Administrative Code (OAC) and USA Lamp's Ohio hazardous waste installation and operation permit issued May 17, 2007. Ohio EPA's inspection included an inspection of facility operations and a review of written documentation. However, compliance with the Ohio hazardous waste rules addressing financial requirements were not assessed during this inspection. Based on this inspection, Ohio EPA has determined that USA Lamp violated the following state Hazardous Waste regulations and conditions of its Ohio Hazardous Waste Installation and Operation permit. All violations of USA Lamp's permit are violations of Ohio Revised Code 3734.11(B).

1. **Required aisle space, Condition B.12 and OAC 3745-54-35:** At a minimum, the Permittee must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, as required by OAC Rule 3745-54-35.

USA Lamp failed to comply with this Condition and Rule by not having at least two feet of aisle space between container storage rows. **Therefore, USA Lamp is in violation of Condition B.12 and OAC 3745-54-35.** To return to compliance, provide at least two feet of aisle space between container rows.

2. **Management of Containers, Condition C.6 and OAC 3745-55-73:** The Permittee must keep all containers closed during storage, except when it is necessary to add or remove waste, and must not open, handle, or store containers in a manner which may rupture the container or cause it to leak.

USA Lamp failed to comply with this Condition and Rule by not properly closing all containers in storage. **Therefore, USA Lamp is in violation of Condition C.6 and OAC 3745-55-73.** To return to compliance, properly close all containers in storage.

On November 6, 2008, I conducted a follow up inspection to verify the correction of the above noted violations. Based on the inspection, USA Lamp has adequately demonstrated abatement of the following violations:

1. **Required aisle space, Condition B.12 and OAC 3745-54-35**
2. **Management of Containers, Condition C.6 and OAC 3745-55-73**

Enclosed is a copy of the checklist completed during the inspection. If you have any questions, please contact me at (937) 285-6093.

Sincerely,



Cathy L. Altman  
Division of Hazardous Waste Management

cc: Dinah Crawford, SWDO-DHWM/DHWM File  
Tom Kimmel, USA Lamp

**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.

**OHIO PART B PERMITTED FACILITY  
RCRA INSPECTION CHECKLIST**

Facility: USA Lamp & Ballast, Recycling Inc. ID #: OHR000109819

Address: 7806 Anthony Wayne Ave.  
Cincinnati, Ohio 45216

County: Hamilton Phone: (513) 641-4155

Inspection Date: 10/29/2008 Time: 9:40 – 12:30

Advance notice of inspection given? (Y)\_\_\_(N)X If so, how far in advance?

	<u>Name</u>	<u>Agency/Title</u>	<u>Phone</u>
Inspectors:	<u>Cathy Altman</u>	<u>Ohio EPA</u>	<u>(937) 285-6093</u>

Facility			
Representatives:	<u>Tim Kimmel</u>	<u>USA Lamp</u>	<u>(513) 641-4155</u>
	<u>Tom Kimmel</u>	<u>USA Lamp</u>	<u>(517) 676-0044</u>

Is facility operating as a generator? (Y)\_\_\_ (N)X

**PERMIT STATUS**

Permit Issued: May 17, 2007  
Permit Effective Date: May 17, 2007  
Permit Expiration Date: May 17, 2017

**AUTHORIZED ACTIVITIES**

***Storage in Containers*** - no onsite disposal  
Container storage – 14, 714 tons in a year, 325,000 lbs at any one time

**GENERAL PERMIT COMPLIANCE AND ACTIVITIES**

- |     |   |                                 |
|-----|---|---------------------------------|
| 1.  | Is USA storing hazardous waste only in the 4 permitted container storage areas?<br>[Condition C.1]  | Y <u>X</u> / N ___ / NA ___     |
| 2.  | Has USA exceeded the one year storage limit?  | Y ___ / N ___ X / NA ___        |
| 3.  | Is USA storing hazardous wastes only in the types and size of containers specified in Section D of the application? [Condition C.1.a]   | Y <u>X</u> / N ___ / NA ___     |
| 4.  | Is each container in storage clearly marked to identify its contents and the date each period of storage began?   | Y <u>X</u> / N ___ / NA ___     |
| 5.  | Are containers holding hazardous waste in good condition? [Condition C.4]   | Y <u>X</u> / N ___ / NA ___     |
|     | (a) If not, did USA transfer the waste to a container that is in good condition or otherwise manage the waste in compliance with the permit and 3745-55-71 [Condition C.4]  | Y ___ / N ___ / NA ___          |
| 6.  | Does USA ensure that all containers used at the facility are compatible with the hazardous waste stored in them? [Condition C.5]  | Y <u>X</u> / N ___ / NA ___     |
| 7.  | Does USA keep all containers closed during storage except when adding or removing waste? [Condition C.6]  | Y ___ / N ___ <u>X</u> / NA ___ |
| 8.  | Is USA maintaining aisle space to allow unobstructed movement of personnel, fire protection equipment, spill control equipment and decontamination equipment? (Minimum 2 ft) [Condition B.12]                           | Y ___ / N ___ <u>X</u> / NA ___ |
| 9.  | Does USA continue to maintain the 24 hour surveillance system according to Section F of the application? [Condition B.4]  | Y <u>X</u> / N ___ / NA ___     |
| 10. | Is the fence surrounding the facility in good condition in accordance with Section F of the application? [Condition B.4]  | Y <u>X</u> / N ___ / NA ___     |
| 11. | Are warning signs (Danger - Unauthorized Personnel Keep Out) present at intervals along the fence in accordance with Section F of the application? [Condition B.4]  | Y <u>X</u> / N ___ / NA ___     |
| 12. | Is USA using pallets that are in good condition? [Condition B.1.a]  | Y <u>X</u> / N ___ / NA ___     |
| 13. | Is USA, at a minimum, maintaining the equipment set forth in Section F and G of the application? [Condition B.9] See attachments  | Y <u>X</u> / N ___ / NA ___     |
| 14. | Does USA store containers of ignitable or reactive wastes greater than 50 ft from the property line? [Condition C.11.a]   | Y <u>X</u> / N ___ / NA ___     |
| 15. | Does USA take precautions to prevent accidental ignition or reaction of ignitable or reactive waste and follow the procedures as specified by 3745-54-15 and Section F of the application including: [Condition C.11.b] | Y <u>X</u> / N ___ / NA ___     |
|     | (a) providing electrical grounding? [Condition B.7.b]   | Y ___ / N ___ / NA <u>X</u>     |
|     | (b) provide and require the use of spark proof tools? [Condition B.7.c]   | Y ___ / N ___ / NA ___          |
|     | (c) prohibit smoking and open flames and post appropriate signs? [Condition B.7.d]  | Y ___ / N ___ / NA <u>X</u>     |

**UW Handler Standards**

1. Does USA comply with universal waste labeling requirements? [OAC 3745-273-34] Y X /N\_/NA\_

**Record Keeping**

***Inspections***

1. Is USA following the approved inspection procedures and schedule for inspecting: monitoring equipment, safety equipment, emergency equipment, security devices and operating and structural equipment? [Condition B.5] Y X /N\_/NA\_
2. Does USA remedy deterioration or any malfunctions discovered by an inspection? [Condition B.5] Y X /N\_/NA\_
3. Is USA maintaining records of all inspections for a minimum of 3 years? [Conditions A.28.a.vii & B.5] Y X /N\_/NA\_
4. Do inspection records contain the following information: [Condition B.5]
- (a) Date and time of inspection? Y X /N\_/NA\_
  - (b) Signature of inspector? Y X /N\_/NA\_
  - (c) Notation of observations made? Y X /N\_/NA\_
  - (d) Date/nature of any repairs or other remedial actions? Y X /N\_/NA\_
5. Is USA inspecting the container area weekly for accumulation of waste, leaking or structurally impaired containers, labeling, aisle space, and closed containers in accordance with Section F of the application? [Condition C.9] Y X /N\_/NA\_
6. Are the inspections noted in the inspection log along with any remedial action taken? [Condition C.9] Y X /N\_/NA\_

***Manifests***

7. Is all hazardous waste shipped from the facility by a registered transporter? [Condition A.16] Y\_/N\_/NA\_)
8. Have all hazardous wastes been shipped off-site with a completed manifest? [Condition B.24] Y\_/N\_/NA\_)
9. Do all manifests contain the required information? [Condition B.24] Y\_/N\_/NA\_)
10. Has USA received a return copy of each manifest within 35 days? [Condition B.24] Y\_/N\_/NA\_)
- (a) if not, did USA submit an exception report? Y\_/N\_/NA\_)
11. Has a significant discrepancy occurred since the last inspection? [Condition B.24b] Y\_/N\_ X /NA\_
- (a) if not reconciled within 15 days, was a discrepancy report submitted? Y\_/N\_/NA\_)
12. Has USA accepted any unmanifested waste? [Condition B.24c] Y\_/N\_ X /NA\_

(a) if so, did USA submit an unmanifested waste report within 15 days of receipt of the waste? Y\_\_/N\_/NA\_

13. Does USA maintain copies of manifests and exception reports for at least 3 years? [Condition B.24] Y\_X\_/N\_/NA\_

14. Has USA received any waste from a foreign source without notifying the Director in writing at least 4 weeks in advance? [Condition B.2b] Y\_\_/N\_X\_/NA\_

15. Is USA informing generators that the facility has the appropriate permit to accept a waste and maintaining documentation of the notice? [Condition B.2.a] Y\_X\_/N\_/NA\_

**Personnel Training**

16. Is USA conducting personnel training in accordance with Section H, including instruction in safe equipment operation, emergency procedures, and implementation of the Contingency plan? [Condition B.6] Y\_X\_/N\_/NA\_

17. Does USA provide training to new employees within 6 months from date of employment, along with an annual refresher? [Condition B.6] Y\_X\_/N\_/NA\_

18. Is USA maintaining personnel training records? [Condition B.6] Y\_X\_/N\_/NA\_

**Contingency Plan**

19. Have there been any changes at USA requiring update of the plan? [Condition B.17] Y\_\_/N\_X\_/NA\_

20. Is USA reviewing the plan and updating it as needed? [Condition B.17] Y\_X\_/N\_/NA\_

21. Is an emergency coordinator available at all times with the authority to commit resources? [Condition B.19] Y\_X\_/N\_/NA\_

22. Has there been a fire, explosion or release of hazardous waste at the facility since the last inspection? [Condition B.14] Y\_\_/N\_X\_/NA\_

(a) Did USA comply with the emergency procedures in the plan? [Condition B.14] Y\_\_/N\_/NA\_

(b) Did USA submit an incident report to the Director within 15 days? Y\_\_/N\_/NA\_

(c) Did USA record the incident in the operating record? [Condition B.22] Y\_\_/N\_/NA\_

**PERMIT MODIFICATION, REVISION, REVOCATION**

1. Has USA made any or plans any changes that would require a modification? [Conditions A.2. & A.15] Y\_\_/N\_X\_/N

2. Has there been a change in owner/operator? [Condition A.18] Y\_\_/N\_X\_/N

3. Has USA identified any instances of noncompliance? Y\_\_/N\_X\_/NA\_

4. Is USA retaining a complete copy of the approved application on-site? [Condition A.14.c] Y\_X\_/N\_/NA\_

**OPERATING RECORD**

1. Is USA maintaining a written operating record at the facility which contains the following elements: [Condition B.22] Y\_X\_/N\_/NA\_

(a) A description and the quantity of each hazardous waste received? Y X /N\_/NA\_

(b) Method(s) and date(s) of treatment, storage or disposal at the facility? Y X /N\_/NA\_

(c) The location of each hazardous waste within the facility and the quantity at each location? Y X /N\_/NA\_

2. Is USA maintaining, until closure is complete and certified, the following documents and amendments, revisions and modifications to these documents: [Condition A.28]

(a) Waste analysis plan? Y X /N\_/NA\_

(b) Contingency plan? Y X /N\_/NA\_

(c) Closure plan? Y X /N\_/NA\_

(d) Cost estimate for facility closure? Y X /N\_/NA\_

(e) Personnel training plan and records? Y X /N\_/NA\_

(f) Inspection schedules? Y X /N\_/NA\_

**CLOSURE REQUIREMENTS**

1. Has USA closed the facility or any portion of the facility? Y\_/N\_ X /NA\_

**STORAGE OF HAZARDOUS WASTES IN CONTAINERS**

1. Does USA limit the total quantity of containerized waste in the container storage area to 325,000 pounds at any given time? [Condition C.1.(a)] Y X /N\_/NA\_



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2  
3  
4