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File 067  
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State of Ohio Environmental Protection Agency

**Southwest District Office**

401 E. Fifth St.  
Dayton, Ohio 45402

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www.epa.state.oh.us

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

January 12, 2009

Ms. Allison Lauf  
Clean Water Limited  
300 Cherokee Dr.  
Dayton, Ohio 45427

**Re: Clean Water Limited/Permit Conditions 05-57-0555 /OHD004274031**

**Notice of Violation**

Dear Ms. Lauf:

On November 4, 2008 Ohio EPA received a notification to self-report non-compliance with its Part B permit conditions related to hazardous waste manifest recordkeeping.

The self-report of non-compliance was being done in accordance with permit condition A.22, and was reporting non-compliance with permit conditions A.14(a) and A.28(a)(vi).

On October 31, 2008 Clean Water Limited had arranged for a document management company to destroy old company records unrelated to hazardous waste manifests or environmental permit compliance. The document management company representative inadvertently destroyed three boxes of documents that are believed to have contained hazardous waste manifests.

Clean Water Limited stated that the companies starting with the letters "RE through "V" in the calendar year of 2006 were the missing documents. Clean Water Limited estimated that 367 hazardous waste manifests were destroyed. In your November 21, 2008 correspondence Clean Water Limited stated that 195 had been recovered, which leaves 172 manifests unaccounted for.

Based on this report, Ohio EPA has determined that Clean Water Limited has violated the following state hazardous waste laws, regulations and conditions of its Ohio Hazardous Waste Installation Operation Permit. All violations of Clean Water Limited Permit are violations of ORC 3734.11(B), OAC 3745-50-58(A), and Permit Condition A.5.

1. **Permit condition A.14(a), Retention of Records:** The permittee must retain records of all records required by this permit for a period of at least three(3) years. Clean Water Limited is in violation of this permit condition for each of the 172 manifests that cannot be recovered.
2. **Permit condition B.24(a) Manifest System and OAC 3745-54-71(A)(5) Use of Manifest System:** Retain at the facility a copy of each manifest for at least three years from delivery. Clean Water Limited is in violation of this permit condition and rule for each of the 172 manifests that cannot be recovered.

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Clean Water Limited has offered the following in order to mitigate the violations:

Clean Water Limited stated in your November 21, 2008 correspondence that you have an electronic tracking system (Enviroware) that could provide the following information on the 172 manifests: generator name; EPA ID number; phone number; transporter name and ID number; disposal facility and ID number; date of shipment; waste profile number; manifest number; line item number(s); waste description; RCRA hazardous waste code(s); waste management method code; waste weight and/or volume; container type; container size; and Land Disposal Restriction information. It appears that if Clean Water Limited can recover this information, the only missing part would be the signatures.

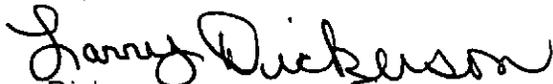
Clean Water Limited is also in the process of instituting a policy of duplicating copies of all manifests with hopes of preventing future situations where a manifest could be destroyed, lost or misplaced. This would ensure that Clean Water Limited will always have a copy in their files for Ohio EPA review.

Based on our conversation of January 8, 2008 you stated that the duplicating process and the remanufacturing of the 172 manifests has already begun.

In order for Clean Water Limited to Return to Compliance (RTC) you must notify Ohio EPA when the 172 remanufactured manifest(s) are ready for our review. Once they have been cross-referenced with the 2006 annual report for accuracy, the Southwest District Office will accept this as a return to compliance specific to the violations associated with the missing manifests as reported by Clean Water Limited on November 21, 2008.

If you have any questions, or feel that you need more time, please feel free to contact me at (937) 285-6092

Sincerely,



Larry Dickerson  
District Representative  
Division of Hazardous Waste Management

cc: ~~Diana Crawford, SWDO, DHWM, DHWM, FILE~~

LD/mab

**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.