



**Environmental
Protection Agency**

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

July 1, 2011

Tim Fowler
MPW Container Management
4848 W 130th St
Cleveland, OH 44135

**Re: 2009 Hazardous Waste Annual Report Requirement – Notice of Violation
MPW Container Management, Cleveland - OHR000024901**

Dear Tim Fowler:

My review of manifest data from the Michigan Department of Environmental Quality (MI DEQ) has revealed that one or more shipments of hazardous waste were sent by MPW Container Mgmt – Cleveland to receiving facilities in Michigan during the 2009 calendar year. The total amount reported is approximately 169.18 tons as shown on the enclosed printout. This total indicates that MPW was a large quantity generator in 2009. Because I have not received a Hazardous Waste Annual Report for 2009, MPW may be in violation of Rule 3745-52-41 of the Ohio Administrative Code (OAC).

A large quantity generator is defined as a site which generates in any single month more than 1000 kg (2200 lbs) of non-acute hazardous waste or more than 1 kg (2.2 lb) of acutely hazardous waste. This includes wastes from one-time generation as well as wastes from ongoing production processes. Generating hazardous waste above the threshold quantity for only one month will subject a site to the Annual Report requirement. OAC Rule 3745-52-41 requires a generator who ships any hazardous waste off-site to prepare and submit to the Ohio EPA a Hazardous Waste Annual Report and to describe and certify efforts that were made to minimize hazardous wastes. These reports are due March 1 of each year and contain information about the activities of the previous calendar year. Only small quantity generators (between 220 and 2200 lb/mo of non-acutely hazardous wastes) and conditionally exempt small quantity generators (less than 220 lb/mo of non-acutely hazardous wastes) are exempt from the Annual Report requirement as described in OAC Rule 3745-52-44.

To abate the violation of OAC Rule 3745-52-41, MPW must complete and submit to Ohio EPA a 2009 Hazardous Waste Annual Report within 30 days of receipt of this letter. Failure to respond to this Notice of Violation may result in referral to the Compliance Assurance Section for consideration of escalated enforcement. The 2009 forms and instructions can be found in Adobe Acrobat PDF format at

http://www.epa.ohio.gov/dhwm/ann_report/ann_report_2009.aspx. This same web site contains detailed information about filing electronically using the eDRUMS service in Ohio EPA's eBusiness Center (eBiz) at **<https://ebiz.epa.ohio.gov/login.jsp>**. The Responsible Official who will sign the report must have an eBiz account and PIN before they can apply for the service. Obtaining a PIN requires mailing to Ohio EPA a notarized signature and receiving

the PIN by return US mail. I encourage you to file electronically because it is efficient, easy to use, and prevents many common errors due to built-in error checking and validation.

MPW should have on file the manifest records necessary for completion of the reports. OAC Rule 3745-52-40 requires generators to keep a signed copy of each manifest for a period of at least three years from the date the waste was accepted by the initial transporter. Receiving facilities and transporters are under a similar requirement. If you need copies of the original manifest(s), contact them for assistance.

If MPW was not a large quantity generator in 2009, documentation must be submitted to this office within 30 days of receipt of this letter. This documentation must show that MPW did not generate more than the threshold quantity of hazardous waste in any month during 2009. If you believe that the information supplied by Michigan TSDFs is in error, please call me to discuss the discrepancy.

A letter that acknowledges receipt of the report will be sent to you after it is processed. I can answer questions concerning the Annual Report at (614) 644-2891 or maryann.silagy@epa.state.oh.us. Your prompt attention to this matter is appreciated.

Sincerely,



Mary Ann Silagy, Environmental Specialist 2
Environmental Research and Information Services
Ohio EPA - Division of Materials and Waste Management
maryann.silagy@epa.state.oh.us
614-644-2891

enclosures

cc: Central File
DMWM, NEDO

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.

2009 Michigan Manifest Data for Ohio Generators

09/30/2010

A density of 8.34 lbs/gal is assumed when the unit of measure is gallons, yards, or liters

Quantity and Unit Tons Mgmt Method Waste Code(s)

OHR000024901 MPW CONTAINER MANAGEMENT

01/13/2009

004674594JJK

EQMxt. MID980991566 5150 G 21.48 H077 D007 D018 D019 D028 D029 D039

01/15/2009

005009221JJK

Dynecol MID074259565 4400 G 18.35 H141 D001 D035

02/27/2009

005009493JJK

↓ MID074259565 4400 G 18.35 H141 D001 D035

04/27/2009

005409088JJK

Dynecol
35420 G

MID074259565 4400 G 18.35 H141 D001 D035

06/18/2009

005410518JJK

MID074259565 4400 G 18.35 H141 D001 D035

08/11/2009

005410922JJK

MID074259565 4400 G 18.35 H141 D001 D035

09/25/2009

005408853JJK

MID074259565 4400 G 18.35 H141 D001 D035

11/09/2009

006404203JJK

MID074259565 4400 G 18.35 H141 D001 D035

12/30/2009

006403826JJK

MID074259565 4620 G 19.27 H141 D001 D035

Total Tons for Generator 169.18