



State of Ohio Environmental Protection Agency

Northeast District Office

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Twinsburg, Ohio 44087

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www.epa.state.oh.us

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

January 26, 2010

RE: **PERFECT MULCH**
OHR 000 149 245
5th NOTICE OF VIOLATION

Sanford Schroll
Perfect Mulch
3574 Myers Road
Geneva, OH 44041

Dear Mr. Schroll:

On April 10, 2009, we spoke on the phone and you faxed me paperwork regarding the aluminum cleaner and empty drums. Below I will outline how these things affect the violations found during my inspections dated April 22, 2008, September 10, 2008, and September 23, 2008 of Perfect Mulch located at 3574 Myers Road, Geneva, Ohio. A written response to this letter is required within 30 days. Please note that you have not sent me a written response to any of my previous 4 notices of violation.

1. OAC rule 3745-52-11 – Hazardous waste determination.
This rule requires that any person who generates a waste must determine if that waste is a hazardous waste. This violation deals with your management of waste fluorescent lamps. On September 23, 2008, you told me that the management of these lamps was the same as what it had been on April 22, 2008 (except for disposing of the lamps as solid waste). **Please send me a description of how you will now manage waste lamps.**
2. OAC rule 3745-52-11 – Hazardous waste determination.
It appears that Perfect Mulch did not violate this rule. OAC 3745-51-02(E)(1)(b) states that materials are not wastes when they can be shown to be used or reused as effective substitutes for commercial products. This is the case for the aluminum cleaner that was the subject of this violation. I received paperwork from you showing the March 13, 2009 receipt of 10 gallons of aluminum cleaner by Dragon Oil, LLC, Ashtabula, Ohio. I spoke with Ed Dragon of Dragon Oil on April 13, 2009. Mr. Dragon said he will use this at his car wash as an aluminum cleaner. No further information is required regarding this at this time.
3. OAC rule 3745-52-12 – Generator identification numbers.
It appears that Perfect Mulch did not violate this rule. These identification numbers are only required for facilities that generate over 220 pounds of hazardous waste during a calendar month. The 10 gallons of aluminum cleaner that was generated during one month did not weigh over 220 pounds. No further information is required regarding this at this time.

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4. Ohio Revised Code (ORC) 3734.02(E) and (F) – Accumulation beyond 180 days. It appears that Perfect Mulch did not violate this rule. OAC 3745-51-02(E)(1)(b) states that materials are not wastes when they can be shown to be used or reused as effective substitutes for commercial products. This is the case for the aluminum cleaner that was the subject of this violation. I received paperwork from you showing the March 13, 2009 receipt of 10 gallons of aluminum cleaner by Dragon Oil, LLC, Ashtabula, Ohio. I spoke with Ed Dragon of Dragon Oil on April 13, 2009. Mr. Dragon said he will use this at his car wash as an aluminum cleaner. No further information is required regarding this at this time.

You can find copies of the regulations and other information on the Division of Hazardous Waste Management web page at <http://www.epa.state.oh.us/dhwm/>.

If you have any questions, please contact me at (330) 963-1217, or robert.almquist@epa.state.oh.us.

Sincerely,



Robert Almquist
Division of Hazardous Waste Management

RA:cl

cc: Ed Dragon, Dragon Oil, LLC
Sanford Schroll, Perfect Mulch
Marlene Kinney, DHWM, NEDO

ec: Frank Popotnik, DHWM, NEDO
Harry Sarvis, DHWM, CO
Virginia Wilson, DSW, NEDO
Colum McKenna, DSIWM, NEDO
Natalie Oryshkewych, DHWM, NEDO

Notice:

Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve your facility from its obligation to comply with all applicable regulations.