



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

December 29, 2008

RE: **PERFECT MULCH
COMPLAINT # 7082
4th NOTICE OF VIOLATION**

Certified Mail and Regular Mail

Sanford Schroll
Perfect Mulch
3574 Myers Road
Geneva, OH 44041

Dear Mr. Schroll:

On September 30, 2008, I sent you a letter which required a written response from you. I have not received a written response to that letter nor to the previous two letters I have sent to you. Today's letter requires action on your part and also requires a written response to me. If these issues are not taken care of in the near future, I will need to write an enforcement referral so that our Columbus office can determine whether further enforcement actions are needed.

These issues stem from my inspections dated April 22, 2008, September 10, 2008, and September 23, 2008 of Perfect Mulch located at 3574 Myers Road, Geneva, Ohio. This letter will update the status of the violations and also cite two additional violations. A written response to this letter is required within 30 days.

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.
This rule requires that any person who generates a waste must determine if that waste is a hazardous waste. This violation deals with a 30-gallon, plastic drum of waste Oakite Brightener stored in an outbuilding. You have not responded with your determination as to whether this waste is a hazardous waste. I have received a MSDS sheet and specification sheet for Oakite Brightener from Chemetall. I faxed these materials to you on October 1, 2008. Another copy is enclosed. The MSDS lists a pH of less than 2.5 and the specification sheet lists a pH of 1.2. Any waste with a pH of 2 or below is a hazardous waste with the

Sanford Schroll
Perfect Mulch
December 29, 2008
Page 2

waste code of D002. Absent a written determination from you to the contrary, I will assume the waste in the 30-gallon drum is a hazardous waste.

In many cases, the hazardous waste regulations applicable to a facility depend on how much hazardous waste that facility generates during a calendar month. There are three categories based on this generation. The middle category is for facilities that generate between 220 and 2200 pounds of hazardous waste in a calendar month. During the month that you determined that you could no longer use the Oakite Brightener, Perfect Mulch became this middle category which is called a Small Quantity Generator (SQG). This is because you have 30 gallons of this waste and the MSDS lists 9.77 pounds/gallon for this waste and that calculates to 293 pounds. Below are cited two violations of the rules applicable to a Small Quantity Generator. Perfect Mulch is in violation of other rules in addition to these two, however, they will be corrected once this waste is properly shipped off site to a hazardous waste treatment, storage, and/or disposal facility.

3. OAC rule 3745-52-12 – Generator identification numbers.
This rule requires that a generator not treat, store, dispose of, transport, or offer for transportation hazardous waste without having received a USEPA identification number.

Perfect Mulch has violated this rule by being a Small Quantity Generator and not obtaining a hazardous waste identification number. Perfect Mulch must now complete and submit the Notification of Regulated Waste Activity form. Often, this can be done by working with a hazardous waste treatment, storage, and/or disposal facility. You can also use the enclosed form. The form and instructions are also at: <http://www.epa.state.oh.us/dhwm/notiform.html>.

Questions regarding this can be directed to Kristina Durnell at (614) 644-1694.
Please send me notification when this has been completed.

4. Ohio Revised Code (ORC) 3734.02(E) and (F) – Accumulation beyond 180 days.
ORC 3734.02 (E) and (F) state that no person shall establish or operate a hazardous waste facility without a permit and that no person shall store, treat, or dispose of hazardous waste except at a facility with a hazardous waste permit.

Perfect Mulch violated ORC 3734.02(E) and (F) by storing its hazardous waste Oakite Brightener beyond 180 days. On September 23, 2008, you told me that this Oakite Brightener has been there since you bought the property from Pickens Plastics 12 years ago. **Perfect Mulch must now have this waste shipped to a facility that is permitted to accept such waste.** A list of hazardous waste companies in Northeast Ohio is enclosed. **Please send me a copy of the hazardous waste manifest used for this shipment.**

Sanford Schroll
Perfect Mulch
December 29, 2008
Page 3

Since Perfect Mulch violated (ORC) 3734.02(E) and (F), Perfect Mulch is subject to all applicable general facility standards found in OAC chapters 3745-54 and 55. Additionally, at any time, Ohio EPA may assert its right to have Perfect Mulch begin facility-wide cleanup pursuant to the Corrective Action process under Ohio law.

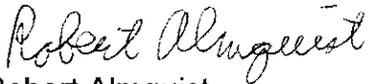
Although not required at this time, be advised that due to the nature of the violation, Ohio EPA may require closure pursuant to OAC rules 3745-55-11 through 3745-55-20 and OAC rules 3745-55-42 through 3745-55-47 at this site.

A written response to this letter is required within 30 days.

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
Enclosures

cc: Natalie Oryshkewych, DHWM, NEDO

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