



State of Ohio Environmental Protection Agency

Northeast District Office

2110 East Aurora Rd.
Twinsburg, Ohio 44087

TELE: (330) 963-1200 FAX: (330) 487-0769
www.epa.state.oh.us

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

September 30, 2008

RE: **PERFECT MULCH
COMPLAINT # 7082
THIRD NOTICE OF VIOLATION**

Sanford Schroll
Perfect Mulch
3574 Myers Road
Geneva, OH 44041

Dear Mr. Schroll:

On September 10 and 23, 2008, I conducted follow up inspections to my April 22, 2008 inspection of Perfect Mulch located at 3574 Myers Road, Geneva, Ohio. This letter will update the status of the violation and concern found at the original inspection and also cite one additional violation. A written response to this letter is required within 30 days.

From the May 8, 2008 letter:

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 dealt 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). Another copy of our fact sheet regarding the handling of used lamps is enclosed. **Please send me a description of how you will now manage waste lamps.**
2. This concern dealt with wastewater from the cleanup of your mulch coating operation that is poured onto fill material outside. On September 23, 2008, you told me that this is still how you manage this wastewater. You have provided MSDS for the three colors of coating that are used. Based on this, I agree with your determination that this wastewater is not a hazardous waste. I suggest you contact Virginia Wilson of Ohio EPA's Division of Surface Water at (330) 963-1180 to discuss water pollution regulations that may apply to this type of disposal.

The following additional violation was found on September 23, 2008:

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.

Sanford Schroll
Perfect Mulch
September 30, 2008
Page 2

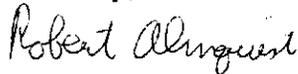
Perfect Mulch violated this rule by having a 30-gallon, plastic drum of waste Oakite Brightener stored in an outbuilding without determining whether or not it is a hazardous waste. You told me that this was here when you bought the property from Pickens Plastics, and at one time, you had planned to use it for cleaning. The drum was labeled as corrosive and that it could burn eyes and skin. One way that a waste can be a hazardous waste is if it is a strong acid (with a pH of 2 or below). Another way is if it is a strong base (with a pH of 12.5 or above). To determine if this is a hazardous waste, I suggest you talk to Pickens Plastics and/or contact one of the companies on the enclosed two lists to hire them to take a sample and dispose of this waste. You may also want to talk to the manufacturer of the chemical which I believe is Chemetall. Their phone number is (800) 526-4473.

Please submit a description of your determination as to whether this waste is a hazardous waste. Please include your plans for disposing of this waste.

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
Enclosure

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.