



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 Korteski, Director

May 8, 2008

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

Sanford Schroll  
Perfect Mulch  
3574 Myers Road  
Geneva, OH 44041

Dear Mr. Schroll:

Ed D'Amato and I of the Ohio EPA Division of Hazardous Waste Management conducted an inspection of Perfect Mulch located at 3574 Myers Road, Geneva, Ohio, on April 22, 2008. The purpose was to investigate a complaint and to determine if Perfect Mulch had violations of Ohio's hazardous waste and used oil laws as found in Chapter 3734 of the Ohio Revised Code (ORC) and Chapter 3745 of the Ohio Administrative Code (OAC).

The complaint alleged that 30 to 40 drums of old paint were inside the building. We did see 8 drums of old paint that are discussed in suggestion 2 below. The complaint also alleged broken fluorescent lamps. Waste lamp management is discussed in violation 1 below.

**Violations:**

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. The following documents give more information regarding this:

**Identifying Your Hazardous Waste**

<http://www.epa.state.oh.us/ocapp/sb/publications/identifyingwaste.pdf>

**Use of Generator Knowledge in Complying with OAC 3745-52-11**

<http://www.epa.state.oh.us/dhwm/pdf/GeneratorKnowledge6.pdf>

Perfect Mulch violated this rule by disposing of waste lamps (including fluorescent lamps) with regular trash without determining whether or not they are a hazardous waste. As an alternative to determining whether your particular waste lamps are hazardous waste, you may wish to manage them as universal waste. The following document contains more information regarding this:

[http://www.epa.state.oh.us/ocapp/sb/publications/Lampcompliance\\_checklist.pdf](http://www.epa.state.oh.us/ocapp/sb/publications/Lampcompliance_checklist.pdf).

In general, this would involve saving the waste lamps in a labeled container (such as a cardboard box) and having them picked up by a lamp recycler. Local lamp recycling companies are listed on an enclosed recyclers lists.

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Nine fluorescent lamps that appeared to be waste were found in the loft in Building B (the shredder building). These were not in a labeled container. **Please send me a description of how you will now manage these and other waste lamps.**

**Please send a written response to this letter within 30 days including the documentation required above.**

**Concerns:**

1. Wastewater from the cleanup of your mulch coating operation is poured onto fill material outside. Based on your description of the process and on the MSDS for the coating you provided, it does not appear that this wastewater is 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.

**Suggestions:**

1. The bulk bags that you receive rubber pieces in are disposed of when empty. You told me you have tried to find a recycler for these. You may want to talk to your supplier to see if they will take back the empty bags. You may also want to talk to Ashtabula County Department of Environmental Services at (440) 576-3777. Another option would be to use the Ohio's Material Exchange at: <http://www.aor-omex.org/omex/>.
2. You showed us about 8 drums of unused urethane-based coating that were stored inside and that have been here for about 3 years. Based on the ingredients listed on the label (iron oxide, pigment red, water, styrene acrylic polymer), your determination that these are not hazardous waste appears reasonable. If these will not be used, I suggest you have them shipped for recycling or disposal. You may want to use Ohio's Material Exchange as listed above. A list of companies that may be able to take this material for disposal is enclosed. The list is titled Solvents.
3. Ohio businesses that spend less than \$150,000 on their annual energy bill now have a tool to help them reduce energy waste and hold costs down. The Ohio Department of Development has developed a free online tool that is confidential and easy to use. If you are looking for ways to save on energy expenses at your business, visit the Small Business Energy Saver at: <http://www.energyguide.com/EnergySmartSBE/welcomeba.asp?referrerid=227&sid=436>.

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Ohio EPA's Office of Compliance Assistance and Pollution Prevention (OCAPP) provides compliance and pollution prevention assistance on environmental issues related to air, land, and water. They can be contacted at 800-329-7518 or <http://www.epa.state.oh.us/ocapp/ocapp.html>. Their 56 page Small Business Environmental Compliance Self-Assessment Guide can be found at: <http://www.epa.state.oh.us/ocapp/sb/publications/selfgde.pdf>.

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](mailto: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  
Rich Kolosionek, DAPC, 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.

Process and Waste Summary for: Perfect Mulch, 4-22-08 inspection				
#	Process generating the waste	Waste details	On-site management	Off-site management
1	Cleaning with water the hoses, pumps, mixers used in coating the rubber mulch	Wastewater, at most 25 gallons per day	Poured on fill material outside	
2		Used oil	None on site during inspection. Less than 55 gallons generated per year.	Picked up by M&M Oil Recycling
3		Empty drums		Picked up every 3 to 6 months
4		Unused urethane-based coating	8 drums stored inside been there about 3 years	
5	Receiving rubber pieces	Supersacks		Disposed of as solid waste
6	Lighting	Waste fluorescent lamps	9 found on shelf in loft in Building B	Disposed of as solid waste

**CONDITIONALLY EXEMPT SMALL QUANTITY GENERATOR REQUIREMENTS  
COMPLETE AND ATTACH A PROCESS, WASTE, P2 SUMMARY SHEET**

CESQG: ≤100Kg. (Approximately 25-30 gallons) of waste in a calendar month or < 1 Kg. of acutely hazardous waste.

SQG: Between 100 and 1,000 Kg. (About 25 to under 300 gallons) of waste in a calendar month.

LQG: ≥ 1,000 Kg. (~300 gallons) of waste in a calendar month or ≥ 1 Kg. of acutely hazardous waste in a calendar month.

NOTE: To convert from gallons to pounds: Amount in gallons x Specific Gravity x 8.345 = Amounts in pounds.

Safety Equipment Used:

**WASTE EVALUATION**

1. Have all wastes generated at the facility been adequately evaluated? [3745-52-11] Yes  No  N/A

**GENERATOR CLASSIFICATION**

2. Does the generator produce <100 kg. of hazardous waste per month? [conditionally exempt small quantity generator ("CESQG")] Yes  No  N/A

NOTE: If quantities of hazardous waste accumulated on-site at any one time exceed 1,000 Kg. - or the generator produces between 100 and 1,000 Kg. of hazardous waste per month, it is operating as a Small Quantity Generator ("SQG"). **If so, complete the Small Quantity Generator Requirements checklist.**

**OFF-SITE SHIPMENT OF HAZARDOUS WASTE**

3. Does the CESQG ensure delivery of hazardous waste(s) to an off-site permitted TSD? [3734.02(F)] Yes  No  N/A

**TREATMENT OF HAZARDOUS WASTE**

4. Does the generator treat hazardous waste in a:

a. Container that meets 3745-66-70 to 3745-66-77? Yes  No  N/A

b. Tank that meets 3745-66-90 to 3745-66-101 except 3745-66-97(C)? Yes  No  N/A

c. Drip pads that meet 3745-69-40 to 3745-69-45? Yes  No  N/A

d. Containment building that meets 3745-256-100 to 3745-256-102? Yes  No  N/A

NOTE: Complete appropriate checklist for each unit.

NOTE: If the CESQG conducts treatment they are subject to the LQG requirements.

NOTE: If waste is treated to meet LDRs, use LDR checklist.

**REMARKS**

Ohio Environmental Protection Agency  
**RCRA SUBTITLE C SITE  
IDENTIFICATION/VERIFICATION FORM**

For Ohio EPA use only

E-mail this completed form to  
[tammy.mcconnell@epa.state.oh.us](mailto:tammy.mcconnell@epa.state.oh.us) or mail it to Tammy  
McCConnell, Central Office

2. Site EPA ID No.	<b>EPA ID Number:</b>								
3. Site Name	<b>Name: Perfect Mulch</b>				<b>Website: (Optional)</b>				
4. Site Location Information	<b>Street Address: 3574 Myers Road</b>								
	<b>City, Town, or Village: Geneva</b>				<b>State: OH</b>				
	<b>County Name: Ashtabula</b>				<b>Zip Code: 44041</b>				
5. Site Land Use (check one)	<b>Private</b> <input checked="" type="checkbox"/>	<b>County</b> <input type="checkbox"/>	<b>District</b> <input type="checkbox"/>	<b>Federal</b> <input type="checkbox"/>	<b>Indian</b> <input type="checkbox"/>	<b>Municipal</b> <input type="checkbox"/>	<b>State</b> <input type="checkbox"/>	<b>Other</b> <input type="checkbox"/>	
6. NAICS Code <a href="http://www.cars.com/epcd/www/naics.htm">www.cars.com/epcd/www/naics.htm</a>									
7. Facility Representative	<b>First Name: Sanford</b>			<b>MI:</b>	<b>Last Name: Schroll</b>				
Additional names can be recorded in number 12	<b>Phone Number: 440-466-2581</b>				<b>Phone Number Extension:</b>				
Only provide address information if different than the site address	<b>E-Mail Address:</b>								
	<b>Fax Number: 440-466-6505</b>				<b>Fax Number Extension:</b>				
	<b>Street or P.O. Box:</b>								
	<b>City, Town or Village:</b>								
	<b>State:</b>				<b>Country:</b>		<b>Zip Code:</b>		
8. Legal Owner and Operator (see Site List)	<b>Name of Site's Legal Owner:</b>				<b>Date Became Owner (mm/dd/yyyy):</b>				
Additional names and/or Operators may be recorded in Section 12 of other copy of this form	<b>Owner Type:</b>	<input type="checkbox"/>	<b>County</b> <input type="checkbox"/>	<b>District</b> <input type="checkbox"/>	<b>Federal</b> <input type="checkbox"/>	<b>Indian</b> <input type="checkbox"/>	<b>Municipal</b> <input type="checkbox"/>	<b>State</b> <input type="checkbox"/>	<b>Other</b> <input type="checkbox"/>
	<b>Street or P.O. Box:</b>								
	<b>City, Town or Village:</b>				<b>Owner Phone #:</b>				
	<b>State:</b>				<b>Country:</b>		<b>Zip Code:</b>		
	<b>Name of Site's Operator:</b>				<b>Date Became Operator (mm/dd/yyyy):</b>				
	<b>Owner Type:</b>	<input type="checkbox"/>	<b>County</b> <input type="checkbox"/>	<b>District</b> <input type="checkbox"/>	<b>Federal</b> <input type="checkbox"/>	<b>Indian</b> <input type="checkbox"/>	<b>Municipal</b> <input type="checkbox"/>	<b>State</b> <input type="checkbox"/>	<b>Other</b> <input type="checkbox"/>
	<b>Street or P.O. Box:</b>								
	<b>City, Town or Village:</b>				<b>Operator Phone #:</b>				
	<b>State:</b>				<b>Country:</b>		<b>Zip Code:</b>		
9. Violations Cited?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No								
10A. Type of Regulated Waste Activity (Mark 'X' in all of the appropriate boxes)									
<input type="checkbox"/> Not Regulated	<input checked="" type="checkbox"/> Conditionally Exempt Small Quantity Generator								
<input type="checkbox"/> UNKNOWN: Cited for violation of 3745-52-11	<input type="checkbox"/> United States Importer of Hazardous Waste								
<input type="checkbox"/> Large Quantity Generator (LQG)	<input type="checkbox"/> Mixed Waste (Hazardous and Radioactive) Generator								
<input type="checkbox"/> Small Quantity Generator (SQG)									
<input type="checkbox"/> Hazardous Waste Transporter	<input type="checkbox"/> Exempt Boiler and/or Industrial Furnace								
<input type="checkbox"/> Treater, Storer or Disposer of Hazardous Waste	<input type="checkbox"/> Small Quantity On-Site Burner Exemption								
<input type="checkbox"/> Recycler of Hazardous Waste	<input type="checkbox"/> Smelting, Melting, Refining Furnace Exemption								
<input type="checkbox"/> Underground Injection Control Facility									

10B. Universal Waste Activities (Indicate types of universal waste managed (check all boxes that apply))

Small Quantity Handler of Universal Waste       Large Quantity Handler of Universal Waste  
 (accumulates 5,000 kg. or more)

Destination Facility for Universal Waste

Check all boxes below that apply for each of the three types of facilities above		10C. Used Oil Activities (Indicate Type(s) of Activity(ies))	
	Managed	<input checked="" type="checkbox"/> Used Oil Generator	<input type="checkbox"/> Off-Specification Used Oil Burner
Batteries	<input type="checkbox"/>	<input type="checkbox"/> Used Oil Transporter	<input type="checkbox"/> Used Oil Fuel Marketer Who Directs Shipment of Off-Spec. Oil
Pesticides	<input type="checkbox"/>	<input type="checkbox"/> Used Oil Transfer Facility	<input type="checkbox"/> Used Oil Fuel Marketer to Off-Specification Used Oil Burner
Mercury containing equipment	<input type="checkbox"/>	<input type="checkbox"/> Used Oil Processor	
Lamps	<input checked="" type="checkbox"/>	<input type="checkbox"/> Used Oil Re-refiner	

11. Waste Codes for Federally Regulated Hazardous Wastes. Please list the codes for the federally regulated hazardous waste handled at the site. List them in the order they are presented in the regulations (e.g., D001, D003, U112). Use an additional page if more space is needed. If there are more than 7 waste codes and they are the same as listed in the most recent RCRAInfo source record, you do not need to list them all. Instead just indicate the date of the most recent source record.

12. Comments: Use this area to describe whether the inspection was announced, whether the waste is stored in tanks or containers, etc.

Announced	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Additional Facility Representatives:
Tanks	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Other Comments:
Containers	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	

13. Name of Inspector(s)      Name of Inspector(s)      Date of Inspection/Trip (mm/dd/yyyy) (hh:mm)

Robert Almquist      Ed D'Amato      4/22/2008

14. OPTIONAL CERTIFICATION. I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified persons properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage this site, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature of Owner, Operator, or an Authorized Representative	Name and Title (Print)	Date (mm/dd/yyyy)