



State of Ohio Environmental Protection Agency

Northeast District Office

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

November 13, 2009

**RE: WESTERN ENTERPRISES
LARGE QUANTITY GENERATOR
OHD 061 029 963
LORAIN COUNTY
NOTICE OF VIOLATION/RETURN TO
COMPLIANCE**

Mr. Danil Vujovic
Western Enterprises
33672 Pin Oak Parkway
Avon Lake, Ohio 44012

Dear Mr. Vujovic:

Thank you for accompanying Sherry Slone and me during Ohio EPA's December 3, 2008, inspection of Western Enterprises (Western) facility in Avon Lake, Ohio. Ohio EPA inspected Western to determine its compliance with Ohio's hazardous waste laws as found in Chapter 3734. of the Ohio Revised Code (ORC) and Chapter 3745. of the Ohio Administrative Code (OAC). A Notice of Violation (NOV) letter was sent to Western on December 29, 2008. The NOV contained the following language regarding the waste paint filters, "Please characterize the waste paint booth filter before disposal." A response was received from Western on January 12, 2009, stating that the waste paint filters were sent out for analysis. An April 6, 2009 letter from Western stated that the waste paint filters were analyzed and found to contain hazardous levels of chromium. The hazardous waste was being containerized and would be sent to a licensed hazardous waste facility for treatment and disposal. An email from you dated September 30, 2009, stated that the hazardous paint filter waste was disposed as solid waste between September 2008, and December 2008. This equaled three, 40 pound drums of hazardous paint filter waste.

Ohio EPA found the following violations of Ohio's hazardous waste laws:

Violations:

1. Waste Evaluation: OAC 3745-52-11

Western failed to evaluate the waste paint filters to determine if they were hazardous at the time of the December 3, 2008 inspection.

During our inspection we observed a paint booth. At that time we asked how Western managed and disposed of the used paint filters. You told us that the paint booth had only been installed for three months and that you believed the used filters were disposed as solid waste. We asked you to characterize the paint filter waste.

The April 6, 2009 letter from Western addresses this violation.

2. Illegal Disposal: ORC 3734.02 (E) and (F)

Western caused hazardous waste to be transported to a facility other than a facility authorized to manage the hazardous waste. [ORC 3734.02(F)]

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Western disposed of hazardous waste at a facility other than a facility authorized to dispose of the hazardous waste. [ORC 3734.02(E) & (F)]

During our inspection we observed a paint booth. At that time we asked how Western managed and disposed of the paint filters. You told us that the paint booth had only been installed for three months and that you believed the used filters were disposed as solid waste. We asked you to characterize the paint filter waste.

Upon evaluation the used paint filters were found to be hazardous. The hazardous waste paint filters need to be managed appropriately and delivered to a permitted hazardous waste treatment, storage or disposal facility.

The April 6, 2009 letter and September 30, 2009 email from Western address this violation.

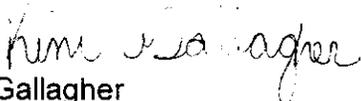
Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve your company from having to comply with all applicable regulations.

You may be able to reduce the waste your company generates. If you find ways to recycle, reduce or eliminate the amount of waste that your company generates, you may be able to reduce treatment and disposal costs as well as regulatory requirements. If you would like free, non-regulatory on-site compliance assistance, or a pollution prevention assessment, or if you would like more information about pollution prevention, please contact Adrienne LaFavre at (330) 963-1250. Ohio EPA has helpful information about this at the following web address:
<http://www.epa.state.oh.us/ocapp/ocapp.html>.

The Division of Hazardous Waste Management has created an electronic news service to provide you with updates related to hazardous waste activities in Ohio. You can find more information and sign up for this free service at the following Web link: http://ohioepa.custhelp.com/cgi-bin/ohioepa.cfg/php/enduser/doc_serve.php?2=subscriptionpage.

If you should have any questions, please do not hesitate to contact me at (330) 963-1214.

Sincerely,



Kim Gallagher
Environmental Specialist
Division of Hazardous Waste Management

KG:cl

ec: Frank Popotnik, DHWM, NEDO
Natalie Oryshkewych, DHWM, NEDO
Sherry Slone, DHWM, NEDO
Harry Sarvis, DWHM, CO

cc: Marlene Kinney, DHWM, NEDO