Ohio | Environmental Protection Agency

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

Re: Allen County Recyclers
OHR000161141
Allen County
Complaint #2993
Hazardous Waste
Second Notice of Violation/PRTC

April 27, 2011

Mr. Rick Tschuor
Allen County Recyclers
541 South Central Avenue
Lima, Ohio 45804

Dear Mr. Tschuor:

On August 5, 2010, you accompanied me during Ohio EPA's complaint investigation **(CI)** and compliance evaluation inspection **(CEI)** of Allen County Recyclers (ACR) located at 541 South Central Avenue in Lima, Ohio. We were also accompanied by Mr. Ed Pulido of Ohio EPA. According to the complaint received by Ohio EPA on February 23, 2010, ACR has been mismanaging chemicals and waste. A Notice of Violation letter (NOV) dated August 13, 2010, explained the violations I found, what you needed to do to correct the violations and the validity of the complaint. ACR did not appear to be generating hazardous waste, at the time of my inspection and investigation. Therefore, the complaint was not valid.

However, as a result of my inspection, I found the following violations of Ohio's hazardous waste laws. In order to correct these violations, you were required to do the following and send me the required information, **within 30 days** of your receipt of the August 13, 2010, NOV. I have spoken to you and Aaron Wright several times by phone regarding your response to the NOV and each time you assured me you would correct the violations and respond accordingly. ACR has still not responded properly to two of the three violations cited in the August 13, 2010, NOV. **You must do so immediately**.

1. Waste Evaluation
OAC Rule 3745-52-11

A generator must determine whether its waste is hazardous by testing the waste according to the methods set forth in rules 3745-51-20 to 3745-51-24.

ACR has failed to evaluate its spent lamps (all types), according to this rule and has been placing them in the trash. In order to abate this violation, ACR must evaluate its spent lamps. Instead of obtaining a sample of the lamps and having the sample analyzed in a laboratory, ACR may elect to manage its spent lamps (all types) as Universal Waste. During the inspection, we discussed these two options and you indicated you would like to manage your spent lamps as Universal Waste. The requirements for Universal Waste lamps include:

- Immediately cease placing spent lamps into the trash;
- Place spent lamps into containers that are structurally sound and closed;
- Label the containers with the words "Used Lamps";
- Document the length of time that the spent lamps are stored;
- Store spent lamps for no longer than one year;
- Inform all employees with the responsibility to collect spent lamps of these requirements; and
- Ship the spent lamps to a lamp recycler (please refer to the list of recyclers enclosed with this letter).

In order to abate this violation, please explain how you intend to manage your spent lamps and to comply with the requirements listed above. Indicate how you will package the lamps, label the containers, date the containers and inform your employees of the requirements. Please submit photos demonstrating that this has been done. Also, please indicate where you will ship the Universal Waste lamps to.

Attached to your letter dated September 3, 2010, is a photo of the Universal Waste lamp area. The area is labeled but the individual lamp containers are not properly labeled or dated. You were informed of this by phone on September 23, 2010.

Attached to your email dated October 19, 2010, is a photo of your secondary fiber container labeled with the words "Universal Lamp Waste", but the individual carton of spent lamps is not closed, labeled or dated. I informed Jennifer, of ACR, of these requirements, by phone, on November 18, 2010, and January 7, 2011. I also informed you of these requirements on January 7, 2011, and Aaron Wright on February 4, 2011.

2. **Universal Waste Labeling - Batteries**
   OAC Rule 3745-273-14(A)

Each battery or container of batteries must be labeled or marked clearly with one of the following phrases: "Universal Waste – Batteries", "Waste Battery" or "Used Batteries".

ACR does not properly label its Universal Waste Batteries with one of the required phrases. In order to correct this violation, ACR must properly label each used battery or container of batteries and submit photographic documentation that this has been done.

Attached to your letter dated September 3, 2010, is a photo of the Universal Waste battery area. The area is labeled. Therefore, this violation was corrected on September 8, 2010.

3. **Accumulation Time for Universal Waste Batteries**
   OAC Rule 3745-273-15(C)

A small quantity handler of universal waste who accumulates universal waste shall be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received.

ACR was not able to demonstrate the length of time the universal waste batteries were accumulated. In order to correct this violation, ACR must place a date on each battery or container of batteries once a universal waste battery is placed on it and submit photographic documentation that this has been done.

ACR has not provided a response to this violation. I informed Jennifer, of ACR, of this requirement, by phone, on November 18, 2010, and January 7, 2011. I also informed you of these requirements on January 7, 2011, and Aaron Wright on February 4, 2011.

ACR must correct the violations of OAC Rules 3745-52-11 and 3745-273-15(C) immediately. If you have any questions, please feel free to contact me at (419) 373-3074.

Sincerely,

Don North
District Representative
Division of Materials and Waste Management

/llr

pc: Colleen Weaver, DMWM, NWDO
Cindy Lohrbach, DMWM, NWDO
~~DMWM-HW, NWDO, Allen County, Allen County Recyclers File~~

ec: Don North, DHWM, NWDO

NOTICE:
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.