



State of Ohio Environmental Protection Agency

Northwest District Office

347 North Dunbridge Road
Bowling Green, OH 43402-9398

TELE: (419) 352-8461 FAX: (419) 352-8468
www.epa.state.oh.us

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

Re: The Van Castle
Defiance County
Hazardous Waste
Return to Compliance

OHR 000 141 325

July 20, 2007

Mr. Rick Merillat, Owner
The Van Castle
7886 State Route 66 North
Defiance, Ohio 43512

Dear Mr. Merillat:

Thank you for your May 10, 200⁷, response to Ohio EPA's April 13, 200⁷, 2nd Notice of Violation letter. My review of the letter you submitted reveals that The Van Castle (TVC) has adequately demonstrated abatement of the violation cited in the October 6, 2006, Notice of Violation letter.

The following is a summary of the violation cited and your compliance with respect to it:

1. Waste Evaluation, OAC Rule 3745-52-11:

Any person who generates a waste must determine if that waste is a hazardous waste by using generator knowledge or by testing the waste.

TVC failed to have waste evaluation documentation or an established recycling plan in place for the fluorescent bulbs generated at the facility.

TVC must immediately cease disposing of the fluorescent bulbs as non-hazardous waste until a proper waste evaluation has been completed. Fluorescent bulbs typically contain mercury and other heavy metals. Hazardous bulbs are considered "spent materials" and remain hazardous waste even when recycled. Hazardous waste lamp generators have the option of handling their lamps as hazardous waste or as universal waste. Managing hazardous waste lamps under the universal waste rules eases certain regulations imposed on generators of spent lamps.

TVC must submit to Ohio EPA documentation to demonstrate how you plan to properly manage your fluorescent bulbs. If TVC decides to conduct waste sampling, please notify me at least 7 days prior to the sampling event date, so that a representative from Ohio EPA can be present to observe the sampling and to split samples if necessary. If TVC plans to manage the spent fluorescent bulbs as universal waste, please submit photographic documentation showing the storage container properly labeled and dated. In addition, TVC must submit the name of the facility where you plan to recycle the bulbs.

On May 10, 2007, TVC submitted a letter outlining that you plan to manage your spent fluorescent bulbs as universal waste. I also spoke to you on the telephone on May 15, 2005, and you stated that you will store the spent bulbs in a properly labeled, dated and closed box until you take them to H.Poll Electric. You plan to take any spent bulbs you have accumulated to H. Poll Electric when you go there to purchase additional bulbs. H.Poll Electric can act as a broker and deliver your spent bulbs to a permitted recycling facility and provide you with documentation. Compliance with the hazardous waste rules may be assessed during a future visit to your facility.

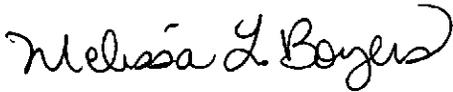
With this information, this violation is considered abated.

Ohio EPA has helpful information about compliance assistance and pollution prevention at the following web address: <http://www.epa.state.oh.us/ocapp/ocapp.html>.

In addition, you can find copies of the rules and other information on the division's web page at <http://www.epa.state.oh.us/dhwm>.

Should you have any questions or if I can be of assistance, please contact me at (419) 373-3066.

Sincerely,



Melissa L. Boyers
Division of Hazardous Waste Management

/csl

pc: Cindy Lohrbach, DHWM, NWDO
Colleen Weaver, DHWM, NWDO
DHWM, NWDO Defiance County General File

ec: Melissa Boyers, 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.