



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: **Complaint #2731**
America's Best
Lucas County
Hazardous Waste
2nd Notice of Violation

May 16, 2008

Mr. Patel Pravin, Manager
America's Best
5502 Monroe Street
Sylvania, Ohio 43560

Dear Mr. Pravin:

On February 4, 2008, the Ohio Environmental Protection Agency (Ohio EPA) conducted a compliance evaluation inspection of America's Best (AB) located at 5502 Monroe Street in Sylvania, Ohio. On February 13, 2008, you were sent a Notice of Violation (NOV) letter which outlined the violation we found and what you needed to do to correct this violation. To date, AB has failed to respond to the initial NOV letter and the violation cited remains outstanding.

The following is a summary of the violation cited in the NOV which was sent to you on February 13, 2008:

1. **OAC Rule 3745-52-11: Waste Evaluation:** Any person who generates a waste must determine if that waste is a hazardous waste by using generator knowledge or by testing the waste.

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

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.

Please be aware that incandescent, fluorescent, metal halide, neon, high-intensity discharge, high-pressure sodium and mercury-vapor lamps could be hazardous waste when discarded. Fluorescent lamps may contain up to 40 milligrams (mg) of mercury, depending on the brand and manufacturer. Lamps may also contain lead and cadmium. Many lamps exhibit a characteristic of toxicity for heavy metals when disposed.

AB must submit to Ohio EPA documentation to demonstrate how you plan to properly manage your fluorescent bulbs. If AB decides to conduct waste sampling, please notify me at least seven 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 AB plans to manage the spent fluorescent bulbs as universal waste, please submit photographic documentation showing the storage containers properly closed, labeled and dated. AB must also properly train employees who handle, or have responsibility for managing, universal waste on waste handling and emergency procedures relative to their responsibilities. In addition, AB must submit the name of the facility where you plan to recycle the bulbs.

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Please submit documentation demonstrating abatement of the above outstanding violation to this office within **15 days** of receipt of this letter.

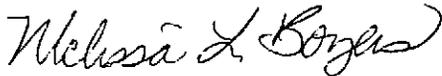
Ohio EPA has helpful information about compliance assistance and pollution prevention at the following web address: <http://www.epa.state.oh.us/ocapp/ocapp.html>.

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>.

The investigation performed by Ohio EPA was conducted as the result of a complaint received by this Agency. A comprehensive Compliance Evaluation Inspection was not conducted; therefore, failure to list specific deficiencies in this communication does not relieve you from the responsibility of complying with all applicable regulations.

As a result of this complaint investigation, the Ohio EPA did find evidence to support the complainant's allegations; therefore, the Ohio EPA considers the complaint investigation an open case. If 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

//lr

pc: Cindy Lohrbach, DHWM, NWDO
Colleen Weaver, Supervisor, DHWM, NWDO
DHWM, NWDO File: Lucas County General File...
ec: Melissa Boyers, DHWM, NWDO

<p>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.</p>
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