



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  
Notice of Violation

February 13, 2008

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

Dear Mr. Pravin:

On February 4, 2008, Wendy Miller, Chris Maslo and I investigated a complaint at America's Best (AB) located at 5502 Monroe Street in Sylvania, Ohio. According to the complaint, on January 15, 2008, you were observed throwing fluorescent bulbs into the solid waste dumpster located at your facility. This letter will explain the validity of the complaint, the violation found as a result of our investigation, and what you need to do to respond to this violation.

During our visit, we spoke to your employee, Vimale. AB is a gasoline service station and convenience supermarket. AB does not provide automobile repair services and does not generate used oil. At the time of our investigation, AB was operating as a non-generator of hazardous waste. AB may generate waste if you generate gasoline filters from your fuel pumps. These filters would need to be evaluated prior to disposal.

We found the following violation of Ohio's hazardous waste laws. In order to correct this violation, you must do the following and send me the required information within 30 days of your receipt of this letter:

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. I have enclosed a copy of Fluorescent Lamps: What You Should Know. I recommend that you review this document and contact me if you have any questions.

Mr. Patel Pravin  
February 13, 2008  
Page Two

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.

Ohio EPA will issue an EPA ID number to track our inspection activity at AB. AB cannot use this number for manifesting hazardous waste shipments. If AB wants to use an EPA ID number for manifesting and other hazardous waste, used oil or universal waste activities, you must complete and submit a Notification of Regulated Waste Activity form (*EPA Form 9029 [Rev. 11/2002]*) to Ohio EPA. This form is available at <http://www.epa.state.oh.us/dhwm/notiform.html> or you can call me at (419)373-3066 or the Division of Hazardous Waste Management, Central Office, RIS at (614)644-2977 and we will mail you a copy.

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 also 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

/cs

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

<b>NOTICE:</b> 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.
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E-mail this completed form to <a href="mailto:tammy.mcconnell@epa.state.oh.us">tammy.mcconnell@epa.state.oh.us</a> or mail it to Tammy McConnell, Central Office	<b>Ohio Environmental Protection Agency</b> <b>RCRA SUBTITLE C SITE IDENTIFICATION/VERIFICATION FORM</b>		For Ohio EPA use only																	
2. Site EPA ID No.	EPA ID Number:																			
3. Site Name	Name: America's Best		Website (optional):																	
4. Site Location Information	Street Address: 5502 Monroe Street																			
	City, Town, or Village: Sylvania	State: OH																		
	County Name: Lucas	Zip Code: 43560																		
5. Site Land Type (check only one)	<table border="1" style="width: 100%; text-align: center;"> <tr> <td>Private</td> <td>County</td> <td>District</td> <td>Federal</td> <td>Indian</td> <td>Municipal</td> <td>State</td> <td>Other</td> </tr> <tr> <td>X</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table>			Private	County	District	Federal	Indian	Municipal	State	Other	X								
Private	County	District	Federal	Indian	Municipal	State	Other													
X																				
6. NAICS code(s) <a href="http://www.census.gov/epcd/www/naics.html">www.census.gov/epcd/www/naics.html</a>	A.		B.																	
	C.		D.																	
7. Facility Representative:  Additional names can be recorded in number 12.  Only provide address information if it is different than the site address.	First Name: Patel		MI:																	
	Phone Number: 419-841-2825		Phone Number Extension:																	
	E-Mail Address:																			
	Fax Number:		Fax Number Extension:																	
	Street or P.O. Box:																			
	City, Town or Village:																			
	State:		Country:																	
		Zip Code:																		
8. Legal Owner and Operator of the Site List Additional Owners and/or Operators in the Comment Section or on another copy of this form page.	A. Name of Site's Legal Owner: Sylvan Pantry LLC		Date Became Owner (mm/dd/yyyy):																	
	Owner Type: Mark with an X	<table border="1" style="width: 100%; text-align: center;"> <tr> <td>Private</td> <td>County</td> <td>District</td> <td>Federal</td> <td>Indian</td> <td>Municipal</td> <td>State</td> <td>Other</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table>			Private	County	District	Federal	Indian	Municipal	State	Other								
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	Street or P.O. Box:																			
	City, Town, or Village:		Owner Phone #:																	
	State:		Country:																	
			Zip Code:																	
	B. Name of Site's Operator:		Date Became Operator (mm/dd/yyyy):																	
	Operator Type: Mark with an X	<table border="1" style="width: 100%; text-align: center;"> <tr> <td>Private</td> <td>County</td> <td>District</td> <td>Federal</td> <td>Indian</td> <td>Municipal</td> <td>State</td> <td>Other</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table>			Private	County	District	Federal	Indian	Municipal	State	Other								
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Street or P.O. Box:																				
City, Town, or Village:		Operator Phone #:																		
State:		Country:																		
		Zip Code:																		
9. Violations Cited?		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No																	
10. Type of Regulated Waste Activity (Mark "X" in all of the appropriate boxes.)																				
<input type="checkbox"/> Not Regulated																				

10. Type of Regulated Waste Activity (Mark "X" in all of the appropriate boxes.)

**A. Hazardous Waste Activities**  
 (choose only one of the following categories)

<input checked="" type="checkbox"/> UNKNOWN: Cited for violation of 3745-52-11	<input type="checkbox"/> 3. Treater, Storer or Disposer of Hazardous Waste
<input type="checkbox"/> a. Large Quantity Generator (LQG):	<input type="checkbox"/> 4. Recycler of Hazardous Waste
<input type="checkbox"/> b. Small Quantity Generator (SQG)	<input type="checkbox"/> 5. Exempt Boiler and/or Industrial Furnace
<input type="checkbox"/> c. Conditionally Exempt Small Quantity Generator	<input type="checkbox"/> a. Small Quantity On-site Burner Exemption
<input type="checkbox"/> d. United States Importer of Hazardous Waste	<input type="checkbox"/> b. Smelting, Melting, Refining Furnace Exemption
<input type="checkbox"/> e. Mixed Waste (hazardous and radioactive) Generator	<input type="checkbox"/> 6. Underground Injection Control Facility

<b>B. Universal Waste Activities</b>		<b>C. Used Oil Activities</b>																
<input type="checkbox"/> 1. Small Quantity Handler of Universal Waste (Indicate types of universal waste generated and/or accumulated (check all boxes that apply):	<input type="checkbox"/> 1. Used Oil Generator	<input type="checkbox"/> 2. Used Oil Transporter Indicate Type(s) of Activity(ies)	<input type="checkbox"/> 3. Used Oil Processor and/or Re-refiner Indicate Type(s) of Activity(ies)															
<input type="checkbox"/> 2. Large Quantity Handler of Universal Waste (accumulates 5,000 kg or more).	<input type="checkbox"/> 2. Transporter	<input type="checkbox"/> Transfer Facility	<input type="checkbox"/> Processor															
<input type="checkbox"/> 3. Destination Facility for Universal Waste (Check all boxes below that apply for each of the three types of facilities above.)	<input type="checkbox"/> 3. Re-refiner	<input type="checkbox"/> 4. Off-Specification Used Oil Burner	<input type="checkbox"/> 5. Used Oil Fuel Marketer -															
<table border="0"> <tr> <td></td> <td><u>Generated</u></td> <td><u>Accumulated</u></td> </tr> <tr> <td>A. Batteries</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>B. Pesticides</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>C. Thermostats</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>D. Lamps</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table>		<u>Generated</u>	<u>Accumulated</u>	A. Batteries	<input type="checkbox"/>	<input type="checkbox"/>	B. Pesticides	<input type="checkbox"/>	<input type="checkbox"/>	C. Thermostats	<input type="checkbox"/>	<input type="checkbox"/>	D. Lamps	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> 5. Indicate Type(s) of Activity(ies)	<input type="checkbox"/> a. Marketer Who Directs Shipment of Off-Specification Oil	<input type="checkbox"/> b. Used Oil to Off-Specification Used Oil Burner
	<u>Generated</u>	<u>Accumulated</u>																
A. Batteries	<input type="checkbox"/>	<input type="checkbox"/>																
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D. Lamps	<input type="checkbox"/>	<input type="checkbox"/>																

11. Waste Codes for Federally Regulated Hazardous Wastes. Please list the codes for the federally regulated hazardous waste handled at your site. List them in the order they are presented in the regulations (e.g., D001, D003, F007, 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 RCRA Info source record, you do not need to list them all. Instead just indicate the date of the most recent source record.

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

N	Announced ?	Additional Facility Representatives:	Other comments:
N	Tanks?		
N	Containers?		

13.	Name of Inspector(s)	Name of Inspector(s)	Date of Inspection/ Time (mm-dd-yyyy) (HH:MM)
	Melissa Boyers	Wendy Miller & Chris Maslo	2-4-2008 11:45

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 personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, 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)