



State of Ohio Environmental Protection Agency

Southeast District Office

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Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
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May 24, 2007

**JACKSON COUNTY
MICHELINA'S, INC.
DHWM/SEDO
NON-NOTIFIER**

Mr. Micheal Banovetz
Director of Engineering
Michelina's, Inc.
100 East Broadway Street
Jackson, Ohio 45640

Dear Mr. Banovetz:

On February 6, 2007, Jim Michnowicz and I inspected the Michelina's, Inc. facility located at 100 East Broadway Street, Jackson, to determine its compliance with Ohio's hazardous waste laws and regulations as found in Chapter 3734. of the Ohio Revised Code (ORC) and Chapter 3745. of the Ohio Administrative Code (OAC). I sent you a notice of violation (NOV) letter on February 16, 2007, specifying the violations observed during the inspection. To date, Michelina's, Inc. has not responded to the February 16, 2007 NOV letter and remains in violation of the violations listed below.

Please submit the requested documentation to this office **within 15 days** of receipt of this letter demonstrating that all violations have been abated.

- (1) **OAC Rule 3745-273-14(A) and (E), Labeling/Marking, Standards for small quantity handlers of universal waste:** A small quantity handler of universal waste must label or mark the universal waste to identify the type of universal waste as specified in this rule:
(A) Universal waste batteries, or a container in which batteries are contained, must be labeled or marked clearly with any one of the following phrases: "Universal Waste - Battery(ies)," or "Waste Battery(ies)," or "Used Battery(ies)."...(E) Each lamp or a container or package in which such lamps are contained must be labeled or marked clearly with one of the following phrases: "Universal Waste- Lamp(s)," or "Waste Lamp(s)," or "Used Lamp(s)."

Spent batteries located on pallets in the storage yard outside the facility, inside the fork lift shop and spent fluorescent lamps were not labeled, in violation of this rule.

In order to demonstrate compliance with this rule, Michelina's, Inc. must label all spent or waste battery containers, each pallet (plastic wrap), spent fluorescent lamp containers, etc. with the labeling as outlined in the above rule. Please submit documentation (photo) demonstrating that all spent batteries and spent fluorescent lamp boxes/containers have been labeled in accordance with this rule.

- (2) **OAC Rule 3745-273-15(C), Accumulation time limits - standards for small quantity handlers of universal waste:** 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. The handler may make this demonstration by: (1) Placing the universal waste in a container and marking or labeling the container with the earliest date that any universal waste in the container became a waste or was received; (2) Marking or labeling each individual item of universal waste (e.g. each battery or thermostat) with the date it became a waste or was received; (3) Maintaining an inventory system on-site that identifies the date each universal waste became a waste or was received; (4) Maintaining an inventory system on-site that identifies the earliest date that any universal waste in a group of universal waste items or a group of containers of universal waste became a waste or was received; (5) Placing the universal waste in a specific accumulation area and identifying the earliest date that any universal waste in the area became a waste or was received; or (6) Any other method which clearly demonstrates the length of time that the universal waste has been accumulated from the date it becomes a waste or is received.

Michelina's Inc. has not documented the length of time that universal waste batteries and spent fluorescent lamps have been accumulated, in violation of this rule. In order to demonstrate compliance with this rule, Michelina's Inc. must develop a system to identify the time-frames under which universal waste has been accumulated in accordance with the above rule. Please document compliance with this rule by submitting the selected method of recording the accumulation times of universal waste.

- (3) **Michelina's Inc. allowed used oil to leak from a used oil container (55-gallon drum) OAC Rule 3745-279-22(C)(1), Used Oil Storage Requirements for Generators:** Containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words "Used Oil."

The tank and two 55-gallon drums located in the boiler building and used oil drums located in the storage yard were not labeled with the words "used oil", in violation of this rule. All containers/tanks used for containing used oil must be labeled with the words "used oil." In order to demonstrate compliance with this rule, Michelina's Inc. must label all containers of used oil and submit documentation to this office demonstrating that all used oil containers have been labeled.

- (4) **OAC Rule 3745-279-22(D), Used Oil Storage Requirements for Generators:** Responses to releases. Upon detection of a release of used oil to the environment..., a generator must perform the following steps: (1) Stop the release; (2) contain the used oil; (3) clean up and manage properly the released used oil and other materials; and (4) if necessary, repair or replace any leaking used oil storage containers or tanks prior to returning them to service.

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Michelina's, Inc. allowed used oil to leak from a used oil container (55-gallon drum) in the storage yard, in violation of this rule. In order to demonstrate compliance with this rule, Michelina's, Inc. must clean up the spilled/leaked used oil and prevent future leakage of used oil from this container. Documentation that this container and the spilled/leaked used oil have been addressed must be submitted to this office for review.

GENERAL COMMENTS

As discussed during the inspection, you may be able to reduce the wastes your business generates. If you find ways to recycle, reduce, or altogether eliminate the amount of waste that your company generates, you may be able to reduce treatment and disposal costs and potentially reduce your regulatory requirements. The Ohio EPA strongly encourages pollution prevention as the preferred approach for waste management. The first priority of pollution prevention is to eliminate the generation of wastes and pollutants at the source (source reduction). For wastes or pollutants that are generated, the second priority is to recycle or reuse them in an environmentally sound manner. You may benefit economically, help preserve the environment, and improve your public image by implementing pollution prevention programs. You can find more information about pollution prevention, including fact sheets, at the following web address: <http://www.epa.state.oh.us/opp>. If you would like to be considered for an in-depth on-site pollution prevention assessment, or if you would like more information about pollution prevention assessments, please contact me at 740-380-5262.

Should you have any questions, please feel free to call me at (740) 380-5262. You can find copies of Ohio's hazardous waste rules and other information on the division's web page at: <http://www.epa.state.oh.us/dhwm>.

Sincerely,



John Rochotte
District Representative
Division of Hazardous Waste Management

JR/mlm

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.