



State of Ohio Environmental Protection Agency

Northwest District Office

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www.epa.state.oh.us

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

**Re: Notice of Violation
Evergreen RDF, Wood County**

September 16, 2009

CERTIFIED MAIL
7009 0820 0000 0591 9952

Mr. Steve Lonneman
District Manager
Evergreen Recycling and Disposal Facility
2625 East Broadway
Northwood, Ohio 43619

Dear Mr. Lonneman:

On November 19, 2008, you contacted Kimberly Burnham via telephone to report the possible acceptance of hazardous waste at Evergreen Recycling and Disposal Facility (ERDF) in Wood County, Ohio. You stated that Safety Kleen (SK), a waste transport company, had reported to ERDF that they had shipped oily waters to ERDF in error and that SK would be providing additional information to ERDF and the agency.

On November 20, 2008, SK contacted Ohio EPA's Division of Hazardous Waste Management (DHWM) to discuss their recent internal audit that had discovered an error in shipping of bulk used oil and oily wastewater mixtures. SK discovered that SK's Toledo location had sent their bulk used oil/oily wastewater mixtures to ERDF for disposal instead of to a used oil processor/recycling facility.

Ohio EPA received additional information from SK on December 8, 2008. The December 6, 2008 report identified at least six separate waste streams from 2005 through 2008 that were mismanaged as wastewaters instead of exempt used oil. SK stated that these loads may have been comingled with other loads of wastewater as well. On January 7, 2009, Ohio EPA requested more information from SK. SK's response, received March 9, 2009, included more specific information, including generator prequalification information and analytical data, dates of service, gallons picked up, etc.

According to the analytical data provided in the January 7, 2009 report, at least six of SK's used oil customers generated used oil that exhibited a characteristic of a hazardous waste for lead (D008, regulatory limit 5.0 ppm), and occasionally for cadmium (D006, 1.0 ppm), and chromium (D007, 5.0 ppm) as described in Ohio Administrative Code (OAC) Rule 3745-51-24. Used oil which is not recycled is a waste. If used oil is characteristically hazardous and disposed, it is a hazardous waste.

Once received by ERDF, the hazardous waste was off-loaded into the on-site solidification bins, where it was mixed with auto shredder residue, off-spec recycling materials, or other materials to absorb the free liquids. This mixture was then removed from the solidification bins and disposed in the day's working face.

The owner/operator of the Evergreen Recycling and Disposal Facility is in violation of the following rules and laws:

1. OAC Rule 3745-27-19(E)(8)(c), which states in pertinent part:
*The owner or operator shall not **accept for disposal** or dispose of any of the following materials at a sanitary landfill facility: . . .*
(c) *Materials that are defined as hazardous wastes pursuant to rule 3745-51-03 of the Administrative Code. . .*

The owner/operator of the Evergreen Recycling and Disposal Facility is in violation of OAC Rule 3745-27-19(E)(8)(c).

2. Ohio Revised Code (ORC) § 3734.11(A), which states:
No person shall violate any section of this chapter, any rule adopted under it, or any order issued under section 3734.13 of the Revised Code.

The owner/operator of the Evergreen Recycling and Disposal Facility is in violation of ORC § 3734.11(A) for violating OAC Rule 3745-27-19(E)(8)(c).

3. OAC Rule 3745-27-19(E)(8)(b), which states in pertinent part:
*The owner or operator shall not **accept for disposal** or dispose of any of the following materials at a sanitary landfill facility: . . .*
(b) *Containerized bulk liquids or non-containerized liquids without authorization from the director. . . .*

The owner/operator of the Evergreen Recycling and Disposal Facility is in violation of OAC Rule 3745-27-19(E)(8)(b) for accepting for disposal a "containerized bulk liquid[s] or non-containerized liquid[s] without authorization from the director."

Mr. Steve Lonneman
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If you have any questions, please contact me at (419) 373-4114.

Sincerely,



Brent M. Goetz
Environmental Specialist
Division of Solid and Infectious Waste Management

/cs/

pc: Kristin Tillison, Wood County Health Department
Wendy Miller, DHWM, NWDO
Pat Tebbe, DSW, NWDO
Carl Mussenden, DSIWM, CO
Pat Bacon, City Administrator, City of Northwood
File: Wood County, Evergreen RDF, Inspection

ec: Andy Drumm, DSIWM, NWDO
Brent Goetz, DSIWM, NWDO
Mike Reiser, DSIWM, NWDO
Colleen Weaver, DHWM, NWDO

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MR STEVE LONNEMAN EVERGREEN RECYCLING AND DISPOSAL FACILITY 2625 EAST BROADWAY NORTHWOOD OH 43619 DSIWM/Brent G./csl		Craig Asman	9/17
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PS Form 3800, August 2006	See Reverse for Instructions