



Environmental
Protection Agency

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

Re: Alger Carry Out
OHR000165084
Hazardous Waste
Hardin County
2nd Notice of Violation

November 4, 2011

CERTIFIED MAIL

Mr. Glenn Rader
Alger Carry Out
P. O. Box 11
Alger, Ohio 45812

Dear Mr. Rader:

On August 4, 2011, I conducted a hazardous waste compliance evaluation inspection (CEI) of Alger Carry Out (ACO) located at 106 East Lee Street, Alger, Ohio. Based on this inspection, I sent you a Notice of Violation dated August 25, 2011. A response was due into this office by the first of October. To date, I have not received a response. I called you on October 13, 2011, and left you a message on your cell phone. You did not return my call.

ACO remains in violation of the following hazardous waste rule. In order to correct this violation, you must do the following and send me the required information **within 15 days** of your receipt of this letter:

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

Any person who generates a waste must determine if that waste is a hazardous waste in accordance with the criteria for hazardous waste as set forth in Chapter 3745-51 of the Administrative Code.

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

ACO is currently disposing of their fluorescent bulbs in the trash. ACO must cease disposing of their fluorescent bulbs as non-hazardous waste in the local landfill until a proper waste evaluation has been completed or begin managing as a universal waste.

Mr. Glenn Rader
November 4, 2011
Page 2

A waste evaluation can be conducted by taking a representative sample of this waste to properly evaluate this waste stream through a laboratory analysis which lists constituents present and at what concentration. ACO must ensure that the laboratory chosen to perform this sampling utilizes the proper method(s) to evaluate these bulbs. ACO must sample the fluorescent bulbs to determine the Toxicity Characteristic Leaching Procedure (TCLP) concentrations of barium (D005), cadmium (D006), lead (D008), and mercury (D009) as listed in OAC Rule 3745-51-24 following the methods as outlined in U.S. EPA's SW-846.

If the bulbs are determined to be hazardous through a proper waste evaluation, ACO will have to manage their bulbs either as 1) a universal waste (OAC Chapter 3745-273), or 2) as a hazardous waste under Ohio's generator standards (OAC Chapter 3745-52). ACO may recycle their bulbs if they are hazardous or non-hazardous. Ohio EPA would encourage this option as a pollution prevention alternative.

In lieu of conducting a waste evaluation, ACO may choose to manage their bulbs as a universal waste as outlined in OAC Chapter 3745-273. Please consult the fact sheet Universal Waste Rules for Handlers of Lamps given to you during the inspection for more information. If you choose this option, please provide me an outline of your universal waste management plan (see the sample universal waste management plan given to you during the CEI).

- ***To abate this violation, please submit to me your waste evaluation of your lamps (either proper characterization from the manufacturer or your sampling analytical) or an outline of your universal waste management plan (indicating how you will manage, label, send off-site within one year, where lamps will be recycled, etc.)***

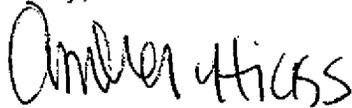
ACO shall note that failure to abate this violation as outlined in this letter could lead to an enforcement referral to Ohio EPA's Central Office.

You can find copies of the rules and other information on the division's web page at <http://www.epa.ohio.gov/dmwm.aspx>.

Mr. Glenn Rader
November 4, 2011
Page 3

Should you have any questions, please feel free to call me at (419) 373-3082 or email at amber.hicks@epa.state.oh.us.

Sincerely,



Amber M. Hicks
Division of Materials and Waste Management

/lr

Enclosures

pc: Cindy Lohrbach, DMWM, NWDO
~~DMWM=HW, NWDO~~ File: Hardin County General 
Certified Mail Receipt Number 7009 1410 0001 1834 0098

ec: Amber Hicks, DMWM, NWDO
Colleen Weaver, DMWM, 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.

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Sent To: GLENN RADEL - ALLER CARRY OUT
 Street, Apt. No., or PO Box No. P.O. Box 11
 City, State, ZIP+4 ALLER OH 45812

PS Form 3800, August 2006 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee <u>X Charles Clemons</u></p> <p>B. Received by (Printed Name) <u>Charles Clemons</u> C. Date of Delivery <u>11/8</u></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:</p>
<p>1. Article Addressed to: <u>MR. GLENN RADEL</u> <u>ALLER CARRY OUT</u> <u>P.O. BOX 11</u> <u>ALLER, OHIO 45812</u></p>	<p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>

7009 1410 0001 1834 0098

PS Form 3811, February 2004

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102585-02-M-1540

