



State of Ohio Environmental Protection Agency

Northeast District Office

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Twinsburg, Ohio 44087

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www.epa.state.oh.us

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

January 14, 2009

**RE: ENVIRITE OF OHIO, INC.
STARK COUNTY
OHD 980568992
PERMIT NO. 02-76-0469
NOTICE OF VIOLATION/RETURN TO
COMPLIANCE**

David G. Lobbestael, President
Envirite of Ohio, Inc.
2050 Central Avenue, Southeast
Canton, Ohio 44707

Dear Mr. Lobbestael:

On December 15, 2008, Ohio EPA, Division of Hazardous Waste Management (DHWM), received a letter from Envirite of Ohio, Inc. (Envirite) regarding a roll-off box of treated waste residue that was shipped to the Countywide Landfill. Although this was shipped as a non-hazardous waste, the treated residue did not meet the treatment standard for the constituent of lead.

You explained in your letter that after Envirite treated the waste on site, the test results showed that the level of lead in the treated waste was below the regulatory level for a hazardous waste but did not meet the treatment standard for lead which is provided in the Ohio Administrative Code (OAC) 3745-270-40. As you stated in your letter, the treated residual was restricted from land disposal and would have, under normal circumstances, been held and reprocessed on site before being released. This roll-off box of waste residue was sent to Countywide Landfill before receiving additional treatment.

Since Envirite was the treatment facility for the original hazardous waste as received and is the generator of the treatment residual, Ohio EPA has determined that Envirite violated the following hazardous waste rules.

Envirite is found in violation of Ohio Administrative Code (OAC) 3745-270-07 (B) (3); 3745-270-09 (C); and 3745-270-40 (A) (2).

In your December 15 letter you described in detail your efforts to recover the waste from the landfill and your efforts to identify the procedural problems that lead to the shipment of this waste to the landfill. On December 20, 2008, Ohio EPA received your follow-up e-mail message identifying the root cause of the problem and the corrective actions and remedies that Envirite has taken to resolve this issue.

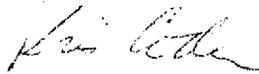
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Therefore, it appears that Envirite has provided Ohio EPA with all of the necessary information to resolve this issue and has taken the appropriate steps to prevent a reoccurrence.

Thank you for your cooperation and your timely response to this matter. If you have any questions, please call me at (330) 963-1266. A written response to this letter is not required.

Failure to list specific deficiencies in this communication does not relieve Alside from the responsibility of complying with all applicable hazardous waste regulations. This letter does not relieve your facility from liability for any past or present violations of the state's hazardous waste laws.

Sincerely,



Kris Coder
Environmental Specialist
Division of Hazardous Waste Management

KC:cl

ec: Nyall McKenna, NEDO, DHWM
Sherry Slone, NEDO, DHWM

cc: Natalie Oryshkewych, NEDO, DHWM