



Environmental
Protection Agency

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

Re: WestLynn Enterprises, LLC
OHR 000 164 061
Richland County
72-Hour Recycler
Notice of Violation

September 19, 2011

Mr. Deon L West, CEO
WestLynn Enterprises, LLC
366 Cedar Street
Mansfield, Ohio 43611

Dear Mr. West:

Thank you and your wife for accompanying me during the Ohio Environmental Protection Agency's (Ohio EPA's) August 11, 2011, compliance evaluation inspection of WestLynn Enterprises, LLC (WestLynn) located in Mansfield, Ohio. I inspected WestLynn to determine its compliance with Ohio's hazardous waste laws as found in Chapter 3734 of the Ohio Revised Code (ORC), and Chapter 3745 of the Ohio Administrative Code (OAC). This letter will explain the violations found and what you need to do to correct these violations.

On April 6, 2011, WestLynn notified the Ohio Environmental Protection Agency of its intention of becoming a 72-Hour Recycler. As such, WestLynn would be picking up spent fluorescent lamps from generator locations, bringing them to its facility and storing them in containers. WestLynn then would commence the recycling process by crushing the bulbs in a bulb crusher within 72 hours of receiving them. WestLynn intended to operate as a large quantity generator.

During this inspection, you stated that since May 2011, you have crushed several hundred fluorescent bulbs. The crushed bulbs have been stored in 55-gallon drums and they remain stored at the facility. I observed 11 unlabeled 55-gallon drums containing crushed bulbs. Some of the drums were missing their lids. Furthermore, you stated that you have picked up several hundred spent lamp bulbs that were being stored in your building waiting to be crushed. Some of the carton boxes storing the spent bulbs were unlabeled and opened. Finally, you stated that you have not followed many of the requirements as a recycler because you were not aware of any. In addition, when you contacted Ohio EPA to get information about recycling and to apply for the Ohio EPA ID number, you were sent electronic links containing information but were not able to open them.

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

1. Ohio Revised Code 3734.02 (E)&(F) -- Unpermitted Storage, Treatment, and Disposal

ORC 3734.02(E) and (F) state in part that, . . . "No person shall store, treat, or dispose of hazardous waste identified or listed under this chapter and rules adopted under it, regardless of whether generated on or off the premises where the waste is stored, treated or disposed of . . . except at or to any of the following: (1) A hazardous waste facility operating under a permit in accordance with this chapter . . ."

WestLynn has received and accumulated (several thousands) fluorescent lamps intended to be recycled at the facility. Since WestLynn has not been entering these lamps into the recycling process within 72 hours of receiving them, WestLynn has created a hazardous waste storage facility without first obtaining a Part B facility installation and operating permit. WestLynn must submit documentation that outlines how the fluorescent lamps that are currently present on-site will be managed.

2. OAC Rule 3745-52-11: Waste Evaluation

Any person, who generates a waste, as defined in Rule 3745-51-02 of the administrative code, must determine if that waste is a hazardous waste.

- a) WestLynn has failed to properly evaluate the crushed fluorescent bulbs being stored in the opened 55-gallon drums, and
- b) WestLynn has failed to properly evaluate spent filters/retort powder from fluorescent bulb crusher.

The waste evaluations must be conducted through one of *three options*:

- 1) WestLynn may apply generator knowledge of the hazardous characteristic(s) of the waste in light of the materials or the processes used through adequate documentation [manufacturer analytical information – Toxicity Characteristic Leaching Procedure (TCLP) test results], or
- 2) WestLynn may take a representative sample of this waste to properly evaluate this waste stream through a laboratory analysis which lists constituents present and at what concentration. WestLynn must ensure that the laboratory chosen to perform this sampling utilizes the proper method(s) to evaluate these bulbs.

WestLynn must sample the fluorescent bulbs to determine the concentration of mercury (D009), cadmium (D006) and lead (D008) as listed in the OAC Rule 3745-51-24 following the method as outlined in U.S. EPA's SW-846. WestLynn may run a total concentration for these constituents as a screening tool.

If the concentration is detected for mercury, lead or cadmium at or above the regulatory limit, a TCLP may be required to ensure this constituent is not present above the Ohio EPA regulatory level; or

- 3) a combination of options 1 and 2.

If the bulbs are determined to be hazardous through a proper waste evaluation, WestLynn 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).

Instead of taking samples for analysis as described above, WestLynn may recycle their bulbs if they are hazardous or non-hazardous by managing them as universal waste. Ohio EPA would encourage this option as a pollution prevention alternative. Please refer to the information I gave you on how to manage light bulbs as universal waste.

Ohio EPA will use the analytical data you provide, in addition to other documentation, to make regulatory and compliance decisions concerning the wastes tested. This review by Ohio EPA does not alleviate WestLynn's responsibility to independently determine whether the wastes tested are hazardous wastes pursuant to OAC Rule 3745-52-11. The data you submit should be reviewed using a data review process, referred to as data validation, to confirm the validity of your data prior to submission. Data validation includes a review of the following components: laboratory test methods, laboratory data completeness, documentation of holding time(s), chain(s) of custody, and quality assurance/quality control (QA/QC) data.

To confirm the validity of your data, you may use Ohio EPA's tier 1 data validation plan review form which can be obtained from Ohio EPA's web page: <http://www.epa.ohio.gov/dhwm/>.

Ohio EPA may request the documentation needed to confirm the validity of the data submitted. Please submit a brief narrative of each sampling event which includes: sampling techniques used to obtain the sample and a description of how this sample was determined to be a representative sample of the waste tested.

Please note, if the waste is hazardous, you must evaluate it to determine if it is restricted from land disposal in accordance with OAC Chapter 3745-270. In addition, you must properly dispose of or recycle the waste. A copy of the waste disposal documentation and EPA waste codes applicable to the waste must be submitted to me at the Ohio EPA, Northwest District Office (NWDO) prior to disposal.

To abate this violation, WestLynn must inform me in writing as to how the facility plans to manage the spent fluorescent light bulbs and other spent light bulbs. WestLynn must also submit copies of analytical results if sampling or any agreement with a recycling facility if you decide to manage the bulbs as universal waste.

3. OAC Rule 3745-270-07(A)(1): Testing, tracking, and recordkeeping requirements for generators, treaters, and disposal facilities – LDR requirements.

A generator of a hazardous waste must determine if the waste has to be treated before it can be land disposed. This is done by determining if the hazardous waste meets the treatment standards included in this rule.

Since WestLynn is a destination facility for universal waste lamps, you are subject to applicable land disposal restriction requirements found in OAC Chapter 270. This requires WestLynn to determine if their waste meets the treatment standards in rule 3745-270-40, 3745-270-45, or 3745-270-49 of the Administrative Code.

WestLynn failed to determine if the following waste meet treatment standards:

- a. Crushed lamps
- b. Filters or retort powder

To abate this violation, WestLynn must provide documentation of whether the wastes need to be treated prior to land disposal. This determination can be made concurrently with the hazardous waste determination required by violation #2, in either of two ways: by testing the waste, or by using knowledge of the waste. WestLynn must determine if the waste is high or low mercury.

Mr. Deon L. West
September 19, 2011
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Since WestLynn violated ORC 3745.02 (E) and (F), WestLynn is subject to all applicable general facility standards found in OAC chapters 3745-54 and 55. Additionally, at any time Ohio EPA may assert its right to have WestLynn begin facility-wide cleanup pursuant to the Corrective Action process under Ohio law.

Due to the fact that WestLynn was acting as an unpermitted treatment, storage and disposal facility, you are also subject to all applicable land disposal restrictions found in OAC Chapter 3745-270.

As we discussed during the inspection, you may be able to reduce the waste your company 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, you may possibly reduce your regulatory requirements. WestLynn may want to look into managing your fluorescent bulbs as universal waste rather than hazardous waste.

The Division of Materials and Waste Management has created an electronic news service to provide you with quick and timely updates on events and news related to hazardous waste activities in Ohio. If you haven't already, we encourage you to sign up for this free service. You can find more information on web page at <http://www.epa.ohio.gov/dhwm>. Please feel free to share this information with your colleagues.

Ohio EPA has helpful information about compliance assistance and pollution prevention at the following web address: <http://www.epa.ohio.gov/ocapp/>. In addition, you can find copies of the rules and other information on the division's web page at <http://www.epa.ohio.gov/dhwm>.

Enclosed you will find a copy of the forms that I completed during the inspection. Should you have any questions or if I can be of assistance, please contact me at (419) 373-3015.

Sincerely,



Edgar V. Pulido
Division of Materials and Waste Management

/cs

Enclosures

pc: Cindy Lohrbach, DMWM, NWDO
Colleen Weaver, DMWM, NWDO
DHMM-HW, NWDO WestLynn Enterprises, LLC File (New)

ec: Ed Pulido, 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.

Send to Central Office <input checked="" type="checkbox"/>	Ohio Environmental Protection Agency RCRA SUBTITLE C SITE IDENTIFICATION/VERIFICATION FORM	For Ohio EPA use only
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Completed verification forms required to be submitted to CO should be e-mailed to brad.hauser@epa.state.oh.us.

Site EPA ID No. Site Name	EPA ID Number: OHR000164061		Website http://www.westlynnenterprisesllc.yola.com (Optional)
Site Location Information	Name: WestLynn Enterprises, LLC		
Site Land Type (check only one)	Street Address: 366 Cedar Street City, Town, or Village: Mansfield County Name: Richland	State: OH Zip Code: 44906	
NAICS code(s) www.census.gov/epcd/www/naics.html	Private <input checked="" type="checkbox"/> County <input type="checkbox"/> District <input type="checkbox"/> Federal <input type="checkbox"/> Indian <input type="checkbox"/> Municipal <input type="checkbox"/> State <input type="checkbox"/> Other <input type="checkbox"/>		
	562119		

Facility Representative Additional names can be recorded in number 12. Only provide address information if it is different than the site address	First Name: Deon MI: L West Phone Number: (419)989-9099 Phone Number Extension: E-Mail Address: WestLynnEnterprises@yahoo.com Fax Number: Fax Number Extension: Street or P.O. Box: City, Town or Village: State: Zip Code:
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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	Name of Site's Legal Owner: Owner Type: Private <input checked="" type="checkbox"/> County <input type="checkbox"/> District <input type="checkbox"/> Federal <input type="checkbox"/> Indian <input type="checkbox"/> Municipal <input type="checkbox"/> State <input type="checkbox"/> Other <input type="checkbox"/> Street or P.O. Box: City, Town or Village: State: Owner Phone #: Country: USA	Date Became Owner (mm/dd/yyyy): 08/08/2010
	Name of Site's Operator: Operator Type: Private <input type="checkbox"/> County <input type="checkbox"/> District <input type="checkbox"/> Federal <input type="checkbox"/> Indian <input type="checkbox"/> Municipal <input type="checkbox"/> State <input type="checkbox"/> Other <input type="checkbox"/> Street or P.O. Box: City, Town or Village: State: Operator Phone #: Country: Zip Code:	Date Became Operator (mm/dd/yyyy):

VIOLATIONS CITED?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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TYPE OF HANDLER - MARK "X" AS APPROPRIATE	
<input type="checkbox"/> Not a HW Generator <input type="checkbox"/> UNKNOWN: Cited for violation of 3745-52-11	<input checked="" type="checkbox"/> Large Quantity Generator (LQG) <input type="checkbox"/> Small Quantity Generator (SQG) <input type="checkbox"/> Conditionally Exempt Small Quantity Generator <input type="checkbox"/> U.S. Importer of Hazardous Waste <input type="checkbox"/> Mixed Waste (Hazardous and Radioactive) Generator

TYPE OF REGULATED WASTE ACTIVITY (MARK "X" IN ALL OF THE APPROPRIATE BOXES)	
<input type="checkbox"/> Recycler of Hazardous Waste <input type="checkbox"/> Underground Injection Control Facility	<input type="checkbox"/> Exempt Boiler and/or Industrial Furnace <input type="checkbox"/> Small Quantity On-Site Burner Exemption

<input type="checkbox"/> Hazardous Waste Transporter	<input type="checkbox"/> Smelting, Melting, Refining Furnace Exemption
<input checked="" type="checkbox"/> Treater, Storer or Disposer of Hazardous Waste	

UNIVERSAL WASTE ACTIVITIES (INDICATE TYPES OF UNIVERSAL WASTE MANAGED)
 (CHECK ALL BOXES THAT APPLY)

<input type="checkbox"/> Small Quantity Handler of Universal Waste	<input type="checkbox"/> Destination Facility for Universal Waste
<input type="checkbox"/> Large Quantity Handler of Universal Waste (accumulates 5,000 kg. or more)	

CHECK ALL BOXES BELOW THAT APPLY FOR THE TYPES OF UNIVERSAL WASTE THE FACILITY MANAGES

Batteries
 Pesticides
 Mercury containing equipment
 Lamps

USED OIL ACTIVITIES (INDICATE TYPE(S) OF ACTIVITY(S))

Used Oil Generator
 Used Oil Transporter
 Used Oil Transfer Facility
 Used Oil Processor
 Used Oil Re-refiner
 Off-Specification Used Oil Burner
 Used Oil Fuel Marketer Who Directs Shipment of Off-Spec. Oil
 Used Oil Fuel Marketer to Off-Specification Used Oil Burner

Waste Codes for Federally Regulated Hazardous Wastes. Please list the codes for the federally regulated hazardous waste handled at the site. List them in the order they are presented in the regulations (e.g. D001, D003, F007, U112). Use an additional page or list them in the comments if more space is needed. If the waste codes are the same as listed in the most recent RCRA info source record, you do not need to list them. Instead just indicate the date of the most recent source record.

D008 D009 D007

COMMENTS:

Announced	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Additional Facility Representatives:
Tanks	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
Containers	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	

Name of Inspector(s)	Name of Inspector(s)	Date of Inspection/Time (mm/dd/yyyy) (hh:mm)
Ed Pulido		08/11/2011 10:00 Hrs

Comments:
 02 Violation being cited for illegal storage of crushed fluorescent light bulbs.