



State of Ohio Environmental Protection Agency

Northwest District Office

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

**RE: N-Viro International
Corporation
OHR 000 149 971
Lucas County
DHWM, NWDO
Return to Compliance**

September 16, 2008

Mr. Bob Bohmer
N-Viro International Corporation
3450 West Central Avenue, Suite 328
Toledo, Ohio 43606

Dear Mr. Bohmer:

Thank you for sending the August 19, 2008, letter and September 10, 2008, electronic mail in response to the Ohio Environmental Protection Agency's (Ohio EPA's) Notice of Violation (NOV) dated July 22, 2008. Ohio EPA received the August 19, 2008, response on August 22, 2008.

The following is a summary of the violations cited in the July 22, 2008, NOV and the facility's compliance with respect to each violation.

Violations:

1. **Ohio Administrative Code (OAC) Rule 3745-52-11, Hazardous Waste Determination:** "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..."

N-Viro International Corporation (N-Viro) failed to have waste evaluation documentation or an established recycling plan in place for the fluorescent lamps generated at the facility.

On August 22, 2008, Ohio EPA received documentation that included a summary of how N-Viro will be managing the spent lamps at the facility. These lamps will be managed as universal waste and shipped to Gross Electric in Toledo, Ohio. N-Viro also submitted photographic documentation that a container labeled "Used Bulbs" will be used to store the spent lamps. However, the label on this container was incorrect.

Ohio EPA sent N-Viro an electronic mail on September 9, 2008, explaining the label must read "Used Lamps."

On September 10, 2008, Ohio EPA received an electronic mail which included photographic documentation that the label now reads "Used Lamps."

With this information, this violation is considered abated.

2. **OAC Rule 3745-279-24, Off-site Shipments of Used Oil by Generators:** Used oil generators have three options for handling their used oil: 1) Generators must have their used oil transported by an entity that has a U.S. EPA identification number and ensure their used oil is recycled; 2) Generators may transport less than 55-gallons of their own used oil to a registered used oil collection center; or 3) Generators may burn their own used oil in an on-site space heater as long as all applicable requirements are met.

N-Viro takes their used oil to the City of Toledo's (COT) waste water treatment plant where it is then picked up by an outside facility. However, the COT is not a registered used oil collection center. Therefore, N-Viro failed to transport their used oil to a registered used oil collection center.

On August 22, 2008, Ohio EPA received documentation that DISC Environmental Service (DISC) of Oregon, Ohio will be picking up the used oil from N-Viro. An agreement from DISC was included in the response N-Viro submitted to Ohio EPA.

Ohio EPA called DISC on September 9, 2008, to inquire how DISC recycles the used oil. A representative explained that the used oil is burned for energy recovery.

With this information, this violation is considered abated.

3. **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.'"

N-Viro failed to mark two used oil drums located in the maintenance area of the shop with the words "Used Oil."

N-Viro marked the two drums with the words "Used Oil" while Ohio EPA was on site.

Therefore, this violation was abated on July 1, 2008.

General Concern:

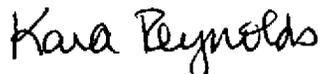
- A. **Site Information:** Ohio EPA has enclosed a *RCRA Subtitle C Site Identification/Verification Form* that has been partially filled in for the N-Viro site. However, Ohio EPA has not successfully contacted N-Viro to obtain the remaining information.

On August 22, 2008, Ohio EPA received documentation that included a completed *RCRA Subtitle C Site Identification/Verification Form* from N-Viro. This general concern has been addressed and no further information needs to be submitted.

N-Viro has corrected all violations and addressed all general concerns found during the Ohio EPA's July 1, 2008, compliance evaluation inspection.

Should you have any questions, please feel free to call me at (419) 373-3065. Please send all information to Ohio EPA, Northwest District Office, Attn: Kara Reynolds, 347 North Dunbridge Road, Bowling Green, Ohio 43402.

Sincerely,



Kara Reynolds
Environmental Specialist
Division of Hazardous Waste Management

//lr

pc: Colleen Weaver, DHWM, NWDO
Kara Reynolds, DHWM, NWDO
Cindy Lohrbach, DHWM, NWDO
•DHWM=NWDO Lucas County File::N-Viro International Corporation ,

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.