



State of Ohio Environmental Protection Agency

Northeast District Office

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Twinsburg, Ohio 44087

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

May 2, 2007

RE: FIRST CHOICE DRY CLEANERS
OHD 987-036-027
SUMMIT COUNTY
COMPLAINT INVESTIGATION #6939
NOTICE OF VIOLATION #2

Ms. Brenda Capastrain
First Choice Professional Dry Cleaners
2391 Triplett Blvd.
Akron, OH 44312

CERTIFIED MAIL

Dear Ms. Capastrain:

On March 6, 2007, I, representing Ohio EPA's Division of Hazardous Waste Management (DHWM), conducted a Resource Conservation and Recovery Act (RCRA) complaint inspection at First Choice Professional Dry Cleaners (FCPDC), located at 2391 Triplett Blvd., Akron, Ohio. The purpose of the inspection was to determine FCPDC's compliance with Ohio's hazardous waste laws and rules as adopted under the Ohio Revised Code (ORC) Chapter 3734 and Chapter 3745 of the Ohio Administrative Code (OAC). You represented the facility during the inspection.

On March 14, 2007, a notice of violations letter (NOV) was sent to you stating the regulations with in which you were out of compliance. At that time you were given thirty (30) days to submit documentation to abate the violations cited in the NOV. No documentation has been received by this office to this date.

Please submit all of the requested documentation in the NOV to my attention by May 18, 2007, demonstrating that all violations have been abated. Failure to do so may result in escalated enforcement actions against your company.

For your convenience the violations cited in the NOV are listed below.

VIOLATIONS:

1. **Waste Evaluation, OAC rule 3745-52-11:**
Any person who generates a waste, as defined in OAC 3745-51-02, must determine if that waste is a hazardous waste.

FCPDC failed to evaluate the following waste stream:

- Fluorescent bulbs

During the inspection we discussed your past occasional fluorescent lamp disposal. You indicated that in the past you took the bulbs to either Home Depot or Lowes (home improvement warehouses) to have them recycled, without evaluating them to determine if they are hazardous as required by OAC rule 3745-52-11. I contacted both stores, and neither claimed that they take used fluorescent bulbs, to recycle them, as a public service. It was also noted during the inspection that two 8-foot fluorescent bulbs were placed in the dumpster located on the property. During the inspection you were told that often used fluorescent lamps would be hazardous (unless they are a low mercury lamp) and if disposed, would need to be managed as a hazardous waste. However, if they are recycled, they would not be considered a hazardous waste. It was recommended that you have the lamps recycled, or purchase special lamps which do not contain enough mercury to consider them hazardous. Please visit the following web sites regarding fluorescent lamps and ballasts. The first explains why the lamps may be hazardous and how to manage them as a waste or have them recycled. The second is a list of lamp and ballast recyclers. The last describes the Universal Waste Rules.

http://www.epa.state.oh.us/dhwm/pdf/Universal_Waste_Rules_for_Handlers_of_Lamps.pdf
http://www.epa.state.oh.us/dhwm/pdf/comp_lamp_ballast_list.pdf
http://www.epa.state.oh.us/dhwm/pdf/Universal_Waste_Rules_for_Handlers_of_Lamps.pdf

To abate this violation, please inform me as how the fluorescent bulbs will be managed on-site and disposed of or recycled. As stated above, you are encouraged to recycle the fluorescent bulbs instead of disposing of them. Please also inform me, in writing, how you will manage your fluorescent lamps in the future. FCPDC shall document compliance by submitting this information to Ohio EPA's Northeast District Office (NEDO).

2. **Waste Evaluation, OAC rule 3745-52-11:**
Any person who generates a waste, as defined in OAC 3745-51-02, must determine if that waste is a hazardous waste.

FCPDC failed to evaluate the following waste stream:

- One 30-gallon drum
- One 20-gallon drum

It was noted that there was one 30, and one 20-gallon drum of material located in the rear of the facility. You indicated that there was water in the 30-gallon drum, but you were not positive because the container had been on the property for approximately 8 years, which is longer then you have been there. You indicted that the material that was in the 20-gallon container was possibly soap.

To abate this violation, FCPDC shall have the material in both containers evaluated. FCPDC shall also inform me how the material will be managed on-site and disposed. FCPDC shall document compliance by submitting the waste evaluation information to the Ohio EPA's (NEDO).

3. **OAC rule 3745-273-13(D)(1), Lamp Management:**
Small Quantity Generators of Universal Waste Handlers (SQGUWH) shall contain lamps in containers or packages that are structurally sound, adequate to prevent breakage, and are compatible with contents of the lamps. All containers or packages shall be closed and lack evidence of leakage, spillage or damage that could cause leakage.

It was noted during the inspection that fluorescent bulbs were found in the dumpster located on the side of the facility.

To abate this violation, FCPDC shall place all of the fluorescent bulbs (that will be managed as a "Universal Waste" into the cardboard box or another container/package that is structurally sound, adequate to prevent breakage, and are compatible with the contents of the lamps. The container/package shall also be closed to prevent spillage or damage of the lamps. FCPDC shall document compliance by submitting a photograph(s) of the closed container of universal waste fluorescent bulbs to the Ohio EPA's NEDO.

4. **OAC rule 3745-273-14(E), Lamp labeling for SQGUWH:**
Lamps or containers or packages of lamps shall be labeled with the words "Universal Waste - Lamp(s)" or "Waste Lamp(s)" or "Used Lamp(s).

It was noted during the inspection that FCPDC failed to label the lamps or lamp containers with the above nomenclature. To abate this violation, FCPDC shall label all spent fluorescent lamps with the words "Universal Waste - Lamp(s)," or "Waste Lamp(s)," or "Used Lamp(s)." To document compliance FCPDC shall submit photographs of the labeled lamps or container of lamps to the Ohio EPA's NEDO.

5. **OAC rule 3745-273-15(A), Accumulation Time for SQGUW:**
A small quantity handler of universal waste may accumulate universal waste for no longer than one year from the date the universal waste is generated, or received from another handler.

FCPDC shall be able to demonstrate the length of time that the universal waste (including both fluorescent bulb and lead-acid batteries) has been accumulated from the date it becomes a waste. FCPDC may make this demonstration by:

- a. Placing the universal waste in a container and marking or labeling the container with the earliest date that any universal waste in the container became a waste or was received;

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- b. Marking or labeling each individual item of universal waste with the date it became a waste or was received;
- c. Maintaining an inventory system on-site that identifies the date each universal waste became waste or was received;
- d. Maintaining an inventory system on-site that identifies the earliest date that any universal waste in a group of universal waste became a waste or was received;
- e. Placing the universal waste in a specific accumulation area and identifying the earliest date that any universal waste in the area became a waste or was received; or
- f. Any other method with clearly demonstrates the length of time that the universal waste has been accumulated from the date it becomes a waste or is received.

Please inform me which method FCPDC will use to demonstrate the length of time that universal waste is accumulated.

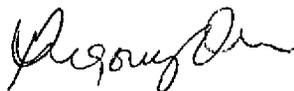
The following website contains a list of fluorescent bulb recyclers. Ohio EPA does not endorse any company, and it is suggested that you evaluate their compliance with all applicable agencies prior to shipping your material:

<http://www.epa.state.oh.us/dhwm/pdf/comp.lamp.ballast.list.pdf>

Failure to list specific deficiencies in this communication does not relieve FCPDC from the responsibility of complying with all applicable regulations. Please be advised that present or past instances of non-compliance can continue as subjects of pending or future enforcement actions.

Should you have any questions or concerns, please do not hesitate to call me at (330) 963-1189.

Sincerely,



Gregory Orr
Environmental Specialist
Division of Hazardous Waste Management

GO:ddw

Enclosure

cc: Natalie Oryshkewych, Ohio EPA, DHWM, NEDO