



002

State of Ohio Environmental Protection Agency

Southwest District Office

401 E. Fifth St.
Dayton, Ohio 45402

TELE: (937) 285-6357 FAX: (937) 285-6249
www.epa.state.oh.us

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

January 10, 2008

CERTIFIED MAIL

Ms. Angelica Hostetter
Manager
Pet Supplies Plus
508 E. Stroop Road
Kettering, Ohio 45429

RE: November 27, 2007, Notice of Violation Letter

Dear Ms. Hostetter:

On November 27, 2007, Ohio EPA issued a notice of violation letter to Pet Supplies Plus. The letter explained Pet Supplies Plus' violation of the hazardous waste determination regulation as found in the Ohio Administrative Code 3745-52-11. Ohio EPA requested a response from Pet Supplies Plus within 14 days of receipt of the letter. You received and signed for the certified letter on November 29, 2007. As of the date of this letter, Ohio EPA has received no response from Pet Supplies Plus.

Pet Supplies Plus remains in violation of the following Ohio hazardous waste regulation:

1. **Hazardous waste determination, Ohio Administrative Code (OAC) 3745-52-11:** 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 using the following method:
 - (A) He should first determine if the waste is excluded from regulation under rule 3745-51-04 of the Administrative Code.
 - (B) He must then determine if the waste is listed as a hazardous waste in rules 3745-51-30 to 3745-51-35 of the Administrative Code.
 - (C) For purposes of compliance with Chapter 3745-270 of the Administrative Code, or if the waste is not listed as a hazardous waste in rules 3745-51-30 to 3745-51-35 of the Administrative Code, the

Ms. Angelica Hostetter
January 10, 2008

generator must then determine whether the waste is identified in rules 3745-51-20 to 3745-51-24 of the Administrative Code by either:

- (1) Testing the waste according to the methods set forth in rules 3745-51-20 to 3745-51-24 of the Administrative Code, or according to an equivalent method approved by the Region V Administrator of U.S. EPA pursuant to 40 CFR 260.21; or
- (2) Applying knowledge of the hazardous characteristic of the waste in light of the materials or the processes used.

As requested in the November 27, 2007, notice of violation letter, Pet Supplies Plus must properly evaluate and determine whether the bulbs disposed of were hazardous waste or not. **Within 7 days of receipt of this letter, provide Ohio EPA with documentation of waste determination.**

Failure to properly evaluate bulbs prior to disposal may result in Ohio EPA referring Pet Supplies Plus for escalated enforcement. Should you have any questions please call me at (937) 285-6093.

Sincerely,



Cathy L. Altman
Division of Hazardous Waste Management

cc: Dinah Crawford, DHWM-SWDO/SWDO File

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.

RCRA Site Detail

Report run on: January 22, 2008 - 11:26 AM

Page 3

OHD071272751 SHERWIN-WILLIAMS CO THE

EPA Region 05 Extract Flag: Y Facility Identifier: County: MONTGOMERY

Universes Generator: N Transporter: N Active: N
 Operating TSDF: ----- IC In Place: N EI Indicator (HE / GW): N / N

Activity Location: OH Source Type: Notification Seq. Number: 1 Receive Date: 18 AUG 1980

Other/Previous Site Name: SHERWIN-WILLIAMS CO THE

Location 508 E STROOP RD
 Address: KETTERING, OH 45429

Mailing 508 E STROOP RD
 Address: KETTERING, OH 45429

Contact Person D ALEXANDER 508 E STROOP RD
 For Source (216) 566-2889 KETTERING, OH 45429
 Information

Owner (current) ADDRESS NOT REPORTED Type: Private
 NAME NOT REPORTED CITY NOT REPORTED, AK 99998 Phone: (312) 555-1212
 From: To:

Operator (current) ADDRESS NOT REPORTED Type: Private
 NAME NOT REPORTED CITY NOT REPORTED, AK 99998 Phone: (312) 555-1212
 From: To:

Land Type: Bad code - Non Notifier: No Commercial Availability: Other - U Tsd Date:
 Accessibility: No. Employees: State District: SW

Regulated Waste Activities

Hazardous Waste Generator Status - Federal: Not a Generator; State: HQ-N Not a Generator

Transfer Facility: Unknown

Used Oil Activities

Other Hazardous Waste Generator Activities

Importer Activity: Unknown
 Mixed Waste Generator: Unknown

Used Oil Transporter Activity Off-Specification Used Oil Burner: No

Transporter: No
 Transfer Facility: No

Used Oil Fuel Marketer Activity

Transporter Activity: No

Used Oil Processor and/or
 Re-refiner Activity

Markeler who directs shipment
 off-specification used oil to
 off-specification used oil burner: No

TSD Activity: No

Recycler Activity: No

Processor: No
 Refiner: No

Marketer who first claims the used
 oil meets the specifications: No

Exempt Boiler and/or Industrial Furnace

Small Quantity Onsite Burner Exemption: Unknown
 Smelting, melting, Refining Furnace
 Exemption: Unknown

Underground
 Injection Control: No Destination Facility for
 Universal Waste:

Description of Hazardous Wastes (as reported on Site Identification Form)

EPA Waste Codes: D000, D001, D002, D003, F002, F003, F005, U002, U031, U112, U150, U154, U159, U161, U220, U239

* End of Report *

7003 0500 0002 4411 0887

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com.

OFFICIAL USE

Postage	\$	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Sent To: Ms. Angelica Hostetter Man.
 Street, Apt. No., or PO Box No. Pet Supplies Plus 508 E. Stroop Rd.
 City, State, ZIP+4 Kettering OH 45429

PS Form 3800, June 2002 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 <u>[Signature]</u> <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <u>Angelica Hostetter</u> C. Date of Delivery <u>1-11-08</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:</p> <p>MS ANGELICA HOSTETTER MANAGER PET SUPPLIES PLUS 508 E STROOP ROAD KETTERING OH 45429</p>	<p><input checked="" type="checkbox"/> Registered Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Insured Mail <input checked="" type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/></p>
<p>2. Article Number (Transfer from service label)</p>	<p>7003 0500 0002 4411 0887</p>