



**Environmental
Protection Agency**

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

Re: Monroe Drycleaners
Complaint #3149
OHR000017079
Lucas County
Hazardous Waste
Notice of Violation

September 17, 2012

Mr. Nick Hasan
NZR Retail of Toledo, Inc.
4820 Monroe Street
Toledo, Ohio 43623

Dear Mr. Hasan:

Thank you for accompanying me during Ohio EPA's September 6, 2012, complaint investigation of the former Monroe Drycleaners (MD) located at 4111 Monroe Street, in Toledo, Ohio. We were accompanied by Mr. Sam Shrayda, also of NZR Retail of Toledo, Inc. (NZR). According to the complaint received by Ohio EPA on April 5, 2012, there were at least two drums of hazardous waste left at the site after the drycleaner went out of business. My investigation included observations of the former facility, the waste left behind and discussions with you and Mr. Shrayda. This letter will explain the results of the investigation, the violations I found and what you need to do to correct the violations.

You explained that you own the property at 4111 Monroe Street and that the drycleaner went out of business and left behind waste from the process. I observed the following containers of waste tetrachloroethylene (F002): one full 55-gallon drum, another 55-gallon drum containing approximately 5 gallons of waste, and two full containers of waste of approximately 10 gallon capacity each. You also explained that the building is being remodeled for other tenants, including a cell phone company in one half of the building. Therefore, the complaint is valid.

As a result of my investigation, I found the following violations of Ohio's hazardous waste laws:

**1. Waste Evaluation
OAC Rule 3745-52-11**

A generator must determine whether its waste is hazardous by first determining if the waste is listed as a hazardous waste in rules 3745-51-30 to 3745-51-35; by testing the waste according to the methods set forth in rules 3745-51-20 to 3745-51-24; or by applying knowledge of the hazardous characteristic of the waste in light of the materials or the processes used.

NZR did not generate the waste that is currently at the facility. However, as property owner, NZR is responsible for its evaluation and disposal. Prior to my investigation, you had not determined the type of waste at your Monroe Street property.

I observed approximately 80 gallons of hazardous waste tetrachloroethylene at the facility. This waste has the hazardous waste number F002. This number must be used on a hazardous waste manifest necessary for transporting the hazardous waste to a permitted hazardous waste treatment or disposal facility.

In order to abate this violation, NZR must immediately evaluate the waste, in accordance with the requirements of Ohio Administrative Code Rule 3745-52-11, and explain in writing what it determines the waste to be and what hazardous waste numbers it will apply to the waste. In addition, NZR must clearly explain how it will manage its hazardous waste, arrange for the immediate disposal of this hazardous waste and state where it will be transported to. Also, NZR must submit a copy of the hazardous waste manifest used to transport the hazardous waste to a permitted hazardous waste facility. If you have any questions about its proper disposal, please contact me immediately.

2. Container Accumulation Date
OAC Rule 3745-52-34(A)(2)

The date upon which each period of accumulation and/or treatment begins must be clearly marked and visible for inspection on each container.

NZR did not mark two 55-gallon drums and two (approximately) 10-gallon containers of waste tetrachloroethylene (F002) with the date in which its period of accumulation began. In order to correct this violation, NZR must properly mark these containers and submit photographic documentation demonstrating that they have been properly marked.

3. Container Labeling
OAC Rule 3745-52-34(A)(3)

While being accumulated on-site, each container must be labeled or marked clearly with the words "Hazardous Waste".

NZR did not label or mark two 55-gallon drums and two (approximately) 10-gallon containers of waste tetrachloroethylene (F002) with the words "Hazardous Waste". In order to correct this violation, NZR must properly mark these containers and submit photographic documentation demonstrating that they have been properly marked.

4. Waste Evaluation
OAC Rule 3745-52-11

A generator must determine whether its waste is hazardous by testing the waste according to the methods set forth in rules 3745-51-20 to 3745-51-24. NZR did not evaluate its spent lamps and has placed approximately eight spent fluorescent lamps on the floor of the Monroe Street property.

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In order to abate this violation, NZR must evaluate its spent lamps. **Instead** of obtaining a sample of the lamps and having the sample analyzed in a laboratory, NZR may elect to manage its spent lamps (all types) as universal waste (for recycling). The requirements for managing universal waste lamps include:

- Immediately prevent spent lamps from being placed into the trash;
- Place spent lamps into containers that are structurally sound (boxes for example);
- Label the containers with the words "Used Lamps";
- Document the length of time that the spent lamps are stored (place a date on the boxes);
- Store spent lamps for no longer than one year;
- Inform all employees with the responsibility to collect spent lamps of these requirements; and
- Ship the spent lamps to a lamp recycler (please refer to the list of recyclers that I have enclosed with this letter).

In order to abate this violation, please explain how you intend to manage your spent lamps and to comply with the requirements listed above. Indicate how you will package the lamps, label the containers, and date the containers. Please submit photos demonstrating that this has been done. Please also submit documentation that employees have been made aware of the rules for managing spent lamps. Also, please indicate where you will ship the universal waste lamps to and submit a copy of the shipping paper or receipt documenting that NZR has recycled them.

Please be aware that incandescent, fluorescent, metal halide, neon, high-intensity discharge, high-pressure sodium and mercury-vapor lamps could be hazardous waste when discarded. Fluorescent lamps may contain up to 40 milligrams (mg) of mercury, depending on the brand and manufacturer. Lamps may also contain lead and cadmium. Many lamps exhibit a characteristic of toxicity for heavy metals when disposed. I have enclosed copies of the following documents to assist you in properly managing your spent lamps: Fluorescent Lamps: What You Should Know and Computer, Fluorescent Lamp and Ballast Recyclers. I recommend that you review these documents carefully and contact me if you have any questions. The first document describes the rules you must follow in order to manage lamps as a universal 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 at the following Web link: http://ohioepa.custhelp.com/cgi-bin/ohioepa.cfg/php/enduser/doc_serve.php?2=subscriptionpage. Please feel free to share this information with your colleagues.

NZR needs to immediately take the necessary measures to return to compliance with Ohio's environmental laws. Within 14 days of receipt of this letter, NZR is requested to provide documentation to this office including the steps taken to abate the violations cited above.

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Documentation of steps taken to return to compliance includes written correspondence, updated policies, and photographs, as appropriate, and may be submitted via the postal service or electronically to don.north@epa.state.oh.us.

Please be advised that violations cited above will continue until the violations have been properly abated. Failure to comply with Chapter 3734. of the Ohio Revised Code and rules promulgated thereunder may result in a civil penalty of up to \$10,000 per day for each violation. It is imperative that you return to compliance. If circumstances delay the abatement of violations, NZR is requested to submit written correspondence of the steps that will be taken by date certain to attain compliance.

If you have any questions, please feel free to contact me at (419) 373-3074. You can find copies of the rules and other information on the division's web page at <http://www.epa.ohio.gov>. Ohio EPA also has helpful information about pollution prevention at <http://www.epa.ohio.gov/ocapp>.

Sincerely,



Don North
District Representative
Division of Materials and Waste Management

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pc: Cindy Lohrbach, DMWM, NWDO
Colleen Weaver, DMWM, NWDO (hard copy)

ec: Colleen Weaver, DMWM, NWDO (scanned copy)
Don North, DMWM, NWDO