

**Environmental
Protection Agency**

John R. Kasich, **Governor**

Mary Taylor, **Lt. Governor**

Scott J. Ralby, **Director**

October 1, 2012

RE: TONY MADDEN
OHR 000 173 682
SUMMIT COUNTY
NOTICE OF VIOLATION (NOV)
RETURN TO COMPLIANCE (RTC)
COMPLAINT NO. 7750

Tony Madden
1580 Tallmadge Road
Kent, Ohio 44240

Dear Mr. Madden:

On September 26, 2012, I and John Paquelet, as representatives of the Ohio EPA Division of Materials and Waste Management, conducted a complaint inspection of your business located at 861 Jason Avenue, Akron, for compliance with Ohio's hazardous waste and used oil laws and regulations. You represented your business during the inspection.

Ohio EPA had received a complaint that your business was smashing computers and placing computer remnants in the trash dumpster.

You reported that this location is primarily used for storage of antiques for a business run by you and your wife, apparently as a sole proprietorship. You also reported that some computer monitors are left-off at this location and that you recycle the metal components. You reported that you do not pick up monitors, but that apparently knowledge that you recycle CRTs has spread informally. Approximately a dozen computer monitors were on-site at the time of the inspection.

Your metal recycling process reportedly includes breaking cathode ray tubes (CRTs) in your trash dumpster. You estimated that roughly about a dozen CRTs were currently processed monthly.

Glass from the CRTs was left in the dumpster for pick-up by your trash hauler. At the time of this inspection, the dumpster was empty. You reported that the previous day, Tuesday, was the normal trash pick-up day. Materials that appeared to include broken CRT glass were observed in your dumpster during our first visit to your business.

This letter will explain the violations I found and steps you need to take to correct them. I found the following violation of Ohio's hazardous waste laws and regulations:

1. OAC Rule 3745-52-11 Waste Evaluation

OAC Rule 3745-52-11 requires "Any person who generates a waste... to determine if that waste is a hazardous waste..."

As we discussed during the inspection, this rule requires that every business evaluate every waste prior to disposal to determine if the waste is a hazardous waste. Your business generates glass components from used broken CRTs as a waste. You did not provide any documentation that the glass components from the used broken CRTs had been evaluated.

As we discussed, prior testing has found that glass from most color CRTs exhibits the hazardous waste toxicity characteristic for lead. This is due to the high levels of lead in the glass and glass frit used to seal the glass components. Consequently when this glass becomes a waste, it is expected to be a hazardous waste. As we discussed during the inspection, hazardous waste can only be shipped to facilities that are permitted to accept hazardous waste. Solid waste landfills, such as the one that accepts your trash, cannot accept hazardous waste.

You reported that you were not aware of the regulatory requirements for disposal of CRTs. After we reviewed some of the requirements that apply to CRTs during the inspection, you stated that you would cease breaking CRTs. We also discussed that you would try to stop others from dropping off CRTs, by for example, posting a sign that no computers or CRTs are to be left off.

Since you stated that you would no longer break any CRTs, no additional actions are required at this time to return to compliance with this rule.

You should be aware of the following for the approximately one dozen intact CRTs now at your business and for any CRTs that might be left off in the future.

Under Ohio's hazardous waste regulations, used unbroken CRTs are not regulated as hazardous waste unless they are stored for more than a year. The storage limitation on unbroken CRTs applies to you for the CRTs now on site and any CRTs that you might receive in the future. If you receive any unbroken CRTs, you must recycle them intact and unbroken within one year to avoid regulation as a hazardous waste.

In the future if you break any CRTs, to avoid the CRTs being regulated as hazardous waste, all CRT glass must be recycled and:

- CRT containers must be clearly labeled with wording specified in the rules;
 - CRTs must be safely transported in containers designed to minimize releases;
 - CRTs must be stored in a building or container designed to minimize releases;
- and
- CRTs must be stored on-site less than one year before recycling them.

This is a partial and highly summarized version of the rule requirements. To ensure compliance, you should review the actual rules.

You should also be aware that:

- This letter does not remove any potential liability for any past actions; and
- Failure to comply with Ohio's hazardous waste rules has the potential to result in a civil penalty of up to \$10,000 per day for each violation.

Enclosed you will find a copy of the checklist completed during the inspection.

OTHER INFORMATION

The Division of Materials and Waste Management has created an electronic news service to provide you with updates related to hazardous waste activities in Ohio. You can find more information and sign up for this free service at the following Web link: http://ohioepa.custhelp.com/cgi-bin/ohioepa.cfg/php/enduser/doc_serve.php?2=subscriptionpage .

Should you have any questions regarding this letter or the rules applicable to CRTs, please contact me at (330) 963-1165.

Sincerely,



Neil J. Wasilk
Environmental Specialist
Division of Materials and Waste Management

NJW:ddw

Enclosure

cc: Marlene Kinney, Ohio EPA, DMWM, NEDO
ec: Natalie Oryshkewych, Ohio EPA, DMWM, NEDO
Nyall McKenna, Ohio EPA, DMWM, NEDO
Jeff Mayhugh, Ohio EPA, DMWM, CO

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 Site Location Information Site Land Type (check only one) NAICS code(s) www.census.gov/epcd/www/naics.html	EPA ID Number:	Website: (Optional)
	Name: Tony Madden	
	Street Address: 861 Jason Avenue	
	City, Town, or Village: Akron	
State: OH		Zip Code: 44314
County Name: SUMMIT		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"/>

Facility Representative Additional names can be recorded in number 12 Only provide address information if it is different than the site address	First Name: Tony	MI:	Last Name: Madden	
	Title:			
	Phone Number: 330-673-1633		Phone Number Extension:	
	E-Mail Address:			
	Fax Number:		Fax Number Extension:	
	Street or P.O. Box: 1580 Tallmadge Road			
	City, Town or Village: Kent		State: OH	
Zip Code: 44240				

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:				Date Became Owner (mm/dd/yyyy):				
	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:				Owner Phone #:				
	State:				Country:		Zip Code:		
	Name of Site's Operator:				Date Became Operator (mm/dd/yyyy):				
	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:				Operator Phone #:				
	State:				Country:		Zip Code:		

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 checked="" type="checkbox"/> UNKNOWN: Cited for violation of 3745-52-11	<input type="checkbox"/> Large Quantity Generator (LQG)
	<input type="checkbox"/> Short-Term/Temporary Generator (generates from a short-term or one-time event and not from on-going processes). Check the box for the applicable generator status and provide a comment.	<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"/> Hazardous Waste Transporter | <input type="checkbox"/> Exempt Boiler and/or Industrial Furnace |
| <input type="checkbox"/> Hazardous Waste Transfer Facility | <input type="checkbox"/> Small Quantity On-Site Burner Exemption |
| <input type="checkbox"/> Treater, Storer or Disposer of Hazardous Waste | <input type="checkbox"/> Smelting, Melting, Refining Furnace Exemption |
| <input type="checkbox"/> Recycler of Hazardous Waste | <input type="checkbox"/> Underground Injection Control Facility |
| <input type="checkbox"/> 72-Hour Recycler | <input type="checkbox"/> Receives Hazardous Waste from Off-site |

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 Used Oil
 Used Oil Fuel Marketer who first claims the Used Oil meets the specifications

Eligible Academic Entities with Laboratories: Facility has previously notified that they are opting into managing laboratory hazardous waste pursuant to OAC rules 3745-52-200 through 3745-52-216. Check the box(es) below to indicate the laboratory type.

- College or University
 Teaching hospital that is owned by or has a formal written affiliation agreement with a college or university
 Non-profit Institute that is owned by or has a formal written affiliation agreement with a college or university

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 RCRAInfo source record, you do not need to list them. Instead just indicate the date of the most recent source record.

D008

COMMENTS: USE THIS AREA TO DESCRIBE WHETHER THE INSPECTION WAS ANNOUNCED, WHETHER THE WASTE IS STORED IN TANKS OR CONTAINERS, ETC.

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 type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	

Name of Inspector(s)
N. Wasilk

Name of Inspector(s)
J. Paquelet

Date of Inspection/Time
 (mm/dd/yyyy) (hh:mm)
09/26/2012 10:30 a.m.

Comments:

Unannounced complaint inspection at 1:30 p.m. on 9-20-12; nobody was present. Facility responded by phone and return visit was scheduled for 10:30 a.m. on 9-26-12.

TONY MADDEN

**CONDITIONALLY EXEMPT SMALL QUANTITY GENERATOR REQUIREMENTS
COMPLETE AND ATTACH A PROCESS, WASTE, P2 SUMMARY SHEET**

CESQG: ≤100Kg. (Approximately 25-30 gallons) of waste in a calendar month or < 1 Kg. of acutely hazardous waste.
 SQG: Between 100 and 1,000 Kg. (About 25 to under 300 gallons) of waste in a calendar month.
 LQG: ≥ 1,000 Kg. (~300 gallons) of waste in a calendar month or ≥1 Kg. of acutely hazardous waste in a calendar month.
 NOTE: To convert from gallons to pounds: Amount in gallons x Specific Gravity x 8.345 = Amounts in pounds.

Safety Equipment Used:

WASTE EVALUATION

1.	Have all wastes generated at the facility been adequately evaluated? [3745-52-11] <i>GLASS FROM BROKEN CRT'S NOT EVALUATED</i>	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
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GENERATOR CLASSIFICATION

2.	Does the generator produce <100 kg. of hazardous waste per month? [conditionally exempt small quantity generator ("CESQG")] <i>NOT DETERMINED</i>	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
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NOTE: If quantities of hazardous waste accumulated on-site at any one time exceed 1,000 Kg. - or the generator produces between 100 and 1,000 Kg. of hazardous waste per month, it is operating as a Small Quantity Generator ("SQG"). If so, complete the Small Quantity Generator Requirements checklist.

OFF-SITE SHIPMENT OF HAZARDOUS WASTE

3.	Does the CESQG ensure delivery of hazardous waste(s) to an off-site permitted TSD? [3734.02(F)] <i>NO SHIPMENTS TO PERMITTED</i>	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
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TREATMENT OF HAZARDOUS WASTE *HAZARDOUS WASTE FACILITIES*

4.	Does the generator treat hazardous waste in a:	
a.	Container that meets 3745-66-70 to 3745-66-77? <i>BREAKING CRT'S IN DUMPSTER.</i>	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
b.	Tank that meets 3745-66-90 to 3745-66-101 except 3745-66-97(C)?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
c.	Drip pads that meet 3745-69-40 to 3745-69-45?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
d.	Containment building that meets 3745-256-100 to 3745-256-102?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>

NOTE: Complete appropriate checklist for each unit.

NOTE: If the CESQG conducts treatment they are subject to the LQG requirements.

NOTE: If waste is treated to meet LDRs, use LDR checklist.

MIX HAZARDOUS WASTE WITH USED OIL

5.	Does the CESQG mix its hazardous waste with used oil for the purpose of burning for energy recovery? [3745-51-05(J)] If so:	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
a.	Does the CESQG manage the mixture in accordance with 3745-279-21?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>