



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

December 13, 2012

**MUSKINGUM COUNTY
GENERAL FILE
(OLDE TOWNE CLEANERS)
DHWM/SEDO
OHD018486936**

Mr. David Frick
Olde Towne Cleaners
1953 Maple Ave.
Zanesville, Ohio 43701

Dear Mr. Frick:

On October 10, 2012, I performed a compliance inspection of the Olde Towne Cleaners to determine its compliance with Ohio's hazardous waste laws and regulations as found in Chapter 3734 of the Ohio Revised Code (ORC) and Chapter 3745 of the Ohio Administrative Code (OAC).

Based on our observations and review of facility documentation during this inspection, we found the following violations of the hazardous waste regulations. On October 16, 2012, a Notice of Violation was issued to you. On December 11, I visited your facility, however you were not available at that time. I understand you have a contractor coming to remove the perc machine and remaining solvent, however, **to date, I have not received a response from you regarding the violation cited below.** Please provide the requested documentation within **fourteen days** of the date of this letter:

(1) 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 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. (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 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.

During the inspection, we were informed that spent fluorescent lamps and spent filters from your petroleum-solvent dry-cleaning machine are thrown out into your solid waste dumpster. Unless you have documentation indicating that these lamps are not a characteristic waste, all such lamps must be collected and recycled as universal waste or as hazardous waste. For the filters, they or the solvent in your machine should be sampled and analyzed by the Toxic Characteristic Leaching Procedure (TCLP) prior to

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disposing any more of them to determine if they are hazardous waste due to any toxic organic constituents. Alternatively, as we discussed during the inspection, if these filters can be legitimately recycled for scrap metal, provide the name and address of the facility that will accept them for recycling. To abate this violation, please provide A) documentation indicating that the lamps and filters are not hazardous wastes; or B) the name and location of the facility(ies) that will recycle them (as universal waste and scrap metal, respectively); or C) the name and location of the facility(ies) that will manage and dispose of these materials as hazardous waste.

Other compliance concerns:

We also discussed the hazardous wastes stored on-site from the perchloroethylene machine (the solvent in the machine and the drums of the sludge/filters). To reduce your potential for environmental releases and unpermitted storage, you should have these wastes removed from the site and properly disposed of in a timely manner. Please provide documentation that these wastes have been properly disposed (ie. a copy of the hazardous waste manifest).

Olde Towne Cleaners needs to immediately take the necessary measures to return to compliance with Ohio's environmental laws. **Within 14 days** of the date of this letter, you are requested to provide documentation to this office including the steps taken to abate the violations cited above. 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 rich.stewart@epa.ohio.gov.

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, you are requested to submit written correspondence of the steps that will be taken by a date certain to attain compliance.

If you have any questions, please call me at (740) 380-5278.

Sincerely,



Richard Stewart
District Representative
Division of Materials and Waste Management

RS/mr

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.