



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

January 28, 2013

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 January 16, 2013, I received a response from you which included receipts for the perchloroethylene hazardous wastes and you are using Safety Kleen to recycle your spent lamps. I understand you have not found someone yet to sample your other cleaning machine solvent or filters. As we discussed on January 23, 2013, if you have not found a firm to sample your filters by the next filter change-out (approximately March, 2013), I will plan to be present and collect the filters for analysis. You agreed to let me know at least a week prior to the filter change-out if you will have the filters sampled. Please keep me apprised of the efforts you are taking to secure an environmental testing company to collect these samples. Until the filters are analyzed, you will remain in violation of the following regulation:

(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

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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 filters from your petroleum-solvent dry-cleaning machine are thrown out into your solid waste dumpster. I have reviewed the MSDS for this material that you provided; however, MSDSs are usually not useful for hazardous waste determination purposes. Until you have this solvent or spent filters analyzed for volatile constituents by the Toxic Characteristic Leaching Procedure (TCLP) methods, the filters should not be disposed. To abate this violation, please provide the sampling results.

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.