



Environmental  
Protection Agency

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

Re: Ginger, Inc.  
OHD081218000  
Lucas County  
Hazardous Waste  
**New Notice of Violation &  
Second Notice of Violation**

April 27, 2011

CERTIFIED MAIL

Mr. Tim Mills, Plant Manager  
Ginger, Inc.  
260 Matzinger Road  
Toledo, Ohio 43612

Dear Mr. Mills:

On December 15, 2010, I conducted a compliance evaluation inspection of Ginger, Inc. (Ginger) located at 260 Matzinger Road in Toledo, Ohio. I was accompanied by Supervisor Linda Miller of Ginger, during the inspection. A Notice of Violation letter (NOV), dated January 5, 2011, explained the violation and the general concern I found and what you needed to do to correct the violation and address the general concern. You provided a response to the NOV dated January 11, 2011. This letter provided information on your management of spent lamps and a response to my general concern.

Ohio EPA could not determine Ginger's hazardous waste generator status at the time of the inspection, since no one could explain the dark room operations. Once Ohio EPA determines Ginger's generator status, you will be notified in a separate letter.

As a result of my inspection, I found, at least, the following violation of Ohio's hazardous waste laws. In order to correct this violation, you were required to do the following and send me the required information, **within 30 days** of your receipt of the January 5, 2011, NOV. I spoke to you by phone on February 14, 2011, regarding your response to the NOV. Ginger has still not completely responded to the violation and your response to the general concern reveals that Ginger has violated other hazardous waste rules. These violations will be cited later in this NOV. **You must respond to all the violations immediately.**

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**1. 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.

Ginger has failed to evaluate its spent lamps (all types), according to this rule and has been placing them in the trash. In order to abate this violation, Ginger must evaluate its spent lamps. Instead of obtaining a sample of the lamps and having the sample analyzed in a laboratory, Ginger may elect to manage its spent lamps (all types) as Universal Waste (recycling). During a conversation with you by phone on December 21, 2010, we discussed these two options and you indicated you would like to manage your spent lamps as Universal Waste. The requirements for Universal Waste lamps include:

- Immediately cease placing spent lamps into the trash;
- Place spent lamps into containers that are structurally sound and closed;
- Label the containers with the words "Used Lamps";
- Document the length of time that the spent lamps are stored (date the container);
- 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 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, date the containers and inform your employees of the requirements. Please submit photos demonstrating that this has been done. Also, please indicate where you will ship the Universal Waste lamps to.

**Attached to your response letter, dated January 11, 2011, received by Ohio EPA on January 18, 2011, is a photo of a box for Universal Waste lamps labeled with the words "Recycle Used Lamps" that is not closed. Ginger must still document how it has informed employees about the proper management of used lamps. Ginger must submit a photograph documenting that the used lamp box has been closed.**

Based on the information you provided in your January 11, 2011, letter and the information provided during my February 14, 2011, phone conversation with Ken Moeller, I have found, at least, the following additional violations of Ohio's hazardous waste laws:

2. **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.

Ginger has failed to adequately evaluate all of its waste properly. Specifically, you stated in your January 11, 2011, response letter that you take the dark room waste developer and fixer, and paint and antifreeze to a Monroe, Michigan, household hazardous waste drop-off facility, without first evaluating the waste to determine if it is listed or possess a characteristic of hazardous waste. **Ginger must cease this immediately.** Hazardous waste generated in Ohio must be sent to a permitted hazardous waste treatment, storage or disposal facility.

In a phone conversation with Ken Moeller of Ginger, on February 14, 2011, he explained that the useless negatives are put in the trash and that plate developer is rinsed in a sink, down the drain, to the sewer. Neither of these wastes has been evaluated to determine if they possess a characteristic of hazardous waste. **Ginger must cease this immediately.**

In order to abate this violation, you must immediately evaluate:

- A. Waste developer
- B. Waste fixer
- C. Plate rinse
- D. Useless negatives
- E. Waste paint and
- F. Waste antifreeze

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and any other waste discovered at the facility by Ohio EPA or Ginger, in accordance with the requirements of Ohio Administrative Code Rule 3745-52-11 and this letter. You must obtain a representative sample of each waste, according to OAC 3745-51-20. You must evaluate all samples, through laboratory analysis, for at least the Toxicity Characteristic Leaching Procedure (TCLP) metals. In addition, the paint waste must also be analyzed for TCLP VOCs and flash point and the pH of the developer, fixer and plate rinse must be determined. Ginger must submit the results of the laboratory analyses to Ohio EPA as soon as they are available.

**Ginger will need to give Ohio EPA a five day advance notice of sampling activities, in order for an inspector to make arrangements to view the sampling.**

Your results must document if the waste is hazardous or not and whether it is restricted from land disposal. If it is hazardous, you must explain what treatment, storage or disposal facility you will send it to. Ginger must submit to me a legible copy of the manifest(s), signed by a representative of the permitted treatment, storage or disposal facility that documents the proper off-site shipment of all its hazardous waste. If non-hazardous waste is identified, Ginger must submit a copy(s) of the shipping papers used to transport the waste off-site to a permitted solid waste facility. **If the waste is hazardous, I will determine the status of your facility's compliance with other hazardous waste laws and notify you of my findings in a separate letter.**

In addition, Ginger must indicate the amount of each of these wastes generated per month.

**3. Used Oil Container Labeling  
OAC Rule 3745-279-22(C)(1)**

Containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words "Used Oil." Ginger has failed to label containers of used oil with the words "Used Oil". Specifically, you stated in your January 11, 2011, response letter that you take used oil to a Monroe, Michigan, household hazardous waste drop-off facility and attached to the letter is a photo that does not demonstrate that the container has been properly labeled. **Ginger must cease this immediately.**

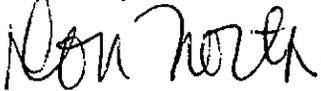
In order to correct this violation, Ginger must immediately mark or label all used oil containers with the words "Used Oil" and provide me with photographic documentation that this has been done.

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Ginger must also list at least one registered used oil recycler that will be capable of properly managing your used oil. I have enclosed a copy of the following used oil fact sheets: The Regulation of Used Oil: An Overview for Ohio Businesses Who Generate Used Oil and Used Oil Recyclers. Please review these carefully and contact me immediately if you have any questions.

**Ginger must correct the violations of OAC Rule 3745-52-11 and 3745-279-22(C)(1) immediately.** If you have any questions, please feel free to contact me at (419) 373-3074.

Sincerely,



Don North  
District Representative  
Division of Materials and Waste Management

//lr

pc: Colleen Weaver, DMWM, NWDO  
Cindy Lohrbach, DMWM, NWDO  
~~DMWM-HW, NWDO, Lucas County, Ginger, Inc. File (site was formerly known~~  
~~as Electrotreat Corp.)~~  
Certified Receipt Number 7009 1410 0001 1840 2840

ec: Don North, DMWM, NWDO

**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.

7009 1410 0001 1840 2840

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Postmark: **TOLEDO OH APR 27 2011**

Sent To  
 Tim Mills, Plant Mgr - Linde, Inc.  
 Street, Apt. No.,  
 or PO Box No. 260 MATZLICK ROAD  
 City, State, ZIP+4  
 TOLEDO, OH 43612

PS Form 3800, August 2006 See Reverse for Instructions

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1. Article Addressed to:  
 MR. TIM MILLS, PLANT MANAGER  
 LINDE, INC.  
 260 MATZLICK ROAD  
 TOLEDO, OHIO 43612

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature: *Lisa A Wagner*  Agent  Addressee

B. Received by (Printed Name): *Lisa A Wagner*

C. Date of Delivery: *4-27-11*

D. Is delivery address different from item 1?  Yes  No  
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