



State of Ohio Environmental Protection Agency

**Northwest District Office**

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Ted Strickland, Governor  
Lee Fisher, Lieutenant Governor  
Chris Korteski, Director

**RE: N-Viro International  
Corporation  
Lucas County  
DHWM, NWDO  
Notice of Violation**

July 22, 2008

Mr. Bob Bohmer  
N-Viro International Corporation  
3450 West Central Avenue  
Suite 328  
Toledo, Ohio 43606

Dear Mr. Bohmer:

I would like to thank you for allowing Peggy Harris of your staff to accompany Gary Deutschman and me during the Ohio Environmental Protection Agency's (Ohio EPA's) July 1, 2008, compliance evaluation inspection of the N-Viro International Corporation (N-Viro) facility in Toledo, Ohio. We inspected N-Viro to determine its compliance with Ohio's hazardous waste laws as found in Chapter 3734. of the Ohio Revised Code (ORC) and Chapter 3745. of the Ohio Administrative Code (OAC). During the inspection, we also helped you identify ways to prevent pollution by reducing waste.

This letter will explain the violations we found, what you need to do to correct the violations, other general concerns we have, what you need to do to respond to our general concerns, and the pollution prevention opportunities we identified.

N-Viro manufactures a soil additive using the solids from the City of Toledo's (COT's) waste water treatment plant. N- Viro does not generate hazardous waste. However, used oil and spent lamps are generated at the facility.

Ohio EPA found the following violations of Ohio's hazardous waste laws. In order to correct these violations you must do the following and send me the required information ***within 30 days of receipt of this letter:***

**Violations:**

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..."

N-Viro failed to have waste evaluation documentation or an established recycling plan in place for the fluorescent lamps generated at the facility.

N-Viro must immediately cease disposing of the fluorescent lamps as non-hazardous waste until a proper waste evaluation has been completed. Fluorescent lamps typically contain mercury and other heavy metals which could make them a hazardous waste. Hazardous waste lamps are considered "spent materials" and remain hazardous waste even when recycled. Hazardous waste lamp generators have the option of handling their lamps as hazardous waste or as universal waste. Managing hazardous waste lamps under the universal waste rules eases certain regulations imposed on generators of spent lamps.

N-Viro must choose one of the following options and submit to Ohio EPA the requested information as documentation to demonstrate how N-Viro plans to properly manage the spent fluorescent lamps: **1)** If N-Viro decides to manage the lamps as a hazardous waste, then N-Viro will need to sample each type and brand of lamp at the facility using a Toxicity Characteristic Leaching Procedure (TCLP) test for Resource Conservation and Recovery Act (RCRA) metals. N-Viro must then submit all analytical results to Ohio EPA along with a description of how the spent lamps will be managed. **2)** The other alternative is that N-Viro can begin to manage spent lamps as universal waste. If N-Viro chooses this option, then N-Viro should submit a summary that outlines how the spent lamps will be managed as universal waste and where they will be shipped. N-Viro should also submit photographic documentation that a closed container will be used to store the spent lamps and that this container has the proper label and accumulation start date located on it.

Ohio EPA recommends that spent lamps be managed as a universal waste and recycled.

If N-Viro chooses option 2 listed above and does not have any spent lamps on site at this time, then a picture should be included that shows the closed container the spent lamps will be stored in with the proper label affixed to the container. The label should include the wording "Universal Waste Lamp(s)", "Waste Lamp(s)", or "Used Lamp(s)".

N-Viro will also need to track the accumulation of the spent lamps to ensure spent lamps are not stored for greater than 365 days. The easiest way to do this is to mark the container with the accumulation start date (the day the first lamp is placed in the container). If N-Viro does not currently have spent lamps on site, the container may be labeled "Accumulation Start Date" but not have an actual date written. If N-Viro plans on using another method to track the accumulation of the spent lamps, then a short summary of this method should be included with the photograph. Please submit the requested information to Ohio EPA ***within 30 days of receipt of this letter.***

For more information, I have enclosed the following fact sheets on spent lamps: Universal Waste Rules for Handlers of Lamps, dated June 2005; Fluorescent Lamps: What You Should Know, dated January 2007; and Computer, Fluorescent Lamp and Ballast Recyclers, dated April 2008.

2. **OAC Rule 3745-279-24, Off-site Shipments of Used Oil by Generators:** Used oil generators have three options for handling their used oil: 1) Generators must have their used oil transported by an entity that has a U.S. EPA identification number and ensure their used oil is recycled; 2) Generators may transport less than 55-gallons of their own used oil to a registered used oil collection center; or 3) Generators may burn their own used oil in an on-site space heater as long as all applicable requirements are met.

N-Viro takes their used oil to the City of Toledo's (COT) waste water treatment plant where it is then picked up by an outside facility. However, the COT is not a registered used oil collection center. Therefore, N-Viro failed to transport their own used oil to a registered used oil collection center.

In order to abate this violation, N-Viro must submit a detailed description of how N-Viro will comply with the used oil rules. N-Viro must choose one of the following and submit the listed information to Ohio EPA ***within 30 days of receipt of this letter.***

To abate this violation, N-Viro must choose to either **1)** Have the used oil picked up by a transporter which has a US EPA ID number. N-Viro must submit documentation (e.g., bill of lading or contract agreement), which includes the transporter and receiving facility information. Also, N-Viro must describe how the used oil is being recycled by the receiving facility (e.g., reconditioning, re-refining, reusing, or burning for energy recovery). **2)** Take the used oil to a registered collection center. N-Viro must submit documentation of the location of the collection center as well as receipt of your used oil by the collection center. N-Viro must also include in their response how much used oil is transported to the collection center, by whom, and the owner of the vehicle used in the transportation of the used oil. **3)** Or, burn the used oil on site in a space heater that complies with the requirements found in OAC rule 3745-279-23. N-Viro must submit documentation that demonstrates compliance with this rule. This information must be submitted to Ohio EPA ***within 30 days of receipt of this letter.***

For more information I have enclosed the following fact sheets: The Regulation of Used Oil: An Overview for Ohio Businesses Who Generate Used Oil, dated April 2006; The Regulation of Used Oil: Used Oil Burners, dated August 2005; Registered Used Oil Collection Centers, dated May 8, 2007; and Used Oil Recyclers, dated July 2008.

3. **OAC Rule 3745-279-22 (C)(1), Used Oil Storage Requirements for Generators:** "Containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words 'Used Oil.'"

N-Viro failed to mark two used oil drums located in the maintenance area of the shop with the words "Used Oil."

N-Viro marked the two drums with the words "Used Oil" while Ohio EPA was on site.

***Therefore, this violation was abated on July 1, 2008.***

**General Concern:**

- A. **Site Information:** Ohio EPA has enclosed a *RCRA Subtitle C Site Identification/Verification Form* that has been partially filled in for the N-Viro site. However, Ohio EPA has not successfully contacted N-Viro to obtain the remaining information.

To address this general concern, N-Viro must fill out the form in its entirety, sign it, and send it back to Ohio EPA ***within 30 days of receipt of this letter.***

Ohio EPA will issue an EPA ID number to track the inspection activity at N-VIRO. N-VIRO can not use this number for manifesting hazardous waste shipments. If N-VIRO wants to use an EPA ID number for manifesting and other hazardous waste, used oil or universal waste activities, N-VIRO must complete and submit a Notification of Regulated Waste Activity form (EPA Form 9029 (Rev. 11/2002)) to Ohio EPA. This form is available on our Web page at <http://www.epa.state.oh.us/dhwm/notiform.html> or N-VIRO can call the Division of Hazardous Waste Management, Central Office, RIS at (614) 644-2977 and a copy will be sent through the mail.

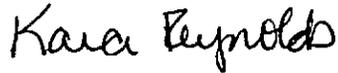
As we discussed during the inspection, you may be able to reduce the waste your company generates. If you find ways to recycle, reduce, or altogether eliminate the amount of waste that your company generates you may be able to reduce treatment and disposal costs. Ohio EPA also has helpful information about pollution prevention at the following web address: <http://www.epa.state.oh.us/ocapp/ocapp.html>. If you would like to be considered for an in-depth on-site pollution prevention assessment, or if you would like more information about pollution prevention assessments, please contact me at (419) 373-3065.

The Division of Hazardous 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 site: [www.epa.state.oh.us/dhwm/listserv.html](http://www.epa.state.oh.us/dhwm/listserv.html). Please feel free to share this with your colleagues.

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Enclosed you will find a copy of the checklists that were completed during the inspection. Should you have any questions, please feel free to call me at (419) 373-3065. You can find copies of the rules and other information on the division's web page at <http://www.epa.state.oh.us/dhwm>.

Sincerely,



Kara Reynolds  
Environmental Specialist  
Division of Hazardous Waste Management

/llr

Enclosures

pc: Colleen Weaver, DHWM, NWDO  
Kara Reynolds, DHWM, NWDO  
Cindy Lohrbach, DHWM, NWDO  
◀DHWM, NWDO:Lucas County File: Lucas County General 2007-

**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.

Ohio Environmental Protection Agency  
**RCRA SUBTITLE C SITE  
IDENTIFICATION/VERIFICATION FORM**

For Ohio EPA use only

E-mail this completed form to [kristina.durnell@epa.state.oh.us](mailto:kristina.durnell@epa.state.oh.us)  
or mail it to Kristina Durnell, Central Office

Site EPA ID No.	EPA ID Number:	
Site Name	Name: N-Viro International Corporation	Website: (Optional)
Site Location Information	Street Address: Bay View Park, 3900 North Summit Street	
	City, Town, or Village: Toledo	State: OH
	County Name: Lucas	Zip Code: 43611
Site Land Type (check only one)	<input type="checkbox"/> Private <input type="checkbox"/> County <input type="checkbox"/> District <input type="checkbox"/> Federal <input type="checkbox"/> Indian <input checked="" type="checkbox"/> Municipal <input type="checkbox"/> State <input type="checkbox"/> Other	
NAICS code(s) <a href="http://www.census.gov/epcd/www/naics.html">www.census.gov/epcd/www/naics.html</a>		
Facility Representative  Additional names can be recorded in number 12  Only provide address information if it is different than the site address	First Name: Peggy	MI:
	Last Name: Harris	
	Phone Number: 419-729-5710	Phone Number Extension:
	E-Mail Address:	
	Fax Number:	Fax Number Extension:
	Street or P.O. Box:	
	City, Town or Village:	
	State:	Country:      Zip Code:
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:	
	City of Toledo	Date Became Owner (mm/dd/yyyy):
	<input type="checkbox"/> Owner <input type="checkbox"/> Private <input type="checkbox"/> County <input type="checkbox"/> District <input type="checkbox"/> Federal <input type="checkbox"/> Indian <input checked="" type="checkbox"/> Municipal <input type="checkbox"/> State <input type="checkbox"/> Other	
	Type:	
	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):
	N-Viro International Corporation	October 1989
	<input type="checkbox"/> Owner <input type="checkbox"/> 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	
Type:		
Street or P.O. Box: 3450 West Central Avenue, Suite 328		
City, Town or Village: Toledo	Operator Phone #: 419-535-6374	
State: Ohio	Country: USA      Zip Code: 43606	
Violations Cited?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Type of Generator		
<input type="checkbox"/> Not Regulated	<input type="checkbox"/> Conditionally Exempt Small Quantity Generator	
<input type="checkbox"/> UNKNOWN: Cited for violation of 3745-52-11	<input type="checkbox"/> United States Importer of Hazardous Waste	
<input type="checkbox"/> Large Quantity Generator (LQG)	<input type="checkbox"/> Mixed Waste (Hazardous and Radioactive) Generator	
<input type="checkbox"/> Small Quantity Generator (SQG)		
Type of Regulated Waste Activity (Mark "X" in all of the appropriate boxes)		
<input type="checkbox"/> Recycler of Hazardous Waste	<input type="checkbox"/> Exempt Boiler and/or Industrial Furnace	
<input type="checkbox"/> Underground Injection Control Facility	<input type="checkbox"/> Small Quantity On-Site Burner Exemption	
<input type="checkbox"/> Hazardous Waste Transporter	<input type="checkbox"/> Smelting, Melting, Refining Furnace Exemption	
<input type="checkbox"/> Treater, Storer or Disposer of Hazardous Waste		

<b>Universal Waste Activities (Indicate types of universal waste generated and/or accumulated (check all boxes that apply))</b>			
<input type="checkbox"/> <b>Small Quantity Handler of Universal Waste</b>		<input type="checkbox"/> <b>Large Quantity Handler of Universal Waste</b> (accumulates 5,000 kg. or more)	
<input type="checkbox"/> <b>Destination Facility for Universal Waste</b>			
(Check all boxes below that apply for each of the three types of facilities above)		<b>Used Oil Activities (Indicate Type(s) of Activity(ies))</b>	
	<b>Managed</b>	<input checked="" type="checkbox"/> <b>Used Oil Generator</b>	<input type="checkbox"/> <b>Off-Specification Used Oil Burner</b>
<b>Batteries</b>	<input type="checkbox"/>	<input type="checkbox"/> <b>Used Oil Transporter</b>	<input type="checkbox"/> <b>Used Oil Fuel Marketer Who Directs Shipment of Off-Spec. Oil</b>
<b>Pesticides</b>	<input type="checkbox"/>	<input type="checkbox"/> <b>Used Oil Transfer Facility</b>	<input type="checkbox"/> <b>Used Oil Fuel Marketer to Off-Specification Used Oil Burner</b>
<b>Mercury containing equipment</b>	<input type="checkbox"/>	<input type="checkbox"/> <b>Used Oil Processor</b>	
<b>Lamps</b>	<input type="checkbox"/>	<input type="checkbox"/> <b>Used Oil Re-refiner</b>	
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 if more space is needed. If there are more than 7 waste codes and they are the same as listed in the most recent RCRAInfo source record, you do not need to list them all. Instead just indicate the date of the most recent source record.			
Comments: Use this area to describe whether the inspection was announced, whether the waste is stored in tanks or containers, etc.			
<b>Announced</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Additional Facility Representatives:</b>	<b>Bob Bohmer</b>
<b>Tanks</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Other Comments:</b>	
<b>Containers</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
<b>Name of Inspector(s)</b>		<b>Name of Inspector(s)</b>	<b>Date of Inspection/Time (mm/dd/yyyy) (hh:mm)</b>
<b>Kara Reynolds</b>		<b>Gary Deutschman</b>	<b>7/1/2008 10:00 AM</b>
OPTIONAL CERTIFICATION: I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.			
<b>Signature of Owner, Operator, or an Authorized Representative</b>		<b>Name and Title (Print)</b>	<b>Date (mm/dd/yyyy)</b>

**USED OIL INSPECTION CHECKLIST  
GENERATORS, COLLECTION CENTERS AND AGGREGATION POINTS**

*NOTE: A facility is subject to the federal SPCC regulations (40 CFR 112) if it is non-transportation related (e.g., fixed) and has an aggregate above ground storage capacity greater than 1,320 gallons or a total underground storage capacity greater than 42,000 gallons of oil (including used oil), and there is reasonable expectation of a discharge to navigable waters.*

**PROHIBITIONS**

1. Does the generator manage used oil in a surface impoundment or waste pile? If yes: Yes  No  N/A
- a. Is the surface impoundment or waste pile regulated as a hazardous waste management unit? [3745-279-12(A)] Yes  No  N/A
2. Is used oil used as a dust suppressant? [3745-279-12(B)] Yes  No  N/A
3. Is off-specification used oil fuel burned for energy recovery in devices specified in 3745-279-12(C)? Yes  No  N/A

*NOTE: Multiple used oil checklists may be applicable if used oil handler is performing multiple tasks (e.g., if generating used oil and shipping directly to a burner, complete generator and marketer checklists at a minimum).*

**GENERATOR STANDARDS**

4. Does the generator mix hazardous waste with used oil? If so, Yes  No  N/A
- a. Is the mixture managed as specified in 3745-279-10(B)? [3745-279-21(A)] Yes  No  N/A

*NOTE: Used Oil mixed with listed (3745-51-30 to 3745-51-35) or characteristic (3745-51-20 to 3745-51-24) hazardous waste are subject to regulation as a hazardous waste, unless the listed hazardous waste is listed solely because it exhibits a hazardous characteristic, and the resultant mixtures do not exhibit a characteristic. Mixtures of used oil and CESQG hazardous waste are subject to OAC Chapter 3745-279.*

5. Does the generator of a used oil containing greater than 1,000 ppm total halogens manage the used oil as a hazardous waste unless the presumption is rebutted successfully? [3745-279-21(B)] Yes  No  N/A

*NOTE: If used oil contains greater than 1000 ppm total halogens, it is presumed to be listed hazardous waste until the presumption is successfully rebutted.*

6. Does the generator store used oil in tanks; or containers; or a unit(s) subject to regulation as a hazardous waste management unit? [3745-279-22(A)] Yes  No  N/A
7. Are containers and aboveground tanks used to store used oil in good condition with no visible leaks? [3745-279-22(B)] Yes  No  N/A
8. Are containers, above ground tanks, and fill pipes used for underground tanks clearly labeled or marked "Used Oil?" [3745-279-22(C)] Yes  No  N/A
9. Has the generator, upon detection of a release of used oil, done the

following: [3745-279-22(D)]

- a. Stopped the release? Yes  No  N/A
- b. Contained the release? Yes  No  N/A
- c. Cleaned up and properly managed the used oil and other materials? Yes  No  N/A
- d. Repaired or replaced the containers or tanks prior to returning them to service, if necessary? Yes  No  N/A

#### ON-SITE BURNING IN SPACE HEATER

10. Does the generator burn used oil in used-oil fired space heaters? [3745-279-23] If so: Yes  No  N/A
- a. Does the heater burn only used oil that owner/operator generates or used oil received from household do-it-yourself (DIY) used oil generators? Yes  No  N/A
- b. Is the heater designed to have a maximum capacity of not more than 0.5 million BTU per hour? Yes  No  N/A
- c. Are the combustion gases from heater vented to the ambient air? Yes  No  N/A

#### GENERATOR TRANSPORTATION

11. If the generator self-transport used oil to an approved collection site or to an aggregation point owned by the generator: [3745-279-24] Yes  No  N/A
- a. Does the generator transport used oil in a vehicle owned by the generator or an employee of the generator? [3745-279-24] Yes  No  N/A
- b. Does the generator transport more than 55 gallons of used oil at any time? [3745-279-24] Yes  No  N/A

*NOTE: Used oil generators may arrange for used oil to be transported by a transporter without a U.S. EPA ID # if the used oil is reclaimed under a contractual agreement (i.e., tolling arrangement).*

#### COLLECTION CENTERS AND AGGREGATION POINTS

12. Is the DIY used oil collection center in compliance with the generator standards in 3745-279-20 to 3745-279-24? [3745-279-30] Yes  No  N/A
13. Is the non-DIY used oil collection center registered with Ohio EPA? [3745-279-31] Yes  No  N/A
14. Is the used oil aggregation point in compliance with the generator standards in 3745-279-20 to 3745-279-24? [3745-279-32] Yes  No  N/A

*NOTE: Complete Used Oil Generator and any other applicable used oil handler checklist (e.g., marketer, burner, etc.) for used oil collection centers and aggregation points.*

Keyword: UsedOilChecklistforGenerators.Oct.2007.doc