



City of Cleveland
Frank G. Jackson, Mayor

Department of Public Health
Division of Air Quality
1925 St. Clair Avenue
Cleveland, Ohio 44114-2080
216/664-2297 • Fax: 216/420-8047
www.clevelandhealth.org

**SERVING OHIO EPA AS AGENCY 13
FOR CUYAHOGA COUNTY**

**CERTIFIED MAIL 7002 2030 0001 1807 9693
RETURN RECEIPT REQUESTED**

October 15, 2009

Michael Petkovich
Clean Harbors Environmental Services, Inc.
2900 Rockefeller Ave.
Cleveland, OH 44115-3616

**FACILITY ID: 13-18-00-6093
NOTICE OF VIOLATION FOLLOW-UP LETTER**

Dear Mr. Petkovich:

On September 18, 2009, the Cleveland Division of Air Quality (CDAQ) issued a Notice of Violation to Clean Harbors Environmental Services, Inc. (Clean Harbors) for being in violation of public nuisance laws. It required Clean Harbors to submit a corrective action plan. CDAQ received a corrective action plan dated September 24, 2009. The plan stated that Clean Harbors discontinued accepting a non-hazardous, non-DOT-regulated waste stream.

The corrective action plan was received in a timely manner and appropriate steps were taken to bring the source into compliance. CDAQ determined that no further enforcement action is warranted at this time, but reserves its right to take such action in the future if necessary.

CDAQ issues this letter with Ohio EPA's concurrence and does not excuse any violations of local, state and federal laws or regulations regarding air pollution control. Violations of air pollution control laws may be pursued in local court or referred to Ohio EPA or U.S. EPA for further enforcement action. If you have any questions, please call David Wagner at 216/664-3004. All correspondence with CDAQ must include the Ohio EPA facility identification number for Clean Harbors: 13-18-00-6093.

Sincerely,

George P. Baker
Chief of Enforcement, CDAQ

GPB/dlw

cc: John Paulian, Ohio EPA Central Office
Lisa Holscher, U.S. EPA Region V
Facility File and L:\Data\Facilities\1318006093\2009-09-08 NEAR.docx

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p><i>x Tonya Miller</i></p> <p>B. Received by (Printed Name) C. Date of Delivery</p> <p><i>Tonya Miller</i> <i>10/20/02</i></p>
<p>1. Article Addressed to: <i>-00-6093 NEAR</i></p> <p><i>MICHAEL PETROVICH</i></p> <p><i>CLEAN HARBORS</i></p> <p><i>2900 ROCKEFELLER AV</i></p> <p><i>CLEVELAND OH 44115</i></p>	<p><input type="checkbox"/> Is delivery address different from Item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If YES, enter delivery address below:</p>
	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>
	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2 7002 2030 0001 1807 9693</p>	



Clean Harbors Env. Services, Inc.
2900 Rockefeller Avenue
Cleveland, Ohio 44115
216-429-2401
www.cleanharbors.com

Certified Mail 7099 3400 0003 7668 4446
September 24, 2009

David Wagner, Environmental Enforcement Specialist
Ohio EPA, Agency 13(Cuyahoga)
Department of Public Health
Cleveland Division of Air Quality
75 Erieview Plaza, 2nd Floor
Cleveland, Ohio 44114-1839

RE: Notice of Violation, NON-HPV Emissions Violation
“ Odors Creating a Public Nuisance”
Clean Harbors Environmental Services, Inc.
2900 Rockefeller Avenue, Cleveland, OH 44115
Facility ID: 13-18-00-6093

001 - 6 2009

Dear Mr. Wagner:

Clean Harbors Environmental Services, Inc (hereinafter, Clean Harbors) is sending this letter in response to the *Notice of Violation* (NOV) correspondence dated September 18, 2009 from the Cleveland Division of Air Quality (CDAQ). This correspondence was received September 24, 2009.

Clean Harbors recalls, the site visits as the General Manager and Facility Compliance Manager had escorted and discussed with you the impending issue on September 3 and September 8, 2009, respectively. Clean Harbors had indicated at both visits that the facility had accepted a Non-Hazardous, Non DOT Regulated waste stream from a customer pursuant to the facility waste acceptance procedures. During the laboratory evaluation, this Non Hazardous, Non DOT Regulated waste stream did not give any odor indicators. Clean Harbors also indicated that they had discovered an odor problem after several shipments of the Non Hazardous, Non DOT Regulated waste had been accepted and processed into the facility waste water treatment system. Clean Harbors surmised that the co-mingling with other treated materials in the waste water treatment system was causative in the waste stream to release an odor. Clean Harbors had ceased accepting any of the Non Hazardous, Non DOT Regulated waste stream commencing on September 2, 2009, as stated in each site meeting.

The waste water treatment process at the Clean Harbors facility is a batch process and not a continuous process. Once a holding tank is full, the recipe of reagent needed for waste water treatment of that tank is determined, and the waste water treatment process starts its cycle. A



volume of the holding tank is pulled through the Waste Water Treatment Unit, where the solids are sent to the sludge tank and the effluent to the discharge tank. The process will continue to cycle until the holding tank has been emptied or treated. The sludge tank contents again are a batch process where a given volume is sent to the filter presses, of which the water is removed (sent back to a holding tank) and the solids are "dumped" from the press plates onto a conveyor and into a dump trailer. Clean Harbors is of the belief that the odor persisted past the last acceptance date of the waste stream, due to the waste water treatment process.

As a corrective action, Clean Harbors discontinued acceptance of this waste stream effective September 2, 2009.

Please note that Clean Harbors does not have an air source for P008, consolidation/solidification of non hazardous wastes. The CDAQ sent correspondence on June 19, 2000 stating that no permit was needed since it was a de-minimis source and subsequently no Unit ID number had been assigned. The consolidation/solidification of non hazardous wastes has not been performed since 2002, and the tub for processing had been removed and sent to another Clean Harbor facility.

Should you have any questions or require additional information, please do not hesitate to contact myself or Susan Sevy at (216) 429-2401.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Petkovich".

Michael Petkovich
General Manager, Clean Harbors, Cleveland

CC: Richard Nemeth and Michael Krzywicki, CDAQ
John Paulian, Ohio EPA Central Office
Linda Holscher, US EPA Region V
Susan Sevy, Clean Harbors
Facility file