



State of Ohio Environmental Protection Agency

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-File

Southwest District

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

November 28, 2007

Mr. Richard Brakeall
2229 East Spring Valley Paintersville Rd
Xenia, Ohio 45385

**Re: Richard Brakeall, Greene County, CEG
November 16, 2007 site visit**

Dear Mr. Brakeall,

On November 16, 2007 Ohio EPA conducted a site inspection at your facility to determine your compliance status relative to 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) and Ohio EPA's October 24, 2006 and November 8, 2006 notice of violation (nov) letters.

At the time of inspection November 16, 2007 you had accumulated a total of 5-5 gallon containers of hazardous waste.

Your letter of November 1, 2006 stated that you have made arrangements with Heritage Crystal Clean to manage your hazardous waste whenever you accumulate enough for a pick up. At the time of inspection November 16, 2007 it seemed you were ready to have the hazardous waste transported to a permitted treatment storage disposal (TSD) facility.

In order to abate the violation cited in Ohio EPA's October 24, 2006 NOV and return to compliance you should do the following. Have the hazardous waste transported off site to a TSD. When the hazardous waste is transported off site to the TSD provide me a letter explaining this with a copy of the shipping papers or receiving papers indicating the hazardous waste was properly disposed at a TSD.

You requested that I determine if our rules prohibit you from transporting hazardous waste to a TSD. My research into this matter found that as a conditionally exempt generator Ohio's hazardous waste regulations do not prohibit you from transporting the waste, since it does not require a manifest, and only manifested waste is required to be transported by a registered hazardous waste transporter. My research with PUCO found that for most hazardous materials, PUCO does not regulate amounts less than 1000 lbs.

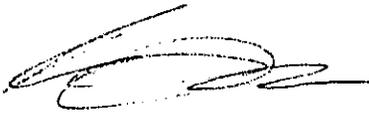
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General concern

As a result of the inspection I found the following general concern. Some of the 5 gallon containers stored at your shop which held hazardous waste were being allowed to evaporate to the atmosphere. Ohio EPA considers evaporation to be an unacceptable treatment or disposal method for hazardous waste. To address this concern keep all containers of hazardous waste closed except when adding or removing waste. This concern must be addressed immediately.

If you have further questions relative to this letter or how to comply, please feel free to call me at (937)285-6082. Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve you from having to comply with all applicable regulations.

Sincerely,



Brian Gitzinger
District Representative
Division of Hazardous Waste Management

cc: Dinah Crawford, DHWM, SWDO

BG/mab