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State of Ohio Environmental Protection Agency

Southwest District

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

CERTIFIED MAIL

May 7, 2008

Re: **Republic Environmental Services
636 Irwin St. Dayton, Ohio
Montgomery County
TSD**

Edward McCabe, President
McCabe Corporation
3470 Brecksville Road
Richfield, Ohio 44286

Re: Partial Return to Compliance/ Second Notice of Violation

Mr. McCabe,

Ohio EPA is in receipt of your April 23, 2008 letter responding to Ohio EPA's April 17, 2008 Notice of Violation (NOV). On April 28, 2008 Ohio EPA conducted a return to compliance (RTC) inspection at 636 Irwin St, Dayton, Ohio to determine if the violations noted in Ohio EPA's April 17, 2008 NOV had been abated.

McCabe Corporation has made progress toward complying with Ohio EPA's April 17, 2008 NOV. However McCabe Corporation must take further action in order to abate the violations cited in Ohio EPA's April 17, 2008 NOV. In order to abate these violations McCabe Corporation must do the following and submit a written response explaining how the violations have been abated **within 14 days** of receipt of this letter.

VIOLATION 1-

OAC 3745-54-97 (C) Ground Water monitoring

This regulation requires that at a permitted facility all monitoring wells must be cased in a manner that maintains the integrity of the monitoring well bore hole.

At the time of site visit April 28, 2008 I noted that the MW-10 ground water monitoring well at the property appeared to be unsecured (i.e., did not have cap or lock) but was covered with a bucket. This is of concern to Ohio EPA as the wells are within the City of Dayton well head protection area and could be tampered with or contaminated by unauthorized persons.

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This violation must be abated immediately by taking what ever action necessary to cap, lock and secure this well. Determine if all ground water monitoring wells on the site are capped, locked, and secured. Within 14 days of this letter provide a written response to this office explaining how this violation was abated and how it will be prevented in the future.

The following violation had been previously cited within an Ohio EPA's June 26, 2006 and April 17, 2008 notice of violation (NOV) letters which were transmitted to McCabe Corporation.

At the time of inspection April 28, 2008 it was evident that McCabe Corporation had fixed many holes and gaps in the perimeter fence surrounding the facility. However, sections of fence remain down and must be repaired in order to comply with Ohio EPA's April 17, 2008 NOV. McCabe Corporation should follow Ohio EPA's recommendation to abate this violation as described below.

VIOLATION 2-

January 3, 1990 Ohio Hazardous Waste Installation and Operation Permit

Within the permit application the following sections describe the measures which must be taken at the facility in order to maintain site security:

Section F-1 Security

Part 1.01.21 Barrier states that an eight foot chain link fence topped with barbed wire surrounds the active portion of the site as well as the parking lots.

Section F 2.01 Security Devices and Monitoring, Safety, Emergency, Operating, and Structural Equipment

Part 2.01 a) Security (perimeter fence) states that the fence and barbed wire will be checked at least once a week for corrosion or damage, and that any damage which would permit unauthorized entry must be repaired before the close of the operating day.

While conducting the Return to Compliance inspection on April 28, 2008 I observed the condition of the perimeter fence surrounding the facility. I noted one location to the Far East along the north fence line which was downed allowing access to the site, and two lengths of fence along the south perimeter which had fallen down as a result of trees growing into them. Therefore McCabe Corporation remains in violation Section F-1 and F 2.01 of the permit application for failing to repair these parts of the fence to prevent unauthorized entry to the site.

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To correct this violation McCabe Corporation must immediately replace or repair the downed parts of the perimeter fence described above and provide a written response within 14 days of receipt of this correspondence documenting: 1) that the appropriate corrective measures have been implemented to replace or repair the security fence; 2) that a program will be implemented by McCabe Corporation to conduct periodic monitoring of the site security fence to detect, as well as repair, any observed damage in a timely manner.

If you have any questions regarding this letter or other issues please feel free to contact Harold O'Connell at (937) 285-6357.

Sincerely,



Brian Gitzinger
District Representative
Division of Hazardous Waste Management

cc: Dinah Crawford, DHWM, SWDO
Dan Martin/ Brian Ball, Environmental Enforcement Section, AGO
Ike Wilder, DHWM, CO
Jay Cavender, DDAGW, SDWO
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