

**Environmental
Protection Agency**

Tim Strickiano, Governor
Lee Fisher, Lt. Governor
Chris Korleski, Director

Laura Marshall
File copy

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April 16, 2010

Spirit Life Church
Attention: Julie VanHoose
8527 North County Road 25A
Piqua, Ohio 45356

Re: Property at 3675 Wyse Road – Open Dumping of Drums

Dear Ms. VanHoose:

On April 13, 2010, Ohio EPA, Southwest District Office, Division of Hazardous Waste Management, represented by Laura Marshall, Jeff Smith, and George Strobel, visited the property at 3675 Wyse Road in Vandalia, Ohio, owned by the Spirit Life Church. The purpose of the visit was to follow up on the Montgomery County Health Department March 23, 2010 Final Notice and Order regarding open dumping at the property. Some of the containers identified in the Health Department notice were initially discovered during an Ohio EPA complaint inspection on August 19, 2008. At that time, the church was provided with verbal guidance on how to dispose of wastes discovered and/or generated during site demolition and cleanup.

During the April 13, 2010 site visit, Ohio EPA found three areas of concern that need to be addressed: 1) abandoned drums, 2) soil contamination, and 3) hydraulic lifts.

1) Abandoned Drums

The most pressing issue is the abandoned drums. Ohio EPA inventoried drums found at the site and found sixteen containers. The drums were in poor condition. Many had open tops and many were leaking. Twelve containers of assorted sizes, ranging from approximately 30 gallons to 55 gallons, were clustered at the northeast corner of the former building foundation. Two 55-gallon containers were located back in the brush on the northern portion of the property. One approximately 40-gallon gas cylinder was found at the northeast corner of the property.

As the health department has directed, Spirit Life Church must remove the containers as soon as possible. If removal is delayed, the leaking containers must be containerized to prevent further releases to the environment.

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Under OAC Rule 3745-52-11, it is the responsibility of the property owner to determine whether the material in the containers and gas cylinder is hazardous waste or not. If the material is hazardous waste, the drums should be disposed of by a permitted hazardous waste facility. Guidance on waste determination is enclosed. The waste management facility may also be able to help with the proper characterization, management, and disposal of the waste on this property.

Ohio Administrative Code (OAC) 3745-52-11 states, "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 using the following method:

(A) He should first determine if the waste is excluded from regulation under rule 3745-51-04 of the Administrative Code.

(B) He must then determine if the waste is listed as a hazardous waste in rules 3745-51-30 to 3745-51-35 of the Administrative Code.

(C) For purposes of compliance with Chapter 3745-270 of the Administrative Code, or if the waste is not listed as a hazardous waste in rules 3745-51-30 to 3745-51-35 of the Administrative Code, the generator must then determine whether the waste is identified in rules 3745-51-20 to 3745-51-24 of the Administrative Code by either:

(1) Testing the waste according to the methods set forth in rules 3745-51-20 to 3745-51-24 of the Administrative Code, or according to an equivalent method approved by the Region V Administrator of U.S. EPA pursuant to 40 CFR 260.21; or

(2) Applying Knowledge of the hazardous characteristic of the waste in light of the materials or the process used.

The waste located throughout the property has not been characterized. As owner of the property, Spirit Life Church is in violation of OAC 3745-52-11.

To return to compliance, all wastes located throughout the property must be characterized to determine whether the waste is hazardous, non-hazardous, or a used oil. Any waste determined to be hazardous must be managed and disposed of according to OAC 3745-52. Wastes determined to be used oil must be managed according to used oil management standards for generators under Ohio Administrative

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Code rules 3745-279-20 to 24. Spirit Life Church must be prepared to have any hazardous waste shipped off-site to a permitted hazardous waste facility as quickly as possible.

2) Soil Contamination

In addition to the abandoned drums and containers, Ohio EPA observed soil contamination from the leaking containers, both at the group of drums at the corner of the foundation pad and at the two drums back in the brush. There is also a large area of stained soil in front of the concrete foundation. Since the drums appear to have been moved from other parts of the property and grouped together in a couple spots, there may be additional areas of soil contamination at places where drums were previously located.

Spirit Life Church will need to clean up any soil contamination present resulting from releases at the property. The proper cleanup of the soil will be based on the characterization findings of the containers. Different types of releases and contamination have different cleanup requirements.

3) Hydraulic Lifts

In the concrete building foundation, there appears to be the remains of at least four hydraulic lifts. Depending on their design, the lifts may have hydraulic fluid reservoirs. If the lifts have hydraulic fluid reservoirs that still contain hydraulic fluid, the fluid should be retrieved and disposed of as used oil. Ohio used oil management standards for generators are listed under Ohio Administrative Code rules 3745-279-20 to 24. Information about Ohio EPA's used oil rules can be found at the website: http://www.epa.state.oh.us/dhwm/used_oil.aspx. Hydraulic lift oil may be disposed of by a used oil recycler, along with any of the other drummed liquids that are determined to be used oil. A list of used oil recyclers is enclosed. If/when the building foundation is demolished and the hydraulic lifts are removed, any stained soils around the sumps will need to be dug up and properly disposed.

Ohio EPA requests Spirit Life Church respond in writing **within 7 days** of receipt of this letter outlining the steps that will be taken, and the proposed schedule to properly characterize, manage and dispose of the wastes on site. You can find Ohio's hazardous waste rules and other information on the division's web page at: <http://www.epa.ohio.gov/dhwm/>.

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Should you have any questions, please feel free to call me at (937) 285-6081.

Sincerely,

Laura K Marshall

Laura Marshall
District Representative
Division of Hazardous Waste Management

LKM/bp

Enclosures

cc: Michael Kautz, Montgomery County Health Department

NOTICE:

Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve your company from having to comply with applicable regulations.