



State of Ohio Environmental Protection Agency

Northeast District Office

2110 East Aurora Rd.  
Twinsburg, Ohio 44087

TELE: (330) 963-1200 FAX: (330) 487-0769  
www.epa.state.oh.us

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

**CERTIFIED MAIL**

April 30, 2009

Gary Thomas  
P.O. Box 1052  
Akron, OH 44309

**RE: FORMER CLEVELAND TRENCHER FACILITY, 20100 ST. CLAIR AVE., EUCLID, OHIO, 44117, OHR000149021, NOV**

Dear Mr. Thomas:

Ohio EPA has identified the following violations of Ohio's hazardous waste laws as found in Chapter 3734 of the Ohio Revised Code (ORC) and the rules promulgated thereunder in the Ohio Administrative Code (OAC). These violations were documented by Ohio EPA on March 6, 2008, January 22, 2009 and March 5, 2009 at the property owned and/or operated by you and located at 20100 Saint Clair Avenue in Euclid, Ohio (hereinafter "Facility").

**1. ORC § 3734.02(E)&(F), Establishment of an Unpermitted Hazardous Waste Storage and Disposal Facility: No person shall store, treat or dispose of hazardous waste identified or listed under this chapter and rules adopted under it...except at a hazardous waste facility operating under a permit.**

A. On March 5, 2009, representatives of Ohio EPA and U.S. EPA obtained samples from multiple containers of waste located at your Facility. Please find attached to this letter a map depicting the sample locations (see Figure 1).

Ohio EPA's analytical results demonstrated that the contents of containers A, EE, GG, SS, TT, QQQ and Can01/02 are hazardous wastes. Specifically, the contents of these containers found at locations referred to as "Container Area #1" and "Container Area #2," exceeded the following regulatory levels:

- Containers EE, GG, SS, TT, QQQ and Can01/02 exhibited a flashpoint less than 140 degrees Fahrenheit thus classifying them as ignitable hazardous waste (D001) under OAC rule 3745-51-21.
- Using the toxicity characteristic leaching procedure (TCLP), the contents of container A exceeded the regulatory level for lead (D008) and the contents of containers SS and QQQ exceeded the regulatory level for methyl ethyl ketone (D035) thus classifying them as a hazardous waste under OAC rule 3745-51-24.

Ohio EPA understands that the containers found at Container Area #1 and Container Area #2 had been moved to their current location from various locations throughout the Facility, including a former drum storage pad.

Since Ohio EPA has not issued a permit to you to store hazardous waste, you have established a hazardous waste storage unit which has been operating without a permit in violation of ORC § 3734.02 (E) and (F). **You must make immediate arrangements for the lawful, off-site disposal of all hazardous waste. Submit documentation verifying the lawful, off-site disposal of all hazardous waste at your Facility.**

- B. During the January 22, 2009 inspection, Ohio EPA documented that containers GG, SS, TT and QQQ were leaking and releasing their contents to the environment. Subsequently, on March 5, 2009, representatives of Ohio EPA obtained samples from containers GG, SS, TT and QQQ. Ohio EPA's analytical results demonstrated that the contents of these containers were hazardous waste. Therefore, you have conducted unpermitted disposal of hazardous waste as evidenced by the release of hazardous waste to the environment. You must immediately close all containers, correct any leaking ones, containerize visibly impacted soils/debris and lawfully dispose of all hazardous waste at your Facility. **Identify in writing the corrective actions taken to address this violation.**
- C. On March 5, 2009, representatives of Ohio EPA obtained sample PC1 of the paint waste from the floor of the former paint booth area. Ohio EPA's analytical results demonstrated that the paint waste exceeded the TCLP regulatory level for lead (D008). Since Ohio EPA has not issued a permit to you to store/dispose of hazardous waste, you have created a hazardous waste storage/disposal unit which has been operating without a permit in violation of ORC § 3734.02 (E) and (F). **You must make immediate arrangements for the lawful, off-site disposal of the hazardous waste. Submit documentation verifying the lawful, off-site disposal of all hazardous waste at your Facility.**

In accordance with OAC rules 3745-55-10 through 3745-55-20, you must conduct closure (i.e., clean-up) activities for **all areas** where hazardous waste has been unlawfully stored and/or disposed of. Closure activities must entail the following: removing and management of all waste and residues, removing or decontaminating contaminated equipment and structures, remediating contaminated soils and groundwater if necessary, and managing all wastes generated from these activities in accordance with the hazardous waste laws. You must submit a closure plan which ensures that the closure performance standards set forth in OAC rule 3745-55-11 are met. The closure performance standards require you to remove and remediate contamination in these areas to prevent it from posing a risk to human health and the environment. The closure plan should be prepared in accordance with Ohio EPA's *Closure Plan Review Guidance for RCRA Facilities*. **To address this violation, you submit a closure plan to Ohio EPA for review and approval.**

Since you have violated ORC § 3734.02(E)&(F), your Facility is subject to all applicable general facility standards found in OAC Chapters 3745-54 and 3745-55. Additionally, at any time Ohio EPA may assert its right to have you begin Facility-wide cleanup pursuant to the Corrective Action process under Ohio law.

**2. OAC rule 3745-54-13, Waste Analysis and OAC rule 3745-52-11, Waste Evaluation**

During the March 6, 2008, January 22, 2009 and March 5, 2009 inspections, Ohio EPA observed more than 120 containers of unevaluated wastes at Container Area #1, Container Area #2, as well as at other locations throughout your Facility. You were unable to provide adequate evaluation information for these wastes. As a facility subject to the standards in OAC chapters 3745-54 and 3745-55, you are required to, at a minimum, obtain information which must be known to treat, store and/or dispose of the waste in accordance with the requirements of Chapters 3745-54 to 3745-57, 3745-205, and 3745-270 of the Administrative Code.

**To address this violation, submit a waste analysis/work plan (“Plan”) for review and approval describing how the contents of all containers will be sampled, evaluated and managed.** You are requested to notify Ohio EPA at least five days prior to implementing the Plan. Additionally, after implementing the Plan, you must submit a copy of the waste evaluation information (i.e., analytical results) for the contents of the containers, as well as documentation (i.e., manifests) regarding the proper management of the waste.

During the January 22, 2009 inspection, Ohio EPA observed fluorescent lamps (intact and crushed) and ballasts present in the light fixtures. You must evaluate these wastes to determine if they are hazardous wastes. Additionally, the ballasts may contain Polychlorinated Biphenyls (PCBs) subject to regulation under 40 Code of Federal Regulations (CFR) Part 761.

**To address this violation, submit documentation concerning the evaluation and proposed management of the lamps and ballasts at your Facility.** Please note that you may manage the intact fluorescent lamps as a Universal Waste under OAC Chapter 3745-273.

**3. OAC rule 3745-54-14, Security**

During the January 22, 2009 inspection, Ohio EPA documented unrestricted access along the southern boundary of the Facility. Additionally, evidence of trespassing and graffiti were observed at the Facility. **You must make immediate arrangements to secure the Facility. Submit documentation verifying that the Facility has been secured.**

**4. OAC rule 3745-54-15, General Inspection Requirements**

You failed to develop an inspection schedule, as well as conduct inspections of the Facility. **To address this violation, develop and implement an inspection schedule in compliance with this rule, as well as submit a copy of the completed inspection log.**

**5. OAC rule 3745-54-31, Maintenance & Operation; OAC rules 3745-55-71 to 3745-55-73, Use and Management of Hazardous Waste Containers and OAC rule 3745-55-74, Container Inspections**

During the January 22, 2009 and March 5, 2009 inspections, Ohio EPA observed multiple containers that were open, in poor condition and releasing their contents. **You must immediately close all containers, correct any leaking ones, and containerize any released wastes. Additionally, you must conduct weekly inspections of the containers looking for signs of leaks and deterioration. Identify in writing the corrective actions taken to address this violation, as well as submit a copy of the completed inspection log.**

As an unlawful hazardous waste storage and disposal facility, you are in violation of:

6. OAC rule 3745-54-16, Personnel Training
7. OAC rule 3745-54-17, Requirements for Wastes
8. OAC rules 3745-54-30 to 3745-54-37, Emergency Preparedness & Prevention
9. OAC rules 3745-54-50 to 3745-54-52, Contingency Plan
10. OAC rules 3745-54-55 & 3745-54-56, Emergency Coordinator & Procedures
11. OAC rules 3745-55-40 through 3745-55-51, Closure Cost Estimate, Financial Assurance and Liability Requirements

Please be aware that you will remain in violation until the appropriate documentation is received by the undersigned. **Within 14 days of receipt of this letter, submit a written response to the undersigned addressing each violation appearing in this letter. Pertinent documentation to address each violation must accompany your response.**

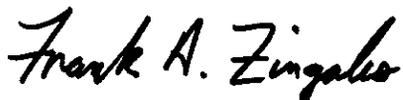
Be advised that the four electrical transformers found on the west side of the Facility may be subject to regulation under 40 CFR 761 - PCBs Manufacturing, Processing, Distribution in Commerce and Use Prohibitions.

FORMER CLEVELAND TRENCHER FACILITY  
APRIL 30, 2009  
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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. Nothing in this letter shall be construed to authorize any waiver from the requirements of any applicable state or federal laws or regulations. This letter shall not be interpreted to release the owner or operator of or others from responsibility under Chapters 3704, 3714, 3734, or 6111 of the Ohio Revised Code or under the Federal Clean Water or Comprehensive Environmental Response, Compensation, and Liability Acts remedying conditions resulting from any release of contaminants to the environment.

Should you have any questions, please contact me at (330) 963-1108.

Sincerely,



Frank Zingales  
Environmental Specialist  
Division of Hazardous Waste Management

FZ:ddw

Enclosure

cc: Mitch Mathews, DHWM, CO  
Todd Anderson, Legal, CO  
James Justice, USEPA  
ec: Nyall McKenna, DHWM, NEDO  
Harry Sarvis, DHWM, CO



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**CERTIFIED MAIL**

April 30, 2009

Joseph J. Piscazzi  
Joseph J. Piscazzi Revocable Trust  
2860 Marcia Blvd.  
Cuyahoga Falls, OH 44223

**RE: FORMER CLEVELAND TRENCHER FACILITY, 20100 ST. CLAIR AVE., EUCLID, OHIO, 44117, OHR000149021, NOV**

Dear Mr. Piscazzi:

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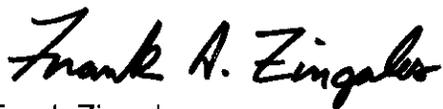
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Frank Zingales  
Environmental Specialist  
Division of Hazardous Waste Management

FZ:ddw

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Todd Anderson, Legal, CO  
James Justice, USEPA  
ec: Nyall McKenna, DHWM, NEDO  
Harry Sarvis, DHWM, CO