



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

April 2, 2008

RE: CLEVELAND TRENCHER CO.
NON-NOTIFIER
CUYAHOGA COUNTY
COMPLAINT #7026/NOV

Gary Thomas
2860 Marcia Blvd.
Cuyahoga Falls, OH 44223

Dear Mr. Thomas:

On March 6, 2008, Ohio EPA conducted a complaint investigation at 20100 St. Clair Ave. Euclid, Ohio. The property was formerly known as Cleveland Trencher Company. The investigation was initiated upon receipt of a complaint which alleged 40 to 50 drums of unknown material were being stored on the east side of the property. Kris Coder and I represented Ohio EPA during the site visit.

In a phone conversation with you on March 6, 2008, Ohio EPA learned that the property was acquired during a foreclosure action after Cleveland Trencher Company could no longer meet their financial obligations. In addition, you gave Kris Coder and I permission to enter the property to investigate the complaint. During the investigation, Ohio EPA learned that the facility had closed and was undergoing an asbestos removal. Ohio EPA found that a portion of the building had been removed.

Ohio EPA walked the property and found 40 – 50 (55-gallon) drums of an unknown material on the eastern portion of the property. In the phone conversation on March 6, 2008, you stated you weren't aware that the drums were there as well as what is in the containers.

As a result of our investigation, Ohio EPA found the following violation:

Waste Evaluation
OAC 3745-52-11

You, as the property owner, failed to evaluate the material in these drums to determine if it is a hazardous waste.

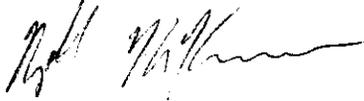
To abate this violation, the containers of unknown material would need to be evaluated within 45 days of the date of this letter. Any material determined to be a hazardous waste would need to be disposed at a permitted hazardous waste facility.

Should you have any questions, please feel free to call me at (330) 963-1272. You can find copies of the rules and other information on the division's web page at <http://www.epa.state.oh.us/dhwm>. Ohio EPA also has helpful information about pollution prevention at <http://www.epa.state.oh.us/opp>.

CLEVELAND TRENCHER CO.
APRIL 2, 2008
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DHWM has created an electronic news service to provide you with timely news and updates related to hazardous waste activities in Ohio. You can sign up for this free service at <http://www.epa.state.oh.us/dhwm/listserv.html>.

Sincerely,



Nyall McKenna
Environmental Specialist
Division of Hazardous Waste Management

NM:ddw

cc: Natalie Oryshkewych, DHWM, NEDO
Harry Sarvis, DHWM, CO

NOTICE:

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

Ohio Environmental Protection Agency
RCRA SUBTITLE C SITE
IDENTIFICATION/VERIFICATION FORM

For Ohio EPA use only

E-mail this completed form to tammy.mcconnell@epa.state.oh.us or mail it to Tammy McConnell, Central Office

2. Site EPA ID No.	EPA ID Number:																			
3. Site Name	Name: <u>Cleveland Trencher</u>	Website: (Optional)																		
4. Site Location Information	Street Address: <u>20100 St. Clair Ave.</u>																			
	City, Town, or Village: <u>Euclid Ohio</u>	State: OH																		
	County Name: <u>Cuyahoga</u>	Zip Code: <u>44117</u>																		
5. Site Ownership	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">Private</td> <td style="text-align: center;">County</td> <td style="text-align: center;">District</td> <td style="text-align: center;">Federal</td> <td style="text-align: center;">Indian</td> <td style="text-align: center;">Municipal</td> <td style="text-align: center;">State</td> <td style="text-align: center;">Other</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>		Private	County	District	Federal	Indian	Municipal	State	Other	<input checked="" type="checkbox"/>	<input type="checkbox"/>								
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6. Contact Information	First Name: <u>Gary</u>	MI:																		
	Last Name: <u>Thurms</u>																			
	Phone Number: <u>330-802-2620</u>	Phone Number Extension:																		
	E-Mail Address:																			
	Fax Number:																			
	Fax Number Extension:																			
	Street or P.O. Box: <u>2860 Merritt Blvd.</u>																			
	City, Town or Village: <u>Cuyahoga Falls</u>																			
	State: <u>Ohio</u>	Country:																		
		Zip Code: <u>44220</u>																		
8. Site's Legal Owner	Name of Site's Legal Owner:																			
	Date Became Owner (mm/dd/yyyy):																			
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">Owner Type:</td> <td style="text-align: center;">Private</td> <td style="text-align: center;">County</td> <td style="text-align: center;">District</td> <td style="text-align: center;">Federal</td> <td style="text-align: center;">Indian</td> <td style="text-align: center;">Municipal</td> <td style="text-align: center;">State</td> <td style="text-align: center;">Other</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>		Owner Type:	Private	County	District	Federal	Indian	Municipal	State	Other	<input type="checkbox"/>								
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	Street or P.O. Box:																			
	City, Town or Village:																			
	Owner Phone #:																			
	State:	Country:																		
		Zip Code:																		
	Name of Site's Operator:																			
	Date Became Operator (mm/dd/yyyy):																			
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	Street or P.O. Box:																			
	City, Town or Village:																			
	Operator Phone #:																			
	State:	Country:																		
		Zip Code:																		

9. Type of Regulated Waste Activity (Mark X in all of the appropriate boxes)

<input type="checkbox"/> Not Regulated	<input type="checkbox"/> Conditionally Exempt Small Quantity Generator
<input checked="" type="checkbox"/> UNKNOWN: Cited for violation of 3745-52-11	<input type="checkbox"/> United States Importer of Hazardous Waste
<input type="checkbox"/> Large Quantity Generator (LQG)	<input type="checkbox"/> Mixed Waste (Hazardous and Radioactive) Generator
<input type="checkbox"/> Small Quantity Generator (SOG)	
<input type="checkbox"/> Hazardous Waste Transporter	<input type="checkbox"/> Exempt Boiler and/or Industrial Furnace
<input type="checkbox"/> Treater, Storer or Disposer of Hazardous Waste	<input type="checkbox"/> Small Quantity On-Site Burner Exemption
<input type="checkbox"/> Recycler of Hazardous Waste	<input type="checkbox"/> Smelting, Melting, Refining Furnace Exemption
<input type="checkbox"/> Underground Injection Control Facility	

10B. Universal Waste Act (Indicate types of universal waste managed for each box that apply)
 Small Quantity Handler of Universal Waste Large Quantity Handler of Universal Waste
 Destination Facility for Universal Waste

Check all boxes below that apply to each of the three types of facilities above

	Managed	Used Oil Generator	Off-Specification Used Oil Burner
Batteries	<input type="checkbox"/>	<input type="checkbox"/> Used Oil Transporter	<input type="checkbox"/> Used Oil Fuel Marketer Who Directs Shipment of Off-Spec. Oil
Pesticides	<input type="checkbox"/>	<input type="checkbox"/> Used Oil Transfer Facility	<input type="checkbox"/> Used Oil Fuel Marketer to Off-Specification Used Oil Burner
Mercury containing equipment	<input type="checkbox"/>	<input type="checkbox"/> Used Oil Processor	
Lamps	<input type="checkbox"/>	<input type="checkbox"/> Used Oil Re-refiner	

11. Waste Codes for Federally Regulated Hazardous Wastes. (Please list the codes for the federally regulated hazardous waste found at the site. List them in the order they are presented in the regulations, e.g., 1090, 1000, 700, 1210, etc. an additional page if more space is needed. If there are more than 7 waste codes and they are the same as listed in the most recent RCRA Info source record, you do not need to list them all. Instead, just indicate the date of the most recent source record.)

12. Comments: Use this area to describe whether the inspection was announced, whether the waste was stored in tanks or containers, etc.

Announced	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Additional Facility Representatives:
Tanks	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Other Comments:
Containers	<input type="checkbox"/> Yes	<input type="checkbox"/> No	

Name of Inspector(s) _____ Date of inspection Time _____
 Name of Inspector(s) _____ (mm/dd/yyyy) (h:mm)

DISPOSITIONAL CERTIFICATION (Identify under penalty of law that this document and all attachments were prepared in accordance with the system designed to assure that qualified personnel properly gathered, analyzed, interpreted, compiled, reviewed, and reported the information based on the original data provided by those persons whose responsibility it was to gather the information. The information should be reported to the best of the preparer's knowledge and belief, and the preparer has a duty to exercise reasonable care to assure that the information submitted is true and accurate, and complete. It is a violation of law to knowingly submit false information, including the possibility of intentional misstatements and omissions.)

Signature of Owner/Operator or authorized Representative	Name and Title (Print)	Date (mm/dd/yyyy)