



State of Ohio Environmental Protection Agency

Northeast District Office

OHR 000146787

2110 East Aurora Rd.  
Twinsburg, Ohio 44087

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www.epa.state.oh.us

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

**CERTIFIED MAIL**

November 20, 2007

John Kafas  
6030 Donna Rae  
Seven Hills, OH 44131

**RE: 7315 MORGAN AVENUE, CLEVELAND, CUYAHOGA COUNTY, NOV**

Dear Mr. Kafas:

On November 5, 2007, I conducted a hazardous waste compliance evaluation inspection of your property located at 7315 Morgan Avenue in Cleveland, Ohio. The purpose of the inspection was to determine your compliance with Ohio's hazardous waste laws as found in Chapter 3734 of the Ohio Revised Code (ORC), and the rules promulgated thereunder in Chapter 3745 of the Ohio Administrative Code (OAC). You were present during the inspection.

Based on the inspection, Ohio EPA has identified the following violations:

1. **OAC rule 3745-52-11, Waste Evaluation: Any person who generates a waste must evaluate that waste to determine if it is a hazardous waste in accordance with the criteria set forth in OAC Chapter 3745-51.**
  - A. During the November 5, 2007 inspection, Ohio EPA observed 24, 1-gallon containers and one, 5-gallon container found in a wooden box inside your building. The contents of the containers appeared to be paint related materials. Further, you indicated that you did not have a use for the contents of these containers.
  - B. During the November 5, 2007 inspection, Ohio EPA observed one, 55-gallon drum; five, 5-gallon containers and one, 1-gallon container found inside your building. The contents of the containers appeared to be roofing cement or gear fluid. Further, you indicated that you did not have a use for the contents of these containers.
  - C. During the November 5, 2007 inspection, Ohio EPA observed one, 55-gallon drum found along the fence line on the west side of your property. You were unable to identify the contents of the drum.

You were unable to provide adequate evaluation information for the contents of the aforementioned containers. **To abate these violations, you must submit a copy of the waste evaluation information (i.e., analytical results, MSDS) for the contents of the containers, as well as documentation (i.e., shipping papers) regarding the lawful, off-site disposal of the waste.** To aid in the abatement of these violations, I have enclosed the fact sheet entitled "Identifying Your Hazardous Waste."

2. On August 1, 2007, the Cleveland Fire Department (CFD) conducted an inspection of your property located at 7201-7401 Morgan Avenue. During the CFD's inspection, numerous containers of paint related material were observed. During Ohio EPA's inspection on November 5, 2007, you stated that you removed these containers from your property and used them on side projects that you were doing. **Ohio EPA requests that you provide a list and description of the side projects that you used these materials for.**

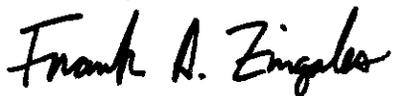
Upon inspection of the area where these containers had been stored, Ohio EPA observed spilled paint related materials, as well as several small containers. Pursuant to OAC rule 3745-52-11, you must evaluate the spilled material, as well as the contents of the containers. Additionally, I informed you that the spilled material should be cleaned-up, containerized, and lawfully disposed once it had been evaluated. **Submit a copy of the waste evaluation information for the spilled materials and contents of the containers, as well as documentation regarding the lawful, off-site disposal of the waste.**

During the November 5, 2007 inspection, Ohio EPA observed solid waste on the west side of your property. Pursuant to OAC rule 3745-27-05(C), you are prohibited from open dumping solid waste. All solid waste must be lawfully disposed at a licensed solid waste disposal facility.

The above violations must be immediately corrected and all of the above requested documentation of compliance must be submitted to Ohio EPA within **14 days of receipt of this letter**. 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.

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

Sincerely,



Frank A. Zingales  
Environmental Specialist  
Division of Hazardous Waste Management

FAZ:ddw

cc: Bart Ray, OSI, NEDO  
Natalie Oryshkewych, DHWM, NEDO  
Harry Sarvis, DHWM, CO  
Scott Winkler, DSIWM, NEDO  
Lt. Ollie Zahorodnij, Cleveland Fire Dept.  
David Lynch, Attorney at Law

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](mailto:tammy.mcconnell@epa.state.oh.us) or mail it to Tammy  
McConnell, Central Office

Site EPA ID No.	EPA ID Number:								
Site Name	Name: Omega Painting Contractors, LLC					Website: (Optional)			
Site Location Information	Street Address: 7315 Morgan Ave.								
	City, Town, or Village: Cleveland					State: OH			
	County Name: Cuyahoga					Zip Code: 44127			
Site Land Type (check only one)	Private <input checked="" type="checkbox"/>	County <input type="checkbox"/>	District <input type="checkbox"/>	Federal <input type="checkbox"/>	Indian <input type="checkbox"/>	Municipal <input type="checkbox"/>	State <input type="checkbox"/>	Other <input type="checkbox"/>	
AICS code(s) <a href="http://www.census.gov/epcd/www/aics.html">www.census.gov/epcd/www/aics.html</a>	238320								
Facility Representative  Additional names can be recorded in number 12  Only provide address information if it is different than the site address  Legal Owner and Operator of the Site List Additional Owners and/or Operators in the Comment Section or on another copy of this form page	First Name: John			MI:	Last Name: Kafas				
	Phone Number: 216-798-7585				Phone Number Extension:				
	E-Mail Address:								
	Fax Number:				Fax Number Extension:				
	Street or P.O. Box: 6030 Donna Rae								
	City, Town or Village: Seven Hills					State: OH		Country:	Zip Code: 44131
	Name of Site's Legal Owner: Omega Painting Contractors, LLC								
Date Became Owner (mm/dd/yyyy):									
Owner Type:	Private <input checked="" type="checkbox"/>	County <input type="checkbox"/>	District <input type="checkbox"/>	Federal <input type="checkbox"/>	Indian <input type="checkbox"/>	Municipal <input type="checkbox"/>	State <input type="checkbox"/>	Other <input type="checkbox"/>	
Street or P.O. Box: 6030 Donna Rae									
City, Town or Village: Seven Hills				Owner Phone #: 216-798-7585					
State: OH				Country:		Zip Code: 44131			
Name of Site's Operator: Omega Painting Contractors, LLC									
Date Became Operator (mm/dd/yyyy):									
Owner Type:	Private <input checked="" type="checkbox"/>	County <input type="checkbox"/>	District <input type="checkbox"/>	Federal <input type="checkbox"/>	Indian <input type="checkbox"/>	Municipal <input type="checkbox"/>	State <input type="checkbox"/>	Other <input type="checkbox"/>	
Street or P.O. Box:									
City, Town or Village:				Operator Phone #:					
State:				Country:		Zip Code:			
Violations Cited?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No								
Type of Generator	<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 (SQG)									
Type of Regulated Waste Activity (Mark "X" in all of the appropriate boxes)									
<input type="checkbox"/> Recycler of Hazardous Waste				<input type="checkbox"/> Exempt Boiler and/or Industrial Furnace					
<input type="checkbox"/> Underground Injection Control Facility				<input type="checkbox"/> Small Quantity On-Site Burner Exemption					
<input type="checkbox"/> Hazardous Waste Transporter				<input type="checkbox"/> Smelting, Melting, Refining Furnace Exemption					
<input type="checkbox"/> Treater, Storer or Disposer of Hazardous Waste									

Universal Waste Activities (Indicate types of universal waste generated and/or accumulated (check all boxes that apply))	
<input type="checkbox"/> Small Quantity Handler of Universal Waste	<input type="checkbox"/> Large Quantity Handler of Universal Waste (accumulates 5,000 kg. or more)
<input type="checkbox"/> Destination Facility for Universal Waste	

(Check all boxes below that apply for each of the three types of facilities above)		Used Oil Activities (Indicate Type(s) of Activity(ies))	
	Managed	<input type="checkbox"/> Used Oil Generator	<input type="checkbox"/> 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	

Waste Codes for Federally Regulated Hazardous Wastes. Please list the codes for the federally regulated hazardous waste handled at the site. List them in the order they are presented in the regulations (e.g., D001, D003, F007, U112). Use 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.

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

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

Name of Inspector(s)	Name of Inspector(s)	Date of Inspection Time (mm/dd/yyyy) (hh:mm)
Frank Zingales-DHWM	Bart Ray-OSI	11/05/2007 09:45

OPTIONAL CERTIFICATION. I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

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