

**Environmental
Protection Agency**

Patricia A. Ryan, Governor
L. Douglas Loach, Lt. Governor
John P. Bland, Director

September 30, 2010

RE: RICK OLIVER PROPERTY
COMPLAINT # 7293
STARK COUNTY
NON GENERATOR/OHD004464871
SECOND NOTICE OF VIOLATION

Mr. Rick Oliver
2414 3rd Street, SE
Canton, OH 44717

Dear Mr. Oliver:

On June 2, 2010, John Paquelet and I of the Ohio EPA's Division of Hazardous Waste Management conducted a hazardous waste complaint investigation at a business located on your property at 2414 3rd Street SE, Canton, Ohio. A notice of violation letter, dated July 20, 2010, was sent to you that outlined the steps you must take to return to compliance with the violations and concerns contained in the letter. I have not received a response to that letter.

The following violations remain outstanding:

- 1. Ohio Administrative Code (OAC) 3745-279-22(C)(1); Containers and above ground tanks that are used to store used oil must be labeled with the words, "Used Oil".**

A drain pan and other pails were noted to contain used oil. To abate this violation you must consolidate all used oil on the property into a container and label that container with the words "Used Oil". Please provide a picture of the labeled container.

- 2. OAC 3745-279-22(D); Generator must respond to used oil releases and perform cleanup steps.**

We observed areas of gravel/soil along the driveway by the back garage which were heavily stained with what appeared to be used oil.

OAC rule 3745-279-22(D) requires that a generator of used oil, upon detection of a release of used oil, must stop the release, contain the release, and clean up and properly manage the used oil and other materials generated during clean up.

As we discussed during the site visit, contaminated soil and debris from the clean up may be managed as solid waste in a trash dumpster, provided that this is acceptable to your trash hauler.

Ohio EPA uses a visual standard when determining whether a cleanup of released used oil and any media absorbing that used oil is adequate. Ohio EPA does not require confirmatory soil sampling and analysis to demonstrate that the release has been cleaned up.

To return to compliance with this violation you must:

- a. clean up and remove all releases of used oil and contaminated soils identified by me and any additional releases you may find;**

- b. contain all used oil in a closed container that is in good condition and labeled with the words used oil; and
- c. Provide photos of the areas after clean up.

Concerns/Recommendations

1. We noted many scrap tires which must be removed from your property. You will need to keep the receipts from their removal for your files. Additionally, please send a copy of the receipts to me as well as photographs documenting that all the tires have been removed. I have enclosed a list of licensed scrap tire facilities and registered scrap tire transporters for your use.
2. All piles of scrap metal, plastic, and miscellaneous material should be removed from your property. Please send photographs documenting that the site has been cleaned up.
3. Vogt Polishing & Plating Company was a plating business formerly operating at this location and had been assigned a U.S. EPA identification number, OHD004464871. When the company closed, the ID number was deactivated.

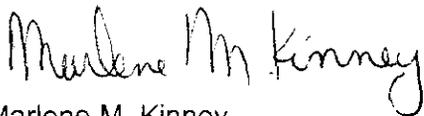
As a non-generator of hazardous waste you do not need to use the identification number. However, in the future should you become a hazardous waste generator, you will need to contact the Ohio EPA's central office in Columbus and request that the identification number be reactivated.

Please respond to this letter by October 25, 2010. Failure to list specific deficiencies and or violations in this communication does not relieve you from the responsibility of complying with all applicable laws, rules and regulations.

You can find copies of the rules and other information on the division's web page at <http://www.epa.ohio.gov/dhwm>

Should you have any questions, please feel free to call me at (330) 963-1162.

Sincerely,



Marlene M. Kinney
Environmental Specialist
Division of Hazardous Waste Management

MMK:ddw

ec: Harry Sarvis, DHWM, CO
Nyall McKenna, DHWM, NEDO
John Paquelet, DHWM, NEDO
Kimberly Campbell, Canton Health Department