



State of Ohio Environmental Protection Agency

Northeast District Office

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

January 7, 2010

RE: TECUMSEH VILLAGE PARK
1005 LAKE PARK, SEBRING, OHIO
COMPLAINT NO. 6971
SECOND NOTICE OF VIOLATION

Mr. Joseph Raineri
PO Box 99
Sebring, OH 44672

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Joseph Raineri
1005 Lake Park Blvd., Lot 96
Sebring, OH 44672-1763

Mr. Joseph Raineri, Callahan Heating & Cooling
5914 Ridge Rd.
Parma, OH 44129

Dear Mr. Raineri:

On October 27, 2009, Kris Coder and I, representing Ohio EPA's Division of Hazardous Waste Management, conducted a complaint investigation in the vicinity of a waste water package plant just south of your Tecumseh Village Park in Sebring, Ohio. An inspection was conducted to determine compliance with Ohio's hazardous waste laws as found in Chapter 3734 of the Ohio Revised Code (ORC) and Chapter 3745 of the Ohio Administrative Code (OAC).

Observations at the site identified the following:

- 1) Two areas where at least twenty-five 55-gallon drums have been dumped;
- 2) Two areas where demolition debris and/or solid waste has been dumped;
- 3) Tires dumped into a pond/wetland area; and
- 4) An open, unused water well.

On November 9, 2009 I sent you a Notice of Violation (NOV) letter specifying the violations and concerns observed during the inspection. A phone call with Ms. Jean Keele verified that you had been provided with this letter. To date you have failed to respond to the November 9, 2009 NOV letter and remain in violation of the following:

NOTICE OF VIOLATION

1. Waste Evaluation (OAC 3745-52-11): You failed to evaluate and properly dispose the contents of nine drums in Area #1 and at least sixteen drums in Area #2 that have accumulated on your site. See attached Photo Log.

You must immediately evaluate all drum contents to determine the waste characteristics and properly dispose or recycle these wastes. Attached is a list of companies that provide waste, hazardous waste and oil recycling and disposal services. **You must submit to me supporting documentation that demonstrates how all waste was evaluated and properly disposed.**

Waste evaluation may need to include sampling and testing using the appropriate Toxicity Characteristic Leaching Procedure (TCLP) Method 1311. Supporting documentation **may include** analytical data, field evaluation, disposal tickets, invoices, receipts and uniform hazardous waste manifests. Your clean up must include removal of any visually stained or contaminated ground area.

The following links can assist you in making a proper waste evaluation:

- <http://www.epa.ohio.gov/portals/41/sb/publications/identifyingwaste.pdf>
- <http://www.epa.ohio.gov/portals/32/pdf/GeneratorKnowledge6.pdf>

A copy of these guidance documents was previously enclosed.

NOTICE OF CONCERNS

Additionally, the following concerns were observed:

1. As of October 1, 1996 construction demolition debris (CDD) is required to be disposed in a licensed facility in accordance with OAC 3745-400. There are two areas of construction debris. Area CDD #1 is located just east of the Area#1 drums. CDD Area #2 is located in the drum Area #2. Area #2 also appears to contain visible solid waste (photos attached).
2. An unused ground water well at the site must be sealed in accordance with Ohio Administrative Code (OAC) 3701-28-07 and OAC 3745-9-10. The proper sealing of all abandoned wells must be documented per the Ohio Revised Code (ORC) Section 1521.05 (B) (photos attached).
3. Tires were observed just below the surface in an emergent wetland/pond area just west of your wastewater treatment package plant (photos attached). The tires should be removed and properly recycled or disposed.

This Notice of Violation letter requires that you **respond within 30 days** providing documentation that demonstrates how you have evaluated and disposed of the 55 gallon drums of waste and any contaminated soils. Should you have any questions or require further guidance, please feel free to contact me at (330)963-1146 or at ron.shadrach@epa.state.oh.us.

Sincerely,



Ronald J. Shadrach
District Representative
Division of Hazardous Waste Management

Enclosures
RJS:ddw

ec: Frank Popotnik, DHWM, NEDO
Natalie Oryshkewych, DHWM, NEDO
Stivo DiFranco, DDAGW, NEDO
Katharina Snyder, DSIWM, NEDO
John Kwolek, DSW, NEDO
Kris Coder, DHWM, NEDO
Harry Sarvis, DHWM Enforcement, 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.