OhioEPA

State of Ohio Environmental Protection Agency

Northeast District Office

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

February 18, 2010

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

Mr. Joseph Raineri
PO Box 99
Sebring, OH 44672

CERTIFIED MAIL
RETURN RECEIPT

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

Dear Mr. Raineri:

On October 27, 2009, Kris Coder and I, representing the Ohio EPA's Division of Hazardous Waste Management, conducted a complaint investigation in the vicinity of the waste water package plant that serves 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.

I have sent you previous Notices of Violation dated November 9, 2009 and January 7, 2010. You have failed to respond to these notices. A phone call with Ms. Jean Keele verified that you had been provided my letter. You 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 photos).

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 has been evaluated. **Please contact me prior to disposal of any of these wastes.**

Your 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 that could be a violation:

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 on your property. 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 (see 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) (see photos attached).

3. Tires were observed just below the surface in an emergent wetland/pond area just west of your wastewater treatment package plant (see photos attached). The tires should be removed and properly recycled or disposed.

This Notice of Violation letter requires that you call or ***respond by March 19, 2010***, with your intentions in regard to the violation and concerns. Ohio EPA, DHWM requires that you provide documentation that demonstrates how you have evaluated and properly disposed of the 55 gallon drums of waste and any stained or contaminated soils.

Ohio EPA considers these violations serious in nature. Your failure to respond to this and past Notices of Violations may result in referral to our Central Office Enforcement Section for consideration of escalated enforcement.

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,

R. Shadrach

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
cc: 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.