



State of Ohio Environmental Protection Agency

Northeast District Office

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

October 25, 2007

RE: ROYAL SEBRING PROPERTIES
OHD 010 845 154
MAHONING COUNTY
COMPLAINT No. 6835

Mr. Jerry McHugh
Zee-Tech Warehousing, Inc.
101 S. 15th Street
Sebring, OH 44672

CERTIFIED MAIL

**SUBJECT: DHWM COMMENTS TO ENVIRONMENTAL RESPONSE PLAN
ROYAL SEBRING PROPERTIES, AKA ZEE-TECH WAREHOUSING, INC.**

Dear Mr. McHugh:

The Division of Hazardous Waste Management (DHWM) received a response to its Fourth Notice of Violation letter of September 5, 2007, on October 4, 2007. The response was dated September 28, 2007 and was prepared by Carnoustie Consulting Ltd.

Your Environmental Response Plan letter was reviewed and the following has been prepared to provide you with an understanding of DHWM's position. The violations cited have been reorganized into those that must be immediately addressed through DHWM and those that must be addressed through the comprehensive efforts of the Voluntary Action Program (VAP) and implementation of the remedy through the Clean Ohio Revitalization Fund (CORF) grant. The violations identified herein and in the CORF grant contingencies "ATTACHMENT C – Completion of Additional Work" must be completed and performed in accordance with applicable federal, state or local rules and regulations.

MANAGEMENT OF OIL CONTAMINATED SOIL MATERIALS

On October 18, 2007, I met with Vanessa Steigerwald-Dick of Ohio EPA's Division of Emergency and Remedial Response (DERR), and determined that oil-contaminated soil in several beheaded totes and oily sediments, sludges and emulsions in 55-gallon drums, have been stored outside an identified Area of Concern (AOC).

The soil stored in the totes has been identified by the Toxicity Characteristic Leaching Procedure (TCLP) analysis to exceed the regulatory limit for lead. These soil wastes must be disposed immediately to a facility licensed to receive hazardous waste. The drums of oily sludge waste must be immediately evaluated according to OAC 3745-52-11 (TCLP test method 1311 for lead) and the results provided to me.

Hazardous waste that has been generated from and stored outside an identified AOC is subject to RCRA regulation, including **OAC 3745-52-34(A)**. Hazardous waste accumulated outside of the identified AOC must be shipped offsite within 90 days of accumulation or you could incur additional violations. Storage beyond 90 days becomes subject to RCRA closure. Such areas can become subject to **Ohio Revised Code (ORC) 3734.02(E)&(F)**.

THE FOLLOWING VIOLATIONS ARE THOSE THAT REQUIRE YOUR IMMEDIATE ATTENTION:

1. OAC 3745-52-11 – Waste Evaluation of the following generated waste streams:

- 1) Waste/used oil fluids** sent offsite from thirty-eight (38) totes of approximately two hundred and fifty (250) gallon size and several miscellaneous 55-gallon drums. You were requested to insure that these abandoned fluids were properly characterized in accordance with OAC 3745-52-11 and disposed, providing documentation of this to me.
- 3) Waste/used oil contaminated debris (sediments, sludges and emulsions)** generated from floor, drain, pit and sump areas within an AOC that is potentially lead contaminated. You accumulated this waste in 55-gallon drums that have been stored outside of the identified AOC.
- 5) Investigation Derived Wastes (IDW)** are understood to have been characterized and are being readied for disposal. The Ohio EPA hazardous waste Identification number for this facility is: OHD 010 845 154 and is known as Royal Sebring Properties.
- 6) Oil contaminated soil** generated from within an AOC that has been stored outside the AOC. These soils have been determined by the TCLP method to exceed the RCRA regulatory level for lead. This waste must be disposed as a hazardous waste to a permitted facility.

To abate these violations, you must properly characterize each of the above wastes providing TCLP test results by method 1311 for lead where appropriate. You must also meet receiving facility requirements. Prior to shipment or disposal of this waste, provide Ohio EPA with all characterization results, analytical data and the destination facility. Provide manifests, receipts or authorization verifying proper disposal.

VIOLATIONS TO BE ADDRESSED IN THE ONGOING VAP EFFORT

Abatement of the following violations needs to be coordinated during the demolition or appropriate construction phase remedy. You must implement continuing interim measures when indicated.

- 2. OAC 3745-279-22(D) Response to Releases of Used Oil** and Ohio Revised Code (ORC) 3734.13, 3734.20, 3745.10 and 6111-03(H): There are several areas of oil release to the outside ground surface and from concrete pits, floor drains and sumps to surface waters of the state.

The additional assessment in Identified Area 9, as summarized in “Attachment C Completion of Additional Work” Item 1.a. needs to be completed. **When completed, you must provide to me** photographs and written documentation (field notes, receipts, as-built documentation) that demonstrates completion of Item 1.a. of “Attachment C” and full abatement of the violation. Until remedied, you must implement interim measures to eliminate the discharge of oily wastewater to surface waters of the state and replace, maintain and improve these measures as needed during site work.

1. 4) **OAC 3745-52-11: Residual pottery/clay process waste debris** from the former operations could be contaminated with lead. You failed to provide sample data and/or other characterization of this waste prior to commingling it with building demolition debris in Areas IA-8, IA-9, IA-10 and the former American Plastics area.

Prior to further disturbance of this waste, contact the local air authority to insure proper evaluation of the waste piles for asbestos containing material (ACM) per their requirements. You must either dispose of this waste as a hazardous waste or provide adequate documentation that ensures all areas of this debris and process waste would be approved for disposal as a solid waste, or, as a construction and demolition debris waste. **Provide to me** the disposal characterization and approval documentation and corresponding manifests or receipts for this waste to abate this violation.

CONCERNS

The concerns identified in DHWM’s Fourth NOV letter dated September 5, 2007, must be satisfactorily addressed under the applicable standards according to all federal, state and local rules and regulations and meeting those performance standards under the Voluntary Action Program. You must provide statements, receipts, or other agency approvals documenting compliance or remedy.

VIOLATION THAT APPEARS TO HAVE BEEN ABATED

1. 2) **OAC 3745-52-11 Red and yellow waste fluid** in two (2) approximate thirty-five (35) gallon size, leaking, rusty drums disposed to the ground outside.

These leaking drums have been secured inside. The analytical results provided indicate that this is a non-hazardous waste. Fluid wastes may not be disposed as a solid waste unless solidified. Please insure this waste is properly disposed. No further response to DHWM is required in regard to this matter.

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The Ohio EPA considers the violations and concerns of this letter and DHWM's Fourth NOV letter dated September 5, 2007 as serious in nature. Your failure to timely respond to this letter and past Notices of Violations may result in referral of Zee-Tech (aka Royal Sebring Properties) to our Central Office Enforcement Section for consideration of escalated enforcement.

Please submit a response to this letter within 15 days of its receipt and provide the waste disposal information requested in Violation #1 above. Per your request, a list of facilities permitted to receive hazardous waste in northeast Ohio has again been provided. If you have questions or concerns in regard to this letter you may contact me at (330) 963-1146 or at ron.shadrach@epa.state.oh.us.

Sincerely,

Ron Shadrach

Ronald J. Shadrach
Environmental Specialist II
Division of Hazardous Waste Management

RJS:ddw

Enclosure

ec: Frank Popotnik, DHWM, NEDO
Vanessa Steigerwald Dick, DERR, NEDO
John Schmidt, DSIWM, NEDO
John Kwolek, DSW, NEDO
Harry Sarvis, DHWM, CO enforcement section
Dan Tjoelker, DERR, CO
Jim Veres, DAPC, NEDO
cc: Misty Koletich, Mahoning County Health Department
Doug Burchard, City Manager, Village of Sebring
Bill Slanina, MTAPCA
Marty Knuth, CEC
Jeff Hullinger, Carnoustie Consulting Ltd.

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.