



State of Ohio Environmental Protection Agency

Southeast District Office

2195 Front Street
Logan, Ohio 43138

TELE: (740) 385-8501 FAX: (740) 385-6490
www.epa.state.oh.us

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

August 15, 2008

**GALLIA COUNTY
TOMMY'S ENTERPRISES
DHWM/SEDO
OHR 000125344**

Mr. T.J. Mathews
1307 Third Ave.
Huntington, WV 25701

Dear Mr. Matthews:

On January 24, 2008, I attempted to perform a compliance visit of your facility to determine its compliance with Ohio's hazardous waste laws and regulations, as found in the Ohio Revised Code and the Ohio Administrative Code (ORC and OAC, respectively). Trevor Irwin from my office and Barb Bradley of the Gallia County Health Department were also present. This letter does not address any solid waste compliance issues.

Apparently, Tommy's Enterprises is no longer in operation and the property is now for sale. No one was at the facility at the time of our visit. While there, we observed that numerous open one- and five-gallon containers of automotive painting wastes have been left in the former paint shop area. Several automotive batteries were also observed around the facility. Since Tommy's Enterprises is no longer operating, leaving these wastes on-site may be considered disposal of a hazardous waste. I sent a letter to you on February 1, 2008 requesting that you provide documentation showing that these wastes have been properly disposed. I had asked that you respond within 30 days of the date of that letter; to this date, **no response has been received.**

On August 4, 2008, I accompanied Barb Bradley of the Gallia County Health Department to the site where we met with you. We observed that the wastes, used oil, used-oil-contaminated soils were still present on-site (see attached photographs). Based on these observations, you are in violation of the following hazardous waste rules:

- (1) **Ohio Revised Code (ORC) 3734.02(E) and (F); Prohibitions:** ORC 3734.02(E) prohibits the establishment or operation of a hazardous waste facility without a permit and (F) prohibits the treatment, storage, disposal or transportation of hazardous waste to a facility that is not permitted or exempt from permitting requirements pursuant to rules adopted by the Director.

Tommy's Enterprises has not been operated since at least January of 2008. Paint and solvents have been left in the former auto paint shop since then. This constitutes illegal disposal of hazardous waste. These wastes must be removed and disposed of properly by a permitted hazardous waste management company. A list of these facilities is attached to this letter for your convenience. Provide a copy of the hazardous waste manifest when these wastes are removed from the site and provide photographs of this area to demonstrate compliance with this rule.

Mr. Tommy Mathews
Tommy's Enterprises
August 15, 2008
Page 2

- (2) **Used oil storage requirements for generators**, OAC Rule 3745-279-22(D): Upon detection of a release of used oil... a generator shall perform the following cleanup steps: (1) stop the release; (2) contain the released used oil; (3) clean up and properly manage the released used oil and other materials; and (4) if necessary, to prevent future releases, repair or replace any leaking used oil storage containers or tanks prior to returning them to service.

We observed three areas at the site with significant used oil staining: one is by the dumpster and two more areas by the motor storage building (see attached photographs). As we discussed, please provide photographs of these areas once all the used oil-contaminated soil been removed and provide the name of the solid waste landfill where it has been disposed.

- (3) **Used oil storage requirements for generators**, OAC rule 3745-279-22(C): Paragraph (C): Containers and aboveground tanks used to store used oil at generator facilities shall be marked clearly with the words "Used Oil."

We observed two containers of used oil that were not labeled "used oil". These containers must be either labeled "used oil" or the oil removed from the site and properly recycled. Provide photographs showing that they have been labeled or provide the name of the company where the oil was taken for recycling.

Please provide the documentation cited above **within 30 days** of the date of this letter that these wastes and contaminated soils have been collected and properly disposed (i.e., hazardous waste manifest for the paint waste).

If you have any questions regarding waste management, please call me at (740) 380-5278.

Sincerely,



Richard Stewart
District Representative
Division of Hazardous Waste Management

RS/mlm

cc: Barb Bradley, Gallia County Health Department
Trevor Irwin, DSIWM

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.

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 or mail it to Tammy
McConnell, Central Office

Site EPA ID No.	EPA ID Number: OHR 000125344								
Site Name	Name: Tommy's Enterprises					Website: (Optional)			
Site Location Information	Street Address: 244 Theivener Road								
	City, Town, or Village: Gallipolis					State: OH			
	County Name: Gallia					Zip Code: 45631			
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"/>	
NAICS code(s) www.census.gov/epod/www/naics.html									
Facility Representative Additional names can be recorded in number 12 Only provide address information if it is different than the site address	First Name: T			MI: J		Last Name: Matthews			
	Phone Number: 740-709-1887					Phone Number Extension:			
	E-Mail Address:								
	Fax Number:					Fax Number Extension:			
	Street or P.O. Box: Same								
	City, Town or Village:					State:			
	Country:			Zip Code:					
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	Name of Site's Legal Owner: Tommy Matthews					Date Became Owner (mm/dd/yyyy):			
	Owner Type:	Private <input 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:					Owner Phone #:			
	State:					Country:		Zip Code:	
	Name of Site's Operator:					Date Became Operator (mm/dd/yyyy):			
	Owner Type:	Private <input 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 checked="" type="checkbox"/> Conditionally Exempt Small Quantity Generator					
<input 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))		
	Generated	Accumulated	<input checked="" type="checkbox"/> Used Oil Generator	<input type="checkbox"/> Off-Specification Used Oil Burner	
Batteries	<input checked="" type="checkbox"/>	<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"/>	<input type="checkbox"/> Used Oil Transfer Facility	<input type="checkbox"/> Used Oil Fuel Marketer to Off-Specification Used Oil Burner	
Thermostats	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Used Oil Processor		
Lamps	<input type="checkbox"/>	<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 your 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.					
F003	F005	D001			
Comments: Use this area to describe whether the inspection was announced, whether the waste is stored in tanks or containers, etc.					
Announced	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Additional Facility Representatives:		
Tanks	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Other Comments:		
Containers	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No			
Name of Inspector(s)		Name of Inspector(s)		Date of Inspection/Time (mm/dd/yyyy) (hh:mm)	
Rich Stewart				8/4/2008 10:00	
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)	

CONDITIONALLY EXEMPT SMALL QUANTITY (CESQG) GENERATOR REQUIREMENTS

CESQG: <100Kg. (Approximately 25-30 gallons) of waste in a calendar month.

SQG: Between 100 and 1,000 Kg. (About 25 to under 300 gallons) of waste in a calendar month.

LQG: >1,000 Kg. (~300 gallons) of waste in a calendar month or >1 Kg. of acutely hazardous waste in a calendar month.

WASTE EVALUATION

1. Have all wastes generated at the facility been adequately evaluated? [3745-52-11] Yes No NA

GENERATOR CLASSIFICATION

2. Does the generator produce <100 kg. of hazardous waste per month? [conditionally exempt small quantity generator ("CESQG")] Yes No NA

Tommy's Enterprises has ceased operations, facility is up for sale.

NOTE: If quantities of hazardous waste accumulated on-site at any one time exceed 1,000 Kg. - or the generator produces between 100 and 1,000 Kg. of hazardous waste per month, it is operating as a Small Quantity Generator (SQG).

OFF-SITE SHIPMENT OF HAZARDOUS WASTE

3. Does the CESQG ensure delivery of hazardous waste(s) to an off-site permitted TSD? [3734.02(F)] Yes No NA

TREATMENT OF HAZARDOUS WASTE

4. Does the generator treat hazardous waste in a :
- a. Container that meets 3745-66-70 to 3745-66-77? Yes No NA
 - b. Tank that meets 3745-66-90 to 3745-66-101 except 3745-66-97(C) Yes No NA
 - c. Drip pad that meets 3745-69-40 to 3745-69-45? Yes No NA
 - d. Containment building that meets 3745-256-100 to 3745-256-102? Yes No NA

NOTE: If the CESQG conducts treatment they are subject to the LQG requirements.

NOTE: If waste is treated to meet LDRs, use the LDR checklist.

REMARKS

USED OIL CHECKLIST

PROHIBITIONS

1. Is used oil being managed in a surface impoundment or waste pile? If so: Yes ___ No X N/A ___ RMK# ___
Is the surface impoundment or waste pile being regulated under OAC 3745-54 to 3745-57 or 3745-65 to 3745-69? [3745-279-12(A)] Yes ___ No ___ N/A X RMK# ___
2. Is used oil being used as a dust suppressant? [3745-279-12(B)] Yes ___ No X N/A ___ RMK# ___
3. Is off-specification used oil fuel burned for energy recovery only in devices specified in 3745-279-12(C)? Yes ___ No ___ N/A X RMK# ___

USED OIL GENERATOR STANDARDS

4. Does the generator mix hazardous waste with used oil only as provided in 3745-279-10(B)? [2745-279-21(A)] Yes ___ No ___ N/A X RMK# ___
5. Does the generator of a used oil containing greater than 1,000 ppm total halogens manage the used oil as a hazardous waste unless the presumption is rebutted successfully? [3745-279-21(B)] Yes ___ No ___ N/A X RMK# ___
6. Does the generator only store used oil in tanks, containers, or units subject to OAC 3745-54 to 3745-57 or 3745-65 to 3745-69? [3745-279-22(A)] Yes ___ No ___ N/A X RMK# ___
7. Are containers and aboveground tanks used to store used oil in good condition with no visible leaks? [3745-279-22(B)] Yes X No ___ N/A ___ RMK# ___
8. Are containers, above ground tanks, and fill pipes used for underground tanks clearly labeled or marked "Used Oil?" [3745-279-22(C)] Yes ___ No N/A ___ RMK# 1
9. Has the generator, upon detection of a release of used oil, done the following: [3745-279-22(D)]
- a. Stopped the release? Yes ___ No N/A ___ RMK# 2
 - b. Contained the release? Yes ___ No N/A ___ RMK# 2
 - c. Cleaned up and properly managed the used oil and other materials? Yes ___ No N/A ___ RMK# 2
 - d. Repaired or replaced the containers or tanks prior to returning them to service, if necessary? Yes ___ No ___ N/A X RMK# ___
10. Does the generator burn used oil in used fired space heaters? [3745-279-23] If so: Yes ___ No X N/A ___ RMK# ___
- a. Does the heater burn only used oil that owner/operator generates or used oil received from household do-it-yourself (DIY) used oil generators? Yes ___ No ___ N/A X RMK# ___

b. Is the heater designed to have a maximum capacity of not more than 0.5 million BTU per hour?

Yes ___ No ___ N/A X RMK# ___

c. Are the combustion gases from heater vented to the ambient air?

Yes ___ No ___ N/A X RMK# ___

11. Does the generator have the used oil hauled only by transporters that have obtained an EPA ID#, unless the generator qualifies for an exemption pursuant to 3745-279-24 (self transportation or tolling agreements)? [3745-279-24]

Yes X No ___ N/A ___ RMK# ___

USED OIL COLLECTION CENTERS AND AGGREGATION POINTS

12. Is the DIY used oil collection center in compliance with the generator standards in 3745-279-20 to 3745-279-24? [3745-279-30]

Yes ___ No ___ N/A X RMK# ___

13. Is the non-DIY used oil collection center registered with Ohio EPA? [3745-279-31]

Yes ___ No ___ N/A X RMK# ___

14. Is the used oil aggregation point in compliance with the generator standards in 3745-279-20 to 3745-279-24? [3745-279-32]

Yes ___ No ___ N/A X RMK# ___

WASTE EVALUATION

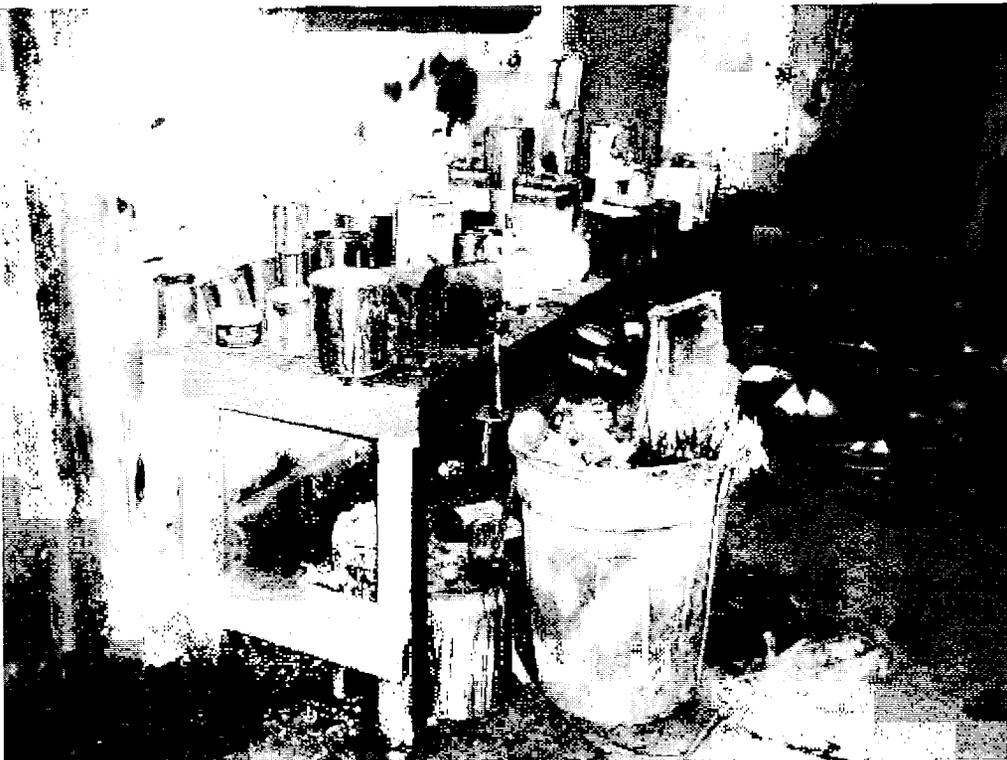
15. Have all wastes generated at the facility been evaluated? [3745-52-11]

Yes X No ___ N/A ___ RMK# ___

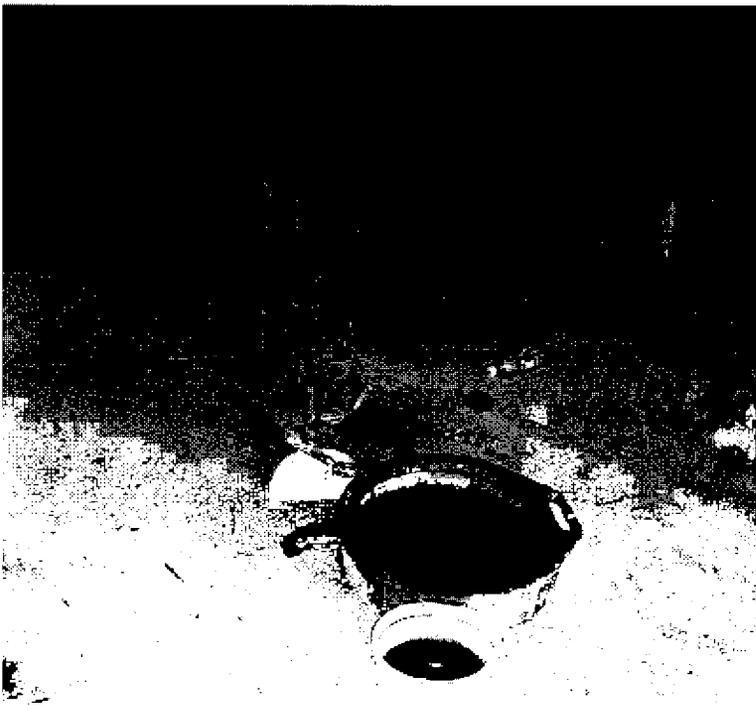
REMARKS

- 1) Two open, unlabeled containers of used oil were observed two of the buildings.
- 2) Three areas of significant used-oil staining on soil were observed at the site.

Gallia County
Tommy's Enterprises
8-11-08 R. Stewart



Gallia County
Tommy's Enterprises
8-11-08 R. Stewart





Gallia County
Tommy's Enterprises
8-11-08 R. Stewart





State of Ohio Environmental Protection Agency

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

February 1, 2008

**GALLIA COUNTY
TOMMY'S ENTERPRISES
DHWM/SEDO
OHR 000125344**

Mr. T.J. Mathews
Tommy's Enterprises
1307 Third Ave.
Huntington, WV 25701

Dear Mr. Mathews:

On January 24, 2008, I attempted to perform a compliance visit of your facility to determine its compliance with Ohio's hazardous waste laws and regulations, as found in the Ohio Revised Code and the Ohio Administrative Code (ORC and OAC, respectively). Trevor Irwin from my office and Barb Bradley of the Gallia County Health Department were also present. This letter does not address any solid waste compliance issues.

Apparently, Tommy's Enterprises is no longer in operation and the property is now for sale. No one was at the facility at the time of our visit. While there, we observed that numerous open one- and five-gallon containers of automotive painting wastes have been left in the former paint shop area. Several automotive batteries were also observed around the facility. Since Tommy's Enterprises is no longer operating, leaving these wastes on-site may be considered disposal of a hazardous waste. Please provide documentation **within 30 days** that these wastes have been collected and properly disposed or recycled (i.e., receipts for the batteries and hazardous waste manifest for the paint waste).

If you have any questions regarding waste management, please call me at (740) 380-5278.

Sincerely,

Richard Stewart
District Representative
Division of Hazardous Waste Management

RS/mlm

cc: Barb Bradley, Gallia County Health Department

NOTICE:

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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 or mail it to Tammy
 McConnell, Central Office

Site EPA ID No.	EPA ID Number: OHR 000125344								
Site Name	Name: Tommy's Enterprises				Website: (Optional)				
Site Location Information	Street Address: 244 Theivener Road								
	City, Town, or Village: Gallipolis				State: OH				
	County Name: Gallia				Zip Code: 45631				
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"/>	
NAICS code(s) www.census.gov/epcd/www/naics.html									
Facility Representative Additional names can be recorded in number 12 Only provide address information if it is different than the site address	First Name: T		MI: J	Last Name: Matthews					
	Phone Number: 740-709-1887				Phone Number Extension:				
	E-Mail Address:								
	Fax Number:				Fax Number Extension:				
	Street or P.O. Box: Same								
	City, Town or Village:								
	State:			Country:		Zip Code:			
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	Name of Site's Legal Owner: Tommy Matthews				Date Became Owner (mm/dd/yyyy):				
	Owner Type:	Private <input 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:				Owner Phone #:				
	State:				Country:		Zip Code:		
	Name of Site's Operator:				Date Became Operator (mm/dd/yyyy):				
	Owner Type:	Private <input 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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No								
Type of Generator									
<input type="checkbox"/> Not Regulated				<input checked="" type="checkbox"/> Conditionally Exempt Small Quantity Generator					
<input 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))		
	Generated	Accumulated	<input checked="" type="checkbox"/> Used Oil Generator	<input type="checkbox"/> Off-Specification Used Oil Burner	
Batteries	<input checked="" type="checkbox"/>	<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"/>	<input type="checkbox"/> Used Oil Transfer Facility	<input type="checkbox"/> Used Oil Fuel Marketer to Off-Specification Used Oil Burner	
Thermostats	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Used Oil Processor		
Lamps	<input type="checkbox"/>	<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 your 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 RCRAInfo source record, you do not need to list them all. Instead just indicate the date of the most recent source record.					
F003	F005	D001			
Comments: Use this area to describe whether the inspection was announced, whether the waste is stored in tanks or containers, etc.					
Announced	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Additional Facility Representatives:		
Tanks	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Other Comments:		
Containers	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No			
Name of Inspector(s)		Name of Inspector(s)		Date of Inspection/Time (mm/dd/yyyy) (hh:mm)	
Rich Stewart		Trevor Irwin		1/24/2008 12:00-1:00	
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)