



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 Korleski, Director

February 1, 2007

**JACKSON COUNTY
GENERAL FILE
(RAYS APPLIANCE & FURNITURE)
DHWM/SEDO
NON-NOTIFIER**

Mr. David Scharfenberger
111 East 2nd Street
Wellston, Ohio 45692

Dear Mr. Scharfenberger:

On January 17, 2007, I visited your appliance store located at 111 East 2nd Street, Wellston as a result of a complaint received by this office alleging that unknown chemicals were being stored in the basement of the store.

While in the basement of your store, I observed at least eleven, 5-gallon containers containing various products for dry cleaning (spot cleaners), roof tar, etc., and two black poly, 55-gallon containers located near a sump in the basement. You stated that the poly drums likely contain perchloroethylene from a former dry cleaners that previously operated out of the building. As a result of my visit on January 17th, Ohio EPA has determined that your business is in violation of the following Ohio hazardous waste laws. In order to correct these violations, you must do the following and send any required information **within 30 days** of your receipt of this letter:

- (1) **OAC Rule 3745-52-11, Evaluation of Wastes:** Any person who generates a waste in the State of Ohio, as defined in rule 3745-51-02 of the Administrative Code, ...shall determine if that waste is a hazardous waste using the following method: (A) He shall first determine if the waste is excluded from regulation under rule 3745-51-04 of the Administrative Code; (B) He shall then determine if the waste is listed as a hazardous waste in rules 3745-51-30 to 3745-51-35 of the Administrative Code; and (C) For purposes of compliance with Chapter 3745-270 of the Administrative Code, or if the waste is not listed as a hazardous waste in rules 3745-51-30 to 3745-51-35 of the Administrative Code, the generator shall then determine whether the waste is identified in rules 3745-51-20 to 3745-51-24 of the Administrative Code by either: (1) Testing the waste according to the methods set forth in rules 3745-51-20 to 3745-51-24 of the Administrative Code, or according to an equivalent method approved by the Region V Administrator of U.S. EPA pursuant to 40 CFR 260.21; or (2) Applying knowledge of the hazardous characteristic of the waste in light of the materials or the process used.

Unknown chemicals in the two 55-gallon black poly drums have not been evaluated to determine if they are a hazardous waste in violation of this rule.

In order to demonstrate compliance with this rule, you must evaluate this material to determine if it is a hazardous waste and dispose of this material at a designated treatment, storage or disposal (TSD) facility registered to accept hazardous waste.

Mr. David Scharfenberger
Ray's Appliance & Furniture
February 1, 2007
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In order to manage this material off-site, you will first need to obtain a provisional EPA identification number for purposes of manifesting this material to a TSD facility. Please contact Tammy McConnell, Division of Hazardous Waste Management at 614/644-2922, to obtain a provisional ID number.

If this material is useable perchloroethylene, please attempt to locate a dry cleaning facility that will accept this material for use in their dry cleaning process. Please document where this material was accepted if it is a useable product. If it is determined to be useable perchloroethylene and you are unable to locate a facility that will accept this material, you may be successful in finding a user for this material by registering it through the Ohio Materials Exchange (OMEX). Information about OMEX can be found at the following web site:

<http://www.epa.state.oh.us/ocapp/p2/omex/omex.html>

If material contained in the 5-gallon containers is deemed a waste by your business, then this material is also subject to evaluation under OAC 3745-52-11.

Also, spent fluorescent lamps generated by Ray's Appliance & Furniture have not been evaluated to determine if they are a hazardous waste in violation of this rule. Please evaluate this waste stream and manage accordingly. Please note that spent fluorescent lamps are typically managed as a universal waste as regulated under the Universal Waste Rules found at Ohio Administrative Code 3745-273. Information regarding the proper management of spent fluorescent lamps can be found on Ohio EPA's web site at:

<http://www.epa.state.oh.us/dhwm/guidancedocs.html#fluorescent>

Should you have any questions, please feel free to call me at (740) 380-5262. You can find copies of Ohio's hazardous waste rules and other information on the division's web page at: <http://www.epa.state.oh.us/dhwm>.

Sincerely,



John Rochotte
District Representative
Division of Hazardous Waste Management

JR/mlm

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.

E-mail this completed form to tammy.mcconnell@epa.state.oh.us or mail it to Tammy McConnell, Central Office

Ohio Environmental Protection Agency RCRA SUBTITLE C SITE IDENTIFICATION/VERIFICATION FORM

For Ohio EPA use only

2. Site EPA ID No.	EPA ID Number: Non-Notifier								
3. Site Name	Name: Ray's Appliance & Furniture					Website (optional):			
4. Site Location Information	Street Address: 111 East 2 nd Street								
	City, Town, or Village: Wellston				State: OH				
	County Name: JACKSON				Zip Code: 45692				
5. Site Land Type (check only one)	Private	County	District	Federal	Indian	Municipal	State	Other	
	<input checked="" type="checkbox"/>								
6. NAICS code(s) www.census.gov/epcd/www/naics.html	A. 443111			B.					
	C.			D.					
	7. Facility Representative:			First Name: David		MI:	Last Name: Scharffenberger		
	Additional names can be recorded in number 12. Only provide address information if it is different than the site address.			Phone Number: 740-384-2054			Phone Number Extension:		
E-Mail Address:				Fax Number Extension:					
Fax Number:				Street or P.O. Box: 111 East 2 nd Street					
City, Town or Village: Wellston				State: OH		Country: USA	Zip Code: 45692		
8. 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.	A. Name of Site's Legal Owner:			Date Became Owner (mm/dd/yyyy):					
	David Scharffenberger			?					
	Owner Type: Mark with an X	Private	County	District	Federal	Indian	Municipal	State	Other
		<input checked="" type="checkbox"/>							
	Street or P.O. Box: 111 East 2 nd Street			City, Town, or Village: Wellston					
	Owner Phone #: 740-384-2054			State: OH					
	Country: USA			Zip Code: 45692					
	B. Name of Site's Operator:			Date Became Operator (mm/dd/yyyy):					
	Ray's Appliance & Furniture			?					
	Operator Type: Mark with an X	Private	County	District	Federal	Indian	Municipal	State	Other
	<input checked="" type="checkbox"/>								
Street or P.O. Box: 111 East 2 nd Street			City, Town, or Village: Wellston						
Operator Phone #: 740-384-2054			State:						
Country:			Zip Code:						
9. Violations Cited?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No							
10. Type of Regulated Waste Activity (Mark "X" in all of the appropriate boxes.)									
<input type="checkbox"/> Not Regulated									

10. Type of Regulated Waste Activity (Mark "X" in all of the appropriate boxes.)

A. Hazardous Waste Activities
 (choose only one of the following categories)

<input checked="" type="checkbox"/> UNKNOWN: Cited for violation of 3745-52-11	<input type="checkbox"/> 3. Treater, Storer or Disposer of Hazardous Waste
<input type="checkbox"/> a. Large Quantity Generator (LQG):	<input type="checkbox"/> 4. Recycler of Hazardous Waste
<input type="checkbox"/> b. Small Quantity Generator (SQG)	<input type="checkbox"/> 5. Exempt Boiler and/or Industrial Furnace
<input type="checkbox"/> c. Conditionally Exempt Small Quantity Generator	<input type="checkbox"/> a. Small Quantity On-site Burner Exemption
<input type="checkbox"/> d. United States Importer of Hazardous Waste	<input type="checkbox"/> b. Smelting, Melting, Refining Furnace Exemption
<input type="checkbox"/> e. Mixed Waste (hazardous and radioactive) Generator	<input type="checkbox"/> 6. Underground Injection Control Facility
	<input type="checkbox"/> 7. Hazardous Waste Transporter

<p>B. Universal Waste Activities</p> <p><input type="checkbox"/> 1. Small Quantity Handler of Universal Waste (Indicate types of universal waste generated and/or accumulated (check all boxes that apply):</p> <p><input type="checkbox"/> 2. Large Quantity Handler of Universal Waste (accumulates 5,000 kg or more).</p> <p><input type="checkbox"/> 3. Destination Facility for Universal Waste (Check all boxes below that apply for each of the three types of facilities above.)</p> <table border="0"> <tr> <td></td> <td style="text-align: center;"><u>Generated</u></td> <td style="text-align: center;"><u>Accumulated</u></td> </tr> <tr> <td>A. Batteries</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>B. Pesticides</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>C. Thermostats</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>D. Lamps</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>		<u>Generated</u>	<u>Accumulated</u>	A. Batteries	<input type="checkbox"/>	<input type="checkbox"/>	B. Pesticides	<input type="checkbox"/>	<input type="checkbox"/>	C. Thermostats	<input type="checkbox"/>	<input type="checkbox"/>	D. Lamps	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>C. Used Oil Activities</p> <p><input type="checkbox"/> 1. Used Oil Generator</p> <p><input type="checkbox"/> 2. Used Oil Transporter Indicate Type(s) of Activity(ies)</p> <table border="0"> <tr><td><input type="checkbox"/></td><td>Transporter</td></tr> <tr><td><input type="checkbox"/></td><td>Transfer Facility</td></tr> </table> <p><input type="checkbox"/> 3. Used Oil Processor and/or Re-refiner Indicate Type(s) of Activity(ies)</p> <table border="0"> <tr><td><input type="checkbox"/></td><td>Processor</td></tr> <tr><td><input type="checkbox"/></td><td>Re-refiner</td></tr> </table> <p><input type="checkbox"/> 4. Off-Specification Used Oil Burner</p> <p><input type="checkbox"/> 5. Used Oil Fuel Marketer - Indicate Type(s) of Activity(ies)</p> <table border="0"> <tr><td><input type="checkbox"/></td><td>a. Marketer Who Directs Shipment of Off-Specification Oil</td></tr> <tr><td><input type="checkbox"/></td><td>b. Used Oil to Off-Specification Used Oil Burner</td></tr> </table>	<input type="checkbox"/>	Transporter	<input type="checkbox"/>	Transfer Facility	<input type="checkbox"/>	Processor	<input type="checkbox"/>	Re-refiner	<input type="checkbox"/>	a. Marketer Who Directs Shipment of Off-Specification Oil	<input type="checkbox"/>	b. Used Oil to Off-Specification Used Oil Burner
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11. 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.

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12. Comments; Use this area to describe whether the inspection was announced, whether the waste is stored in tanks or containers, etc.

N	Announced ?	Additional Facility Representatives:
N	Tanks?	Other comments:
?	Containers?	

13. Name of Inspector(s) _____ Name of Inspector(s) _____ Date of Inspection/ Time (mm-dd-yyyy) (HH:MM)

John Rochotte _____ 01/17/07 10:00 AM

14. 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)