



State of Ohio Environmental Protection Agency

Southeast District Office

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

CERTIFIED MAIL: 7006 3450 0001 9056 1225

October 9, 2007

**JEFFERSON COUNTY
HORVATH STREET RODS
DHWM/SEDO
OHD018389338**

Mr. Tom Horvath
Steel Valley Rod & Custom
118 Ashland Avenue
Canonsburg, PA 15317-1727

Dear Mr. Horvath:

On May 15, 2007, Ohio EPA observed three rusting 55-gallon drums and one 5-gallon metal container that had been abandoned in the parking lot of 711 Franklin Street, where you had previously operated Horvath Street Rods. On June 11, 2007, I spoke with you by phone about the abandoned drums and container and collected samples from two of the three 55-gallon drums. I spoke with you again on August 3, 2007 to relay the sample results. During this call, you stated that you would be working with Tammy Seiler of Global Environmental to have the waste sampled and removed.

Ohio EPA assessed Horvath Street Rods' 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) and sent you a Notice of Violation letter on August 14, 2007 specifying the violations identified. Data from analysis of the drums was enclosed with the letter.

On August 16, 2007, I contacted Tammy Seiler of Global Environmental to find out what progress has been made in characterizing and removing the three drums and container. Ms. Seiler reported that she had not been to the site and had not made any arrangements for sampling or disposal of the drums. At Ms. Seiler's request, I forwarded her a copy of the August 14, 2007 letter. On September 7, 2007, Ms. Seiler contacted me to let me know that she had advised you to use Safety-Kleen to collect the waste rather than Global Environmental, because the cost would be lower. However, she stated that she would be handling your paperwork with Safety-Kleen and would fax me a copy of info she was sending to Safety-Kleen that day. She stated that Safety-Kleen was going to arrange for a pickup next week. On September 11, 2007, Global Environmental e-mailed me a PDF copy of a signed waste profile they faxed to Safety-Kleen. I have not been contacted since regarding a waste pickup by Safety-Kleen.

To date, Horvath Street Rods has failed to respond to the August 14, 2007 Notice of Violation letter with the documentation requested in the letter. Therefore, Horvath Street Rods remains in violation of the following:

(1) OAC Rule 3745-52-11, Waste Evaluation:

Any person who generates a waste as defined in rule 3745-51-02 of the OAC must evaluate the waste to determine if the waste is a hazardous waste in accordance with the criteria set forth in OAC Chapter 3745-51.

Horvath Street Rods abandoned three 55-gallon drums and one 5-gallon container of waste in the parking lot of the closed facility. Horvath Street Rods has failed to determine if the contents of these abandoned containers are hazardous waste.

In order to return to compliance with this rule, you must immediately evaluate these wastes to determine if they are listed or characteristic hazardous wastes. Enclosed with the August 14, 2007 Notice of Violation letter was a fact sheet titled *Identifying Your Hazardous Waste*, which provides details on how to evaluate waste. Ohio EPA has determined that the D001 waste code applies for some of your waste. You may use this information as a component of your evaluation. However, you must determine if other waste codes apply (for example methyl ethyl ketone may indicate an F-listed waste). If sampling is done to evaluate the waste, you must provide Ohio EPA with 5 days advanced notice to allow Ohio EPA the opportunity to observe the sampling. **To demonstrate your compliance with this rule, submit documentation of your waste evaluation to this office for review. The documentation you submit must state what hazardous waste codes apply to each waste and what information was used to make the waste determination.**

(2) ORC §3734.02(E) and (F), Prohibitions:

(E) No person shall establish or operate a hazardous waste facility, or use a solid waste facility for the storage, treatment, or disposal of any hazardous waste, without a hazardous waste facility installation and operation permit issued in accordance with section 3734.05 of the Revised Code.

(F) No person shall store, treat, or dispose of hazardous waste identified or listed under this chapter and rules adopted under it, regardless of whether generated on or off the premises where the waste is stored, treated, or disposed of, or transport or cause to be transported any hazardous waste identified or listed under this chapter and rules adopted under it to any other premises, except a permitted hazardous waste facility.

Horvath Street Rods has established a hazardous waste treatment, storage and disposal facility without a permit by abandoning hazardous waste in the parking lot of their closed facility at 711 Franklin Street, Toronto, Ohio.

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To abate this violation, Horvath Street Rods must have all hazardous waste transported off-site to a permitted hazardous waste treatment, storage and disposal facility. Transportation must be done by a hazardous waste transporter who has a U.S. EPA identification number for hazardous waste transport. You must provide Ohio EPA with 5 days advanced notice of the date and time the containers will be collected by the hazardous waste transporter to allow Ohio EPA the opportunity to be present when the waste is removed. **To demonstrate your compliance with this rule you must provide Ohio EPA with hazardous waste manifests documenting proper disposal of all hazardous waste.**

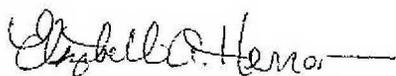
Since Horvath Street Rods violated ORC §3734.02(E) and (F), Horvath Street Rods is subject to all applicable general facility standards found in OAC chapters 3745-54 and 55. Additionally, at any time Ohio EPA may assert its right to have Horvath Street Rods begin facility-wide cleanup pursuant to the Corrective Action process under Ohio law.

Be advised that due to the nature of the violation Ohio EPA may require closure at this site pursuant to OAC rules 3745-55-11 through 3745-55-20 and OAC rules 3745-55-42 through 3745-55-47.

Please submit the above requested documentation to this office **within 15 days** of receipt of this letter demonstrating that all violations have been abated.

Should you have any questions, please feel free to call me at (740) 380-5248.

Sincerely,



Elizabeth A. Herron
Environmental Specialist
Division of Hazardous Waste Management

EAH/mlm

cc: Wendell Reese, Sr.

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.

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>X <i>[Signature]</i></p> <p>B. Received by (Printed Name) _____ C. Date of Delivery <i>10/12/02</i></p>
<p>1. Article Addressed to:</p> <p>Mr. Tom Horvath Steel Valley Road + Custom 118 Ashland Ave. Canonsburg, PA 15317-1727</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type</p> <p><input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label)</p>	<p>7006 3450 0001 9056 1225</p>
<p>3811, February 2004 Domestic Return Receipt 102595</p>	

U.S. Postal Service™ CERTIFIED MAIL™ RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage	\$ <i>.41</i>
Certified Fee	<i>2.65</i>
Return Receipt Fee (Endorsement Required)	<i>2.15</i>
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ <i>5.21</i>
<p>Sent To <i>Tom Horvath, Steel Valley Road</i> Street, Apt. No., or PO Box No. <i>118 Ashland Ave.</i> City, State, ZIP+4 <i>Canonsburg, PA 15317</i></p>	
<p>PS Form 3800, August 2006 See Reverse for Instructions</p>	

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