



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

April 17, 2009

**MUSKINGUM COUNTY
HAROLD CURTIS PROPERTY
(GENERAL FILE)
DHWM-SEDO
NON-NOTIFIER**

Mr. Harold Curtis
745 Ellis Dam Road
Zanesville, OH 43701

Dear Mr. Curtis:

On March 30, 2009, I received a complaint which stated that you are burning solid wastes and burning and/or dumping chemicals on the ground on your property. On April 14, 2009, John Rochotte and I investigated this complaint. We observed that there is a burn area with residues of solid waste remaining on the ground (shingles, scrap lumber, bottles and cans). Additionally, we found several car and truck batteries and two drums of used oil, one of which had a hole in it.

Based on this investigation, the following hazardous waste violations were observed. Please provide the documentation requested below within 30 days of the date of this letter:

- (1) **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.

A drum of used oil stored at your property has a hole in it, allowing used oil to be released to soils. As we discussed, this used oil must be recycled; it cannot be open-burned or buried. To demonstrate compliance with this rule, please provide receipts for all used oil stored at your property (at least two 55-gallon drums) from a used oil transporter or collection facility such as Heartland Petroleum in Zanesville. A list of used oil recycling facilities has been attached to this letter for your use.

- (2) **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."

Documentation of proper recycling of the used oil, cited above, is sufficient to demonstrate compliance with this rule.

Other Compliance Issues:

- (a) A pan of used antifreeze was also stored at this location. This chemical is very toxic to animals and should be placed into a closed container and taken to an automotive garage that will accept used antifreeze for recycling.
- (b) Batteries from cars and trucks were also observed stored in this area. These batteries contain sulfuric acid and lead, therefore, they are toxic and could be regulated hazardous waste if disposed or stored improperly. Please take these batteries to a business which collects batteries for recycling and provide the name and address of the business to me.

Air pollution violations:

During the investigation, evidence of the open burning of wood, appliances, plastics, garbage, and other solid wastes was observed.

Open burning of this type is in violation of Ohio Administrative Code (OAC) rule 3745-19-04 and is punishable by a fine. Plastics, garbage, appliances, automobile parts, tires etc. is not permitted in Ohio. Wood wastes, tree stumps, leaves, yard wastes etc. that area not generated on the property also cannot be open burned. Nothing that is hauled in can be open burned for waste disposal purposes. All open burning in violation of the requirements specified in OAC rule 3745-19-04 must stop immediately. If you continue to open burn improper waste materials, legal action will be taken against you.

I am requesting a written response from you, within 14 days of receipt of this letter that includes a commitment from you, to stop open burning in violation of OAC rule 3745-19-04, a plan and schedule for cleanup of the burn area and any remaining solid wastes, and a copy of the landfill receipt as proof of proper disposal. Acceptance by the Ohio EPA of a schedule for compliance does not constitute a waiver of Ohio EPA's authority to seek civil penalties as provided in section 3704.06 of the Ohio Revised Code. The determination to pursue or to decline to pursue such penalties in this case will be made by Ohio EPA at a later date.

This letter does not address the solid waste issues we discussed during the investigation. Bob Murphy will contact you in the near future regarding these issues.

Mr. Harold Curtis
April 17, 2009
Page 3

Please provide the information requested above to me **within 30 days** of the date of this letter. I appreciate your attention to these matters. Should you have any questions regarding the hazardous waste regulations, please feel free to contact me at (740) 380-5278. If you have any questions regarding air pollution regulations, please contact Lisa Duvall at 740-380-5217.

Sincerely,



Rich Stewart
Environmental Specialist
Division of Hazardous Waste Management

RS/mlm

Enclosure

cc: Lisa Duval, DAPC-SEDO
Bob Murphy, DSIWM-SEDO

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 kristina.durnell@epa.state.oh.us
 or mail it to Kristina Durnell, Central Office

Site EPA ID No.	EPA ID Number: Non-Notifier									
Site Name	Name: Harold Curtis Property					Website: (Optional)				
Site Location Information	Street Address: 745 Ellis Dam Road									
	City, Town, or Village: Zanesville					State: OH				
	County Name: Muskingum					Zip Code: 43701				
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: Harold			MI:	Last Name: Curtis					
	Phone Number: 740-453-1768				Phone Number Extension:					
	E-Mail Address:									
	Fax Number:				Fax Number Extension:					
	Street or P.O. Box:									
	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:				Date Became Owner (mm/dd/yyyy):				
Owner Type:		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"/>	
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 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))

Small Quantity Handler of Universal Waste **Large Quantity Handler of Universal Waste**
 (accumulates 5,000 kg. or more)

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	
Batteries	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Used Oil Generator <input type="checkbox"/> Used Oil Transporter
Pesticides	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Used Oil Transfer Facility <input type="checkbox"/> Used Oil Processor
Thermostats	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Used Oil Re-refiner
Lamps	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

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.

NA

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	John Rochotte	4/15/09 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)