



State of Ohio Environmental Protection Agency

**Southeast District Office**

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Logan, Ohio 43138

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

July 14, 2009

**ROSS COUNTY  
GENERAL FILE  
(DURABLE PRODUCTS)  
DHWM/SEDO  
OHR000109363**

Dan Roshon, Trustee  
BUDU LLC  
2045 Broehm Road  
Columbus, Ohio 43207

Dear Mr. Roshon:

On May 4, 2009, Ohio EPA inspected the former Durable Products plant in Frankfort, Ohio. The purpose of the inspection was to determine 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). I sent a Notice of Violation (NOV) letter to you on May 13, 2009 specifying the violations observed during the inspection. To date, BUDU has failed to respond to the May 13, 2009 NOV letter and remains in violation of the following:

- (1) OAC Rule 3745-52-11, Waste Evaluation:** Any person who generates a waste in the state of Ohio must evaluate the waste to determine if it is a hazardous waste.

Durable Products ceased operations in the fall of 2008. At the time they ceased operating, they failed to remove from the facility hazardous wastes which they had generated when their business was operating. The property and buildings in which Durable Products operated are owned by a family trust called BUDU, LLC, of which you are the trustee. As property owner, BUDU is responsible for compliance with Ohio hazardous waste regulations. BUDU has failed to evaluate these wastes as well as products such as paints and adhesives which have become "wastes by abandonment" when Durable Products ceased operations.

At the time of Ohio EPA's May 4, 2009 inspection, your contractor was removing equipment and machinery from the facility, cleaning out the buildings in preparation for sale of the property, and stockpiling wastes and unused products inside one of the buildings. In order to abate this violation, BUDU must immediately evaluate all wastes, including but not limited to, products and unidentified wastes left at the facility in order to determine if they are a hazardous waste. If hazardous, they must be manifested offsite to a permitted hazardous waste treatment, storage or disposal facility (TSD) in accordance with Ohio law. Unused product may be recycled by sending it back to the manufacturer or to a legitimate recycler. In addition, any solid wastes which are not a hazardous waste must be sent to a licensed solid waste landfill.

In order to document that this violation has been abated, please submit waste evaluations, all manifests and other shipping papers which document the lawful disposal or recycling wastes left at the facility. Attached for your use is a fact sheet on "How to Choose a Treatment, Storage and Disposal (TSD) Company", and a list of TSD's which service this region.

#### GENERAL COMMENTS

- (a) Note that until wastes have been evaluated and sent offsite for proper disposal, you must ensure that wastes are inspected weekly to ensure that containers are in good condition (not leaking), and inspections logged per OAC Rule 3745-66-74.
- (b) Based on the waste evaluations that you submit in accordance with citation #1 above, additional violations of Ohio's hazardous waste laws may result.

Should you have any questions, please feel free to call me at (740) 380-5293. You can find copies of the rules and other information on the division's web page at <http://www.epa.state.oh.us/dhwm>.

Sincerely,

*Donna Goodman*

Donna Goodman  
District Representative  
Division of Hazardous Waste Management

DG/mlm

**OTICE:**

*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.*