



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 20, 2010

**SCIOTO COUNTY
M & J INDUSTRIES
DHWM/SEDO
OHD080960776**

Mr. Raymond Balzer
708 Fairground Road
Lucasville, Ohio 45648

Mr. Tom Perazzo
HillStreet Capital
807 Elm Street
Cincinnati, Ohio 45202

**Re: Partial Return to Compliance
Former M & J Industries, Lucasville**

Gentlemen:

On March 26, 2010, I received your response to my February 23, 2010 Notice of Violation (NOV) letter regarding waste evaluation of the material remaining in the Spent Solution Tank. The documentation submitted on March 26, 2010 by United Solutions, Inc. on behalf of M & J Industries included laboratory TCLP analyses for Metals, VOCs and SVOCs on the sediment material remaining in the tank. United Solutions, Inc. indicated that an analysis for SVOCs for the liquid material in the tank could not be submitted, because no liquid remained in the tank.

Based upon the documentation submitted, M & J Industries has adequately evaluated the remaining waste in the Spent Solution Tank. The material in this tank has been determined non-hazardous and does not need to be managed or disposed as hazardous waste. With the submittal of this documentation, M & J Industries has now returned to compliance with the following:

(1) OAC Rule 3745-52-11, Hazardous Waste Determination.

However, M & J Industries remains in violation of the following, as cited in Ohio EPA's November 10, 2009 NOV letter:

(2) Ohio Revised Code §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 Ohio Revised Code.

- (F) No person shall store, treat, or dispose of hazardous waste identified or listed under this chapter and the rules adopted under it, regardless of whether generated on or off the premises where the waste is stored, treated, or disposed of.

As stated in Ohio EPA's November 10, 2009 NOV, due to the serious nature of this violation, M & J Industries has been referred to Ohio EPA's Central Office Enforcement Section for enforcement action. This action will likely include a penalty. No additional action on the part of M & J Industries is required at this time to address this violation; however, M & J Industries should also be aware that the areas where hazardous waste was stored on-site are subject to RCRA closure. Abatement of this violation will be addressed through the enforcement process.

Should you have any questions regarding this letter, please contact me at 740-380-5237.

Sincerely,



Vicky D. German
Environmental Specialist
Division of Hazardous Waste Management
Ohio EPA, Southeast District Office

VDG/mlm

cc: Fred Snell, Ohio EPA, DSW-SEDO
Kelly Smith, Ohio EPA, CAS-Enforcement Unit-CO
Todd Anderson, Ohio EPA-Legal
Amanda K. Sturm, Ohio Attorney General's Office-Enforcement

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.