



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

September 22, 2009

**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: Notice of Violation
Abandoned materials at former M & J Industries, Lucasville**

Gentlemen:

On February 9, 2009, Melody Stewart and I visited the former M & J Industries in Lucasville, Ohio, 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). A follow up site visit to further investigate the quantity and types of materials left on-site was conducted on March 16, 2009. M & J Industries closed its Lucasville facility in approximately March of 2007. As of the date of our March 16, 2009 site visit, drums and containers of materials still remained on-site at the closed facility. Since these materials have been abandoned, they are considered to be wastes¹.

Ohio EPA sent Notice of Violation (NOV) letters to M & J Industries (i.e., Mr. Perazzo and Mr. Balzer) on February 27, 2009, May 5, 2009 and June 17, 2009. M & J Industries responded on May 20, 2009, submitting a partial inventory of materials left on-site and disposal quote for those materials from United Solutions, Inc., whose services were contracted for evaluation and removal of the wastes. After their initial profiling of those wastes, Ohio EPA discussed details of the on-site inventory and the requirements for proper evaluation of the wastes with United Solutions, Inc. on July 8, July 10, July 13, July 14, and July 16, 2009. United Solutions, Inc. worked with Veolia ES Technical Solutions on the inventory and disposal of on-site hazardous and non-hazardous wastes.

United Solutions, Inc. submitted waste evaluation and disposal information to Ohio EPA on July 22 and August 3, 2009. However, they indicated to Ohio EPA that the wastes located in the wastewater treatment area (contents of the Waste Paint tank, Spent Solution tank, and Filter Press) were not evaluated for disposal by their company or by Veolia.

¹ OAC Rule 3745-51-02 defines a "waste" as any discarded material that is not excluded by paragraph (A) of OAC Rule 3745-51-04 or that is not excluded by variance granted under OAC Rules 3745-50-23 and 3745-50-24, including "abandoned" material as defined in OAC Rule 3745-51-02(B).

M & J Industries must submit information regarding waste evaluation and disposal of the contents of the Waste Paint tank, Spent Solution tank, and Filter Press located in the wastewater treatment area (see attached photos). Until this documentation has been received, reviewed, and determined adequate, M & J Industries will remain in violation of the following:

- (1) **OAC Rule 3745-52-11, Hazardous Waste Determination:** Any person who generates a waste must determine if that waste is a hazardous waste, using the criteria set forth in OAC Chapter 3745-51.

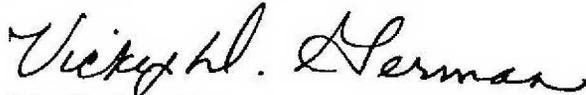
The contents of the Waste Paint tank, Spent Solution tank, and Filter Press left on site at the former M & J Industries site must be evaluated to determine if they are hazardous wastes. **Documentation demonstrating that these wastes have been evaluated (i.e., laboratory analyses, etc.) must be submitted to this office for review.**

Once these wastes remaining have been properly evaluated, any wastes that are determined to be hazardous must be properly managed in accordance with Ohio's hazardous waste laws, and treated or disposed by a permitted hazardous waste treatment, storage, and disposal (TSD) facility. **Documentation demonstrating that these wastes have been properly disposed (i.e., manifests, etc.) must be submitted to this office for review.**

Please submit the above requested documentation to this office **within 15 days** of your receipt of this letter.

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

Attachment

cc: Fred Snell, Ohio EPA, DSW-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.



Paint Waste Storage Tank located in wastewater treatment area

3/16/09



Spent Solution Holding Tank in wastewater treatment area

3/16/09



Filter Press in wastewater treatment area

3/16/09