



State of Ohio Environmental Protection Agency

Southeast District Office

2195 Front Street
Logan, Ohio 43138

TELE: (740) 385-8501 FAX: (740) 385-6480
www.epa.state.oh.us

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

Certified: 7005 1820 0008 1262 1988

January 18, 2007

**LAWRENCE COUNTY
GENERAL FILE
(410 ROCKWOOD AVE.)
DHWM/SEDO
NON-NOTIFIER**

Mr. Keith Falls
Route 1, Box 482
Pritchard, WV 25555

Dear Mr. Falls:

On January 10, 2007, Ohio EPA visited property at 410 Rockwood Avenue in Chesapeake, Lawrence County, 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). Lawrence County records show that you are the owner of this property. It is Ohio EPA's understanding that several years ago this property was leased or rented to tenants that performed auto repair and body work in the building. Several containers of waste remain on the property, including paint thinner and old paint containers, and 55-gallon used oil drums. It appears that these are the same containers that were present when Ohio EPA performed a compliance inspection at the property with Mr. Darryl Harris, Chesapeake Fire Safety Coordinator, on May 27, 2003.

Ohio EPA sent you a Notice of Violation letter dated June 10, 2003, requesting that you contact our office and schedule recycling and/or disposal of the waste containers. To date, Ohio EPA has not received any information from you regarding the waste containers, and you are in violation of the following hazardous waste law:

- (1) OAC Rule 3745-52-11, Hazardous Waste Determination:** Any person who generates a waste 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.

You failed to determine if the waste paint thinner, old paint containers, and 55-gallon used oil drums are hazardous wastes, in violation of this rule.

You must immediately evaluate these wastes to determine if they are hazardous wastes by taking representative samples of the materials for laboratory testing, and forward the results to Ohio EPA. I have included a listing of analytical laboratories

Mr. Keith Falls
January 18, 2007
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for you to contact. You may use appropriate process knowledge to evaluate the wastes (i.e., MSDS sheets or other product information, tenant/renter information), if available, and the information is sufficient to determine the contents of the wastes. If this information is not available, or is insufficient to determine the nature of the wastes, samples must be submitted to a laboratory for testing. After you have evaluated the wastes, submit the documentation to this office for review.

Chapter **OAC 3745-279** contains standards for the management and recycling of used oil. If the waste evaluation results reveal that the 55-gallon drums contain only used oil, the material can be sent to a company for proper recycling. Enclosed is a list of companies that can recycle used oil. To return to compliance with OAC 3745-279, send documentation to this office for review indicating the used oil was properly recycled.

Please submit the above requested documentation to this office **within 30 days** of receipt of this letter demonstrating that all violations have been abated.

Please note that Ohio EPA considers this violation serious in nature and your failure to respond to this and past Notice of Violation letters will result in referral of your violation to our Central Office Enforcement Section for escalated enforcement, or a referral to Ohio EPA's criminal investigator.

Should you have any questions, please contact me at (740) 380-5288.

Sincerely,



Scott Bergreen
Environmental Specialist
Division of Hazardous Waste Management

SB/mlm

NOTICE:

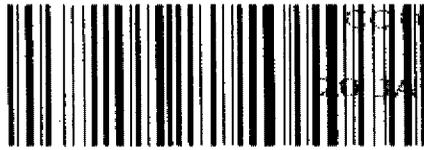
Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve you from having to comply with all applicable regulations.

OhioEPA

of Ohio Environmental Protection Agency
Southeast District Office

2195 Front St
Logan, OH 43138-9031

CERTIFIED MAIL™



COLUMBUS OH 430

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Mr. Keith Falis
Route 1, Box 482
Pritchard, WV 25555



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RECEIVED 250 1 24 02/10/07

RETURN TO SENDER
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UNABLE TO FORWARD

EC: 43138860795 #1771-03794-11-41

2555540000
431388607



SENDER: COMPLETE THIS SECTION

- 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.

1. Article Addressed to:

Mr. Keith Falls
Rt. 1, Box 482
Pritchard, WV 25555

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *[Handwritten Signature]*

- Agent
 Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

RT 1 BOX 123

3. Service Type

- Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

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January 2004

Domestic Return Receipt

102595-02-M-1540

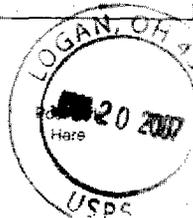
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Postage	\$.39
Certified Fee	2.40
Return Receipt Fee (Endorsement Required)	1.85
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 4.64



Sent To Mr. Keith Falls
 Street, Apt. No.,
 or PO Box No. Rt. 1, Box 482
 City, State, ZIP+4 Pritchard, WV 25555

PS Form 3800, June 2002

See Reverse for Instructions



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 Korteski, Director

February 14, 2007

**LAWRENCE COUNTY
GENERAL FILE
(410 ROCKWOOD AVENUE)
DHWM/SEDO
NON-NOTIFIER**

Mr. Keith Falls
Route 1, Box 123
Pritchard, WV 25555

Dear Mr. Falls:

Enclosed is a letter addressed to you dated January 18, 2007. Ohio EPA sent the letter certified, but it was apparently unclaimed by you, and was returned to our office.

The letter deals with drums and chemicals on your property at 410 Rockwood Avenue in Chesapeake, Lawrence County, Ohio. Your prompt attention to this matter is required.

Contact me at (740) 380-5288 with any questions.

Sincerely,

Scott Bergreen
Environmental Specialist
Division of Hazardous Waste Management

SB/mim