OhioEPA

State of Ohio Environmental Protection Agency

Northeast District Office

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

December 20, 2007

RE: MR. T PAINTING & SANDBLASTING, INC.
NOTICE OF VIOLATION

CERTIFIED MAIL

Alex Toth
Mr. T Painting & Sandblasting, Inc.
P.O. Box 46423
Bedford, OH 44146

Dear Mr. Toth:

On October 29, 2007, Cuyahoga County Board of Health (CCBH) and Ohio Environmental Protection Agency (Ohio EPA) conducted an inspection of Mr. T Painting & Sandblasting (Facility) located at 123 Bedford Glens Road, in Bedford, Ohio. Denise Romano and Colin Johnson, representing CCBH, and Murat Tukel and I, representing Division of Solid and Infectious Waste Management (DSIWM) were present. Al Toth represented the facility and granted access at the time of the inspection. The purpose of the inspection was to determine compliance with Ohio's solid waste rules.

Upon inspection of the Facility, I identified the following violations:

1. **Ohio Revised Code (ORC) 3734.02(C)** states that *"...no person shall establish a new solid waste facility or infectious waste treatment facility, or modify treat facility...without submitting an application for a permit with accompanying detail plans, specifications, and information regarding the facility and method of operation regarding the facility and method of operation and receiving a permit issued by the Director...."*

   ORC Section 3734.05(A)(1) states that *"...no person shall operate or maintain a solid waste facility without a license issued under this division by the board of health of the health district in which the facility is located or by the director of environmental protection when the health district in which the facility is located is not on the approved list under section 3734.08 of the Revised Code."*

   Ohio Administrative Code (OAC) rule 3745-37-01(A) states that *"No person shall conduct municipal solid waste landfill, industrial solid waste landfill, residual solid waste landfill, compost facility, transfer facility, infectious waste treatment facility, or solid waste incineration facility operations without possessing a separate, valid license for each such operation, as required by Chapter 3734. of the Revised Code and the Administrative Code rules adopted there under. Each license shall be*

obtained from the board of health in the health district in which the facility is located, or by the Director, if the Director has assumed the licensing function for that health district...."

ORC Section 3734.03 states in pertinent part that, "*No person shall dispose of solid wastes by open burning or open dumping...."*

OAC rule 3745-27-05(C) states that *"No person shall conduct, permit, or allow open dumping. In the event that open dumping is occurring or has occurred at a property, the person(s) responsibility for the open dumping, the owner of the property, or the person(s) who allow or allowed open dumping to occur, shall promptly remove and dispose or otherwise manage the solid waste in accordance with Chapter 3734. of the Revised Code, and shall submit verification that the solid waste has been properly managed."*

At the time of the inspection, CCBH and Ohio EPA identified a large area behind the main office building (west of the office building) where 'black beauty' and solid waste were placed on the ground. You confirmed that the waste disposed in this area was from the sandblasting operation. Therefore, the owner of Mr. T's Painting & Sandblasting, Inc. is in violation of solid waste rules for creating and operating an illegal landfill. In order to attain compliance, the owner of Mr. T's Painting & Sandblasting, Inc. needs to remove all of the waste disposed on the property and properly dispose of it into an appropriate solid waste disposal facility. Please provide Ohio EPA with receipts from the solid waste disposal facility indicating weight or volume of the material once the waste is removed and properly disposed.

2. **OAC 3745-400-04(B)** states *"No person shall conduct or allow illegal disposal of construction and demolition debris, as defined in rule 3745-400-01 of the Administrative Code."*

   At the time of the inspection, CCBH and Ohio EPA identified a large area behind the main office building (west of the office building) where construction and demolition debris (CDD) was placed on the ground. You confirmed that the CDD filled in this area was from Mr. T's Painting and Sandblasting, Inc. Therefore, the owner of Mr. T's Painting & Sandblasting, Inc. is in violation of this rule for creating and operating an illegal landfill. In order to attain compliance, Mr. T's Painting & Sandblasting, Inc. needs to remove all of the CDD and properly dispose of it into an appropriate solid waste or construction and demolition debris landfill. Please provide Ohio EPA with receipts from the solid waste or construction and demolition debris disposal facility indicating weight or volume of the CDD once the CDD is removed and properly disposed.

Please respond in writing within 15 days on how the above violations will be corrected.

Nothing in this letter shall be construed to authorize any waiver from the requirements of any applicable state or federal laws or regulations. This letter shall not be interpreted to release the owner or operator of Mr. T Painting and Sandblasting, Inc., or others from responsibility under Chapters 3704., 3714., 3734., or 6111. of the Ohio Revised Code or under the Federal Clean Water or Comprehensive Environmental Response, Compensation, and Liability Acts remedying conditions resulting from any release of contaminants to the environment.

If you have any questions regarding this letter, please contact me at (330) 963-1268.

Sincerely,

Colum McKenna
Environmental Specialist
Division of Solid and Infectious Waste Management

CM:cl

cc: Denise Romano, Cuyahoga County Board of Health
File: [TUKEL/COUN/Mr. T's/COR/18]