

**Environmental  
Protection Agency**

Richard Cordell, Governor  
Robert Sprague, Lt. Governor  
Michael S. O'Connell, Director

July 22, 2010

**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 July 12, 2010, Dane Tussel, Cuyahoga County Board of Health (CCBH), Josh Adams, Colum McKenna, and I, Ohio Environmental Protection Agency (Ohio EPA) Division of Solid and Infectious Waste Management (DSIWM), conducted a partial inspection of Mr. T Painting & Sandblasting (Facility) located at 123 Bedford Glens Road in Bedford, Ohio. The above-mentioned representatives of the CCBH and Ohio EPA met with Mr. Jeff Conway, representing the Facility.

I conducted a partial inspection of the Facility as a follow-up to previous inspections conducted by Ohio EPA DHWM and DSIWM, and by CCBH. The purpose of my inspection was to determine compliance with Ohio's solid waste rules.

At the time of the inspection it was identified that the Facility had filled a large area behind the main office building (west of the office building) over a period of many years through the practice of open dumping. The waste filled in this area was identified as waste from the sandblasting operation (black beauty) along with other various materials, to include, but not be limited to, pieces of scrap wood and particle board and pieces of carpet. In addition to waste material cited in previous notices of violation, additional sandblasting material (tan in color) was discovered behind the office building along the stream (the south side of the office building).

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

**Solid waste disposal:** Mr. T Painting & Sandblasting, Inc. is in violation of solid waste rules for creating and operating an illegal landfill. A large amount of waste material, identified above, was openly-disposed on the property without first applying for and receiving a permit issued by the director.

**Mr. T Painting & Sandblasting's creation and operation of a solid waste landfill on its property is a violation of the following:**

- A. **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 an existing solid waste treatment facility...without submitting an application for a permit with

accompanying detail plans, specifications, and information regarding the facility and method of operation and receiving a permit issued by the director....”

- B. **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.”
- C. **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....”
- D. **ORC Section 3734.03** states in pertinent part that, “No person shall dispose of solid wastes by open burning or open dumping....”
- E. **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) responsible 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.”

In order to attain compliance, Mr. T Painting & Sandblasting, Inc. needs to remove all of the waste material disposed on the property and properly dispose of it into an appropriate waste disposal facility. Please provide Ohio EPA with receipts from the solid waste disposal facility indicating weight or volume of the material disposed of.

Mr. T Painting & Sandblasting, Inc. needs to immediately take the necessary measures to return to compliance with Ohio's solid waste laws and rules. Please respond to me, in writing, within 15 days of receiving this letter, documenting how all of the violations listed above have been and will be corrected.

Alex Toth  
Mr. T Painting & Sandblasting, Inc.  
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Upon further inspection of the open dumping area and the area due west and south west of the Facility, evidence suggested that waste materials could be transported and had been transported via surface water from the Facility and downhill into Tinker's Creek which runs west and south of the Facility. It is suspected that during rain events these waste materials could be delivered and are being delivered to Tinker's Creek via run off. This could potentially result in the violation(s) of **ORC 6111.04, Water Pollution Control** and **OAC rule 3745-1-04, Water Quality Standards**.

Please respond in writing within 15 days to provide documentation on how the above possible violations have been corrected, will be corrected or did not occur.

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) 963-1133.

Sincerely,



Jennifer Carlin  
Environmental Specialist II  
Division of Solid and Infectious Waste Management

JC:cl

cc: Dane Tussel, Cuyahoga County Board of Health  
File: [Kurko/COUN/Bedford/COR/18]

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