



Environmental
Protection Agency

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

Re: Butch Piper Demolition
Complaint # 2965
Mercer County
Hazardous Waste
Return to Compliance

March 22, 2011

Mr. Ron Piper
512 Cron Street
Celina, Ohio 45822

Dear Mr. Piper:

Thank you for your January 5 and February 28, 2011, responses to Ohio EPA's April 14 and November 18, 2010, Notice of Violation (NOV) letters. You submitted documentation including an invoice for the recycling of used oil. During a site visit with Greg Wilson (your attorney) and Steve Piper (your son) on January 5, 2011, I also observed that certain violations had been corrected and these will be described below.

After my follow-up inspection on January 5, 2011, and my review of the submitted documentation, I have determined that Butch Piper Property Demolition site (BPPD) has now abated all violations discovered during the March 15, 2010, inspection as listed below:

1. **Waste Evaluation**
OAC Rule 3745-52-11

A generator must determine whether its waste is hazardous by first determining if the waste is listed as a hazardous waste in rules 3745-51-30 to 3745-51-35; by testing the waste according to the methods set forth in rules 3745-51-20 to 3745-51-24; or by applying knowledge of the hazardous characteristic of the waste in light of the materials or the processes used. BPPD has failed to adequately evaluate all of its waste properly. Specifically, the following wastes have not been properly evaluated:

- A. Drummed Waste: On March 15, 2010, I observed at least six 55-gallons drums of waste under a tractor trailer at the front of the site that have not been evaluated (identified). None of the drums were labeled.

On January 5, 2011, Steve Piper explained that the drums contained used oil. He provided a copy of the invoice demonstrating that 750 gallons of used oil was shipped off-site by Heritage-Crystal Clean on July 2, 2010. Therefore this violation was abated on January 5, 2011.

- B. Demolition Debris: On March 15, 2010, I observed a large pile of demolition debris at the site. I have enclosed information regarding the proper evaluation of demolition debris.

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In order to abate this violation, you must immediately evaluate the wastes listed above, and any other waste discovered at the facility by Ohio EPA or BPPD, in accordance with the requirements of Ohio Administrative Code Rule 3745-52-11 and this letter. You must obtain a representative sample of the waste in each container and the debris pile at the facility, according to OAC 3745-51-20. You must evaluate all samples, through laboratory analysis, for at least the Toxicity Characteristic Leaching Procedure (TCLP) metals, TCLP Volatile Organic Compounds (VOCs), flash point and pH. You must submit the results of the laboratory analyses to Ohio EPA as soon as they are available. BPPD will need to give Ohio EPA a five day advance notice of sampling activities, in order for an inspector to make arrangements to view the sampling.

Your results must document if the waste is hazardous or not and whether it is restricted from land disposal. If it is hazardous, you must explain what treatment, storage or disposal facility you will send it to. BPPD must submit to me a legible copy of the manifest(s), signed by a representative of the permitted treatment, storage or disposal facility that documents the proper off-site shipment of all its hazardous waste.

If non-hazardous waste is identified, BPPD must submit a copy(s) of the shipping paper(s) used to transport the waste off-site to a permitted solid waste facility. If the waste is hazardous, I will determine the status of your facility's compliance with other hazardous waste laws and notify you of my findings in a separate letter.

On January 5, 2011, I observed that the demolition debris had been removed from the site, the ground leveled and seeded. A photo of the site is in the file. Greg Wilson and Steve Piper explained that the debris was sent to a Waste Management landfill. The concrete and cinder block was taken to Piper Junkyard. The debris was not sampled as required. Please be aware that you are responsible for the proper management and disposal of waste on or from your properties.

You are not able to demonstrate abatement of this violation of Ohio Administrative Code (OAC) Rules 3745-52-11 discovered during my March 15, 2010, inspection. This violation is not resolvable because you did not properly evaluate the demolition debris, it is no longer on your property and Ohio EPA is not able to sample or observe it. Your lack of proper management of the waste described in this letter is unacceptable. If Ohio EPA becomes aware of any new information regarding the violation first noted in the April 14, 2010, NOV, it will notify you of this in a separate letter. Please be aware that your failure to demonstrate proper management, evaluation and disposal of waste on your property may be cause for enforcement action against you.

**2. Waste Evaluation
OAC Rule 3745-52-11**

A generator must determine whether its waste is hazardous by testing the waste according to the methods set forth in rules 3745-51-20 to 3745-51-24. BPPD has failed to evaluate its spent lamps (all types) according to this rule, and they have been disposed of in the demolition debris. I observed at least 20 spent lamps in the debris and many of them were broken. In order to abate this violation, BPPD must evaluate its spent lamps. Instead of obtaining a sample of the lamps and having the sample analyzed in a laboratory, BPPD may elect to manage its spent lamps (all types) as Universal Waste. The requirements for Universal Waste lamps include:

- Immediately prevent spent lamps from being disposed of in any demolition debris or from being placed into the trash;
- Place spent lamps into containers that are structurally sound (boxes for example);
- Label the containers with the words "Used Lamps";
- Document the length of time that the spent lamps are stored (place a date on the boxes);
- Store spent lamps for no longer than one year;
- Inform all employees with the responsibility to collect spent lamps of these requirements; and
- Ship the spent lamps to a lamp recycler (please refer to the list of lamp recyclers that I have enclosed with this letter).

Please explain how you intend to manage your spent lamps and to comply with the requirements listed above. Indicate how you will package the lamps, label the containers, and date the containers. Please submit photos demonstrating that this has been done. Also, please indicate where you will ship the Universal Waste lamps to.

On January 5, 2011, Greg Wilson and Steve Piper explained that the lamps were not removed from the demolition debris, since you did not receive the Notice of Violation letter before the waste was shipped off-site. The lamps were not sampled or recycled. I explained to you the situation with the spent lamps when we met at the junkyard site.

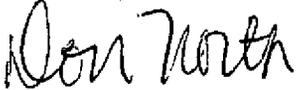
You are not able to demonstrate abatement of this violation of Ohio Administrative Code (OAC) Rules 3745-52-11 discovered during my March 15, 2010, inspection. This violation is not resolvable because you did not properly evaluate the spent fluorescent lamps, they are no longer on your property and Ohio EPA is not able to sample or observe them. Your lack of proper management of the waste described in this letter is unacceptable. If Ohio EPA becomes aware of any new information regarding the violation first noted in the April 14, 2010, NOV, it will notify you of this in a separate letter.

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Please be aware that your failure to demonstrate proper management, evaluation and disposal of waste on your property may be cause for enforcement action against you.

If you have any questions, please feel free to contact me at (419) 373-3074.

Sincerely,



Don North
District Representative
Division of Hazardous Waste Management

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pc: Colleen Weaver, DHWM, NWDO
Cindy Lohrbach, DHWM, NWDO
Chris Miller, Mercer County Health Department
Greg Wilson, Attorney
~~DHWM, NWDO, Butch Piper Property Demolition site, Mercer County File~~

ec: Don North, DHWM, NWDO
Jeremy Scoles, DSIWM, NWDO

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.