



Environmental
Protection Agency

Ted Strickland, Governor
Lee Fisher, Lt. Governor
Chris Korleski, Director

Re: Butch Piper Demolition
Complaint # 2965
Mercer County
Hazardous Waste
Second Notice of Violation

November 18, 2010

Mr. Ron Piper
512 Cron Street
Celina, Ohio 45822

Dear Mr. Piper:

This Notice of Violation (NOV) letter was originally sent to you on April 14, 2010. It is repeated below in its entirety. You were required to respond to it, in writing, within 30 days. Ohio EPA has not received a written response from you. You must respond within 15 days of your receipt of this second NOV letter.

On March 15, 2010, Ohio EPA conducted a complaint investigation (CI) and compliance evaluation inspection (CEI) of a Butch Piper Property Demolition site (BPPD) located at what has been described by the city as 400 Warren Street or 0 Godfrey Street in Celina, Ohio. I was also accompanied by Jeremy Scoles of Ohio EPA's Division of Solid and Infectious Waste Management and Mr. Chris Miller and Ms. Michelle Kimmel of the Mercer County- Celina City Health Department. I inspected BPPD to determine its 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). My inspection included observations of your demolition operations at the site.

Ohio EPA received a complaint (**#2965**) from the City of Celina regarding this property on March 15, 2010. The city was concerned about waste that could be on the property and waste that could have been inside the building being demolished. This letter will explain the validity of the complaint and the result of the inspection.

When I arrived at the site on the morning of March 15, 2010, the building had been demolished and was a pile of debris on the ground. I observed some trailers at the site and some drums that were not labeled. I also observed fluorescent lamps in the debris. Based on my observations, the complaint is valid.

As a result of my inspection, I found the following violations of Ohio's hazardous waste laws. In order to correct these violations, you must do the following and send me the required information, **within 30 days** of your receipt of this letter:

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.
- 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.

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.**

**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.

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Please be aware that incandescent, fluorescent, metal halide, neon, high-intensity discharge, high-pressure sodium and mercury-vapor lamps could be hazardous waste when discarded. Fluorescent lamps may contain up to 40 milligrams (mg) of mercury, depending on the brand and manufacturer. Lamps may also contain lead and cadmium. Many lamps exhibit a characteristic of toxicity for heavy metals when disposed. I have enclosed copies of the following documents to assist you in properly managing your spent lamps: Fluorescent Lamps: What You Should Know and Computer, Fluorescent Lamp and Ballast Recyclers. I recommend that you review these documents carefully and contact me if you have any questions. The first document describes the rules you must follow in order to manage lamps as a universal waste.

You may be able to further reduce the waste your company generates. If you find ways to recycle, reduce or altogether eliminate the amount of waste that your company generates you may be able to reduce your treatment and disposal costs and you may possibly reduce your regulatory requirements. I have enclosed a copy of Pollution Prevention Opportunities, a worksheet that can help you recognize opportunities for reducing waste and conserving energy at your business. I have also enclosed copies of the fact sheet Management of Electronic Waste from Businesses. Please review this information and contact me if you have any questions.

I encourage you to schedule a pollution prevention assessment for your business because there are often many opportunities for businesses like yours to reduce waste and save money. If you wish to talk about an assessment or if you have other questions about pollution prevention, please feel free to contact the Office of Compliance Assistance and Pollution Prevention (OCAPP) at (614) 644-3469. There is no charge for an assessment.

The Division of Hazardous Waste Management has created an electronic news service to provide you with quick and timely updates on events and news related to hazardous waste activities in Ohio. If you haven't already, we encourage you to sign-up for this free service. You can find more information at the following Web link http://ohioepa.custhelp.com/cgi-bin/ohioepa.cfg/php/enduser/doc_serve.php?2=subscriptionpage. Please feel free to share this information with your colleagues.

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

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You can find copies of the rules and other information on the division's web page at <http://www.epa.ohio.gov/dhwm/>. Ohio EPA also has helpful information about pollution prevention at the following web address: <http://www.epa.ohio.gov/ocapp>.

Sincerely,



Don North
District Representative
Division of Hazardous Waste Management

/llr

pc: Colleen Weaver, DHWM, NWDO
Cindy Lohrbach, DHWM, NWDO
Chris Miller, Mercer County Health Department
Jeremy Scoles, DSIWM, NWDO
Harry Sarvis, DHWM, CO
DHWM, NWDO, Butch Piper Property Demolition site, Mercer County File

ec: Don North, DHWM, 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.