



State of Ohio Environmental Protection Agency

Northeast District Office

2110 East Aurora Rd.
Twinsburg, Ohio 44087

TELE: (330) 963-1200 FAX: (330) 487-0769
www.epa.state.oh.us

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

July 20, 2007

**RE: Bradley Asbestos Abatement Company, Inc.
Complaint # 6974**

William Baumann
Bradley Asbestos Abatement Company, Inc.
P O Box 609087
Cleveland, Ohio 44109-0087

Dear Mr. Baumann:

This letter will review and update the status of Ohio EPA Division of Hazardous Waste Management's investigation and follow up to complaint number 6974. On April 26, 2007, we received a complaint alleging that hazardous waste was being managed and disposed at 4275 Bradley Road, Cleveland, Ohio 44109. On May 17, 2007, Neil Wasilk of the Division of Hazardous Waste Management and I investigated this complaint by inspecting this property. There was no one present at that time from this location/company and access to the site was not restricted by fences, gates, signs, etc.

We then had a May 22, 2007 phone conversation during which you told me that the drums on this site contain used oil that was generated by a business you used to own. I wrote a May 24, 2007 letter to you outlining the violations and concerns found. You, Mike Miliacci of JCM Construction Services inc., Frank Popotnik of the Division of Hazardous Waste Management and I all met at this site on June 4, 2007, and discussed the actions that Bradley Asbestos is required to complete as outlined in my May 24, 2007 letter. To date, I have found no evidence that the allegations of the complaint (the management and disposal of hazardous waste) are true.

The following updates the status of the violations found:

1. OAC rule 3745-279-22(A) - Used oil storage units.
My June 4, 2007 inspection showed that this violation had been corrected.
2. OAC rule 3745-279-22(B) - Condition of used oil storage units.
I have received a copy of the shipping paper showing the July 2, 2007 shipment of 750 gallons of used oil and water to B.B.N. Oil Recycling in Bedford Heights, (OHD987008414). Since I understand containers of used oil are no longer stored at this site, this documents the correction of this violation.

William Baumann
Bradley Asbestos Abatement Company, Inc.
July 20, 2007
Page 2

3. OAC rule 3745-279-22(C) - Used oil labels.
I have received a copy of the shipping paper showing the July 2, 2007 shipment of 750 gallons of used oil and water to B.B.N. Oil Recycling in Bedford Heights, (OHD987008414). Since I understand containers of used oil are no longer stored at this site, this documents the correction of this violation.
4. OAC rule 3745-279-22(D) - Response to releases of used oil.
This rule requires that upon detection of a release of used oil to the environment, the generator must clean up and manage properly the released used oil and other materials.

Bradley is still in violation of this rule by having what appears to be used oil on the ground. **A container for solid waste such as a dumpster or roll-off box must be brought in, and all used oil contaminated soil and debris must be put into it. I suggest using a small loader to scrape up the used oil contaminated soil. This contaminated soil and debris must be shipped to a solid waste landfill. Contact me when this work has been scheduled.**
5. OAC rule 3745-279-24 – Off-site shipments of used oil by generators.
I mistakenly cited Bradley Asbestos as being in violation of this rule which requires that generators ensure that their used oil is transported only by transporters who have obtained US EPA identification numbers. Bradley Asbestos has not, to my knowledge, violated this rule.

The following updates the status of the concerns found:

Materials other than used oil were seen at this location. These are detailed in the enclosed list. These materials are assumed to be waste because of the manner in which they are stored, for example in an unsecured lot and buildings. If you believe some of these materials are not waste, then you must demonstrate that. As per OAC rule 3745-52-11, any person who generates a waste must determine if that waste is a hazardous waste. A fact sheet regarding this can be found at:

<http://www.epa.state.oh.us/ocapp/sb/publications/identifyingwaste.pdf>.

Please fill in this information on a copy of the enclosed lists and return that to me.

Item 25 on the enclosed list is the mercury in the remaining parts of a thermostat in the shed. Although this is a small volume, mercury can be a very toxic material. Two places that may be able to properly recycle this mercury are:

BizMat, 330-535-6677, www.bizmatcenter.org.

ESCO, 740-815-9660, www.ESCOINFO.com.

William Baumann
Bradley Asbestos Abatement Company, Inc.
July 20, 2007
Page 3

I will expect to receive documentation within 30 days of the date of this letter showing that all the remaining violations and concerns listed have been corrected.

If you have any questions, please contact me at (330) 963-1217, or robert.almquist@epa.state.oh.us.

Sincerely,



Robert Almquist
Division of Hazardous Waste Management

RA:cl
Enclosure

- cc: Natalie Oryshkewych, DHWM, NEDO
Michael Miliacci, JCM Construction Services Inc.
- ec. Frank Popotnik, DHWM, NEDO
Neil Wasilk, DHWM, NEDO
Harry Sarvis, DHWM, CO
Annie Snyder, Cleveland Department of Public Health
Kristoffer Gontkovsky, Cleveland Division of Air Quality

NOTICE:

OHIO EPA'S FAILURE TO LIST SPECIFIC DEFICIENCIES OR VIOLATIONS IN THIS LETTER DOES NOT RELIEVE YOUR FACILITY FROM ITS OBLIGATION TO COMPLY WITH ALL APPLICABLE REGULATIONS.