



**Environmental
Protection Agency**

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

July 13, 2011

Adam Fishman
Flats East Development LLC
c/o Don Frantz
12429 Cedar Rd Suite 19
Cleveland Hts, OH 44106

**Re: 2008 Hazardous Waste Annual Report Requirement – SECOND Notice of
Violation
FLATS EAST DEVELOPMENT LLC, CLEVELAND - OHR000148114**

Dear ADAM FISHMAN:

My review of customer data from Ohio Treatment, Storage, and Disposal Facilities (TSDFs) has revealed that one or more shipments of hazardous waste were received from FLATS EAST DEVELOPMENT LLC during the 2008 calendar year. The total amount reported is approximately 1612.39 tons as shown on the enclosed printout. This total indicates that FLATS EAST DEVELOPMENT LLC was a large quantity generator in 2008. Because I have not received a Hazardous Waste Annual Report for 2008, FLATS EAST DEVELOPMENT LLC may be in violation of Rule 3745-52-41 of the Ohio Administrative Code (OAC).

A large quantity generator is defined as a site which generates in any single month more than 1000 kg (2200 lbs) of non-acute hazardous waste or more than 1 kg (2.2 lb) of acutely hazardous waste. This includes wastes from one-time generation as well as wastes from ongoing production processes. It may take only one month of generating above the threshold quantity to subject a site to the Annual Report requirement. The generator is responsible for contacting Ohio EPA or visiting our web site noted below in order to obtain the reporting forms.

OAC Rule 3745-52-41 requires a generator who ships any hazardous waste off-site to prepare and submit to the Ohio EPA an **Annual Hazardous Waste Report** and to describe and certify efforts that were made to minimize hazardous wastes. These reports are due March 1 of each year and contain information about the activities of the previous calendar year. Only small quantity generators (between 220 and 2200 lb/mo of non-acutely hazardous wastes) and conditionally exempt small quantity generators (less than 220 lb/mo of non-acutely hazardous wastes) are exempt from the Annual Report requirement as described in OAC Rule 3745-52-44.

To abate the violation of OAC Rule 3745-52-41, FLATS EAST DEVELOPMENT LLC must complete and submit to Ohio EPA a 2008 Annual Hazardous Waste Report within 30 days of receipt of this letter. Failure to respond to this Notice of Violation may result in referral to the Compliance Assurance Section for consideration of escalated enforcement. You may access the reporting forms and instructions on our website at <http://www.epa.ohio.gov/Default.aspx?tabid=4101>

FLATS EAST DEVELOPMENT LLC should have on file the manifest records necessary for completion of the reports. OAC Rule 3745-52-40 requires generators to keep a signed copy of each manifest for a period of at least three years from the date the waste was accepted by the initial transporter. Receiving facilities and transporters are under a similar requirement. If you need copies of the original manifest(s), contact them for assistance.

If FLATS EAST DEVELOPMENT LLC was not a large quantity generator in 2008, documentation must be submitted to this office within 30 days of receipt of this letter. This documentation must show that FLATS EAST DEVELOPMENT LLC did not generate more than the threshold quantity of hazardous waste in any month during 2008. If you believe that the information supplied by Ohio TSDFs is in error, please call me to discuss the discrepancy.

A letter that acknowledges receipt of the report will be sent to you after it is processed. I can answer questions concerning the Annual Report at (614) 644-2891. Your prompt attention to this matter is appreciated.

Sincerely,



Mary Ann Silagy
Environmental Specialist 2
Environmental Research and Information Services
Ohio EPA – Division of Materials and Waste Management
maryann.silagy@epa.state.oh.us

enclosures

cc: Central File
DMWM, NEDO

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.

Generator Facility

Generator US EPA ID: OHR000148114
 Generator Name: Flats East Development LLC
 Address: 989 Front Ave
 Cleveland, OH 44113-
 Total Tons Shipped: 1612.39

Receiving Facility

US EPA ID: OHD045243706
 Name: Envirosafe Services of Ohio Inc
 Customer Name: FLATS EAST BANK DEVELOPMENT LLC
 Customer Address: 929 FRONT AVE
 CLEVELAND, OH 44113-

Waste Description: BASILE PROP. CONTAMINATED SOIL (DIR.) Page: 84 Subpage: 1
 System Type: H132 Form: W301 Quantity: 954680.00 P Density:
 D006 D007 D008

Waste Description: BASILE PROP. CONTAMINATED SOIL (STAB) Page: 84 Subpage: 2
 System Type: H132 Form: W301 Quantity: 2269500.00 P Density:
 D006 D007 D008

Receiving Facility

US EPA ID: OHD980897656
 Name: Chemical Solvents Inc
 Customer Name: FLATS EAST DEVELOPMENT
 Customer Address: 2618 N MORELAND
 CLEVELAND, OH 44120-

Waste Description: AEROSOLS Page: 287 Subpage: 1
 System Type: H141 Form: W001 Quantity: 5.00 P Density: 7.5 Lbs. / Gal.
 D001

Waste Description: CITRIC ACID CLEANER Page: 287 Subpage: 1
 System Type: H061 Form: W105 Quantity: 25.00 G Density: 9.16 Lbs. / Gal.
 D002

Waste Description: CONTAINERIZED CLEANERS LOOSE PACK Page: 287 Subpage: 1
 System Type: H141 Form: W001 Quantity: 1.00 G Density: 7.5 Lbs. / Gal.
 D002

Waste Description: PAINT Page: 287 Subpage: 1
 System Type: H061 Form: W209 Quantity: 4.00 G Density: 6.66 Lbs. / Gal.
 D002

Waste Description: PAINT CONTAINERS LOOSE PACK Page: 287 Subpage: 1
 System Type: H141 Form: W001 Quantity: 105.00 P Density: 6.66 Lbs. / Gal.
 D001

Waste Description: WATER TREATMENT CHEMICAL Page: 287 Subpage: 1
 System Type: H061 Form: W110 Quantity: 25.00 G Density: 10 Lbs. / Gal.
 D002