

**Environmental
Protection Agency**

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



January 9, 2012

RE: DAVOOD HIGHIGHI
COMPLAINT #7445
NOTICE OF VIOLATION

Davood Highighi, property owner
2097 St. Rt. 59
Ravenna OH 44266

Dear Mr. Highighi:

On December 14, 2011, Ohio EPA's Division of Materials and Waste Management (DMWM) performed a Complaint Investigation at the Davood Highighi properties located at 2097, and 2899 St. Rt. 59, in Ravenna Ohio.

The purpose of this inspection was to investigate complaint #7445 and to determine compliance with Ohio's hazardous waste laws and regulations as found under the Ohio Revised Code and Ohio Administrative Code ("ORC" and "OAC" respectively). Davood Highighi properties was represented by you, while Ohio EPA was represented by me. Ohio EPA's inspection included an inspection of the Davood Highighi properties and a review of written documentation. Based on this inspection, Ohio EPA has determined that Davood Highighi properties has violated at least the following state hazardous waste regulations:

1. 3745-52-11 Hazardous waste determination:

Any person who generates a waste, as defined in rule 3745-51-02 of the Administrative Code, must determine if that waste is a hazardous waste using the following method:

(A) He should first determine if the waste is excluded from regulation under rule 3745-51-04 of the Administrative Code.

(B) He must then determine if the waste is listed as a hazardous waste in rules 3745-51-30 to 3745-51-35 of the Administrative Code.

(C) For purposes of compliance with Chapter 3745-270 of the Administrative Code, or if the waste is not listed as a hazardous waste in rules 3745-51-30 to 3745-51-35 of the Administrative Code, the generator must then determine whether the waste is identified in rules 3745-51-20 to 3745-51-24 of the Administrative Code by either:

(1) Testing the waste according to the methods set forth in rules 3745-51-20 to 3745-51-24 of the Administrative Code, or according to an equivalent method approved by the region V administrator of U.S. EPA region V regional administrator pursuant to 40 CFR 260.21; or

(2) Applying knowledge of the hazardous characteristic of the waste in light of the materials or the processes used.

At the time of this complaint investigation, Ohio EPA observed at least eight, fifty-five gallon steel containers of waste which you could not identify the contents.

To abate this violation, you must submit to this office information regarding the nature of the contents of the containers, hazardous or non-hazardous. If hazardous, you must also submit Hazardous Waste Manifests, and a Land Disposal Restriction form for the containers of waste. If non-hazardous, please submit to this office documentation in the form of a non-hazardous manifest or bill of lading describing exactly where it was transported to, and exactly was happened to it when the waste got to its destination. In addition, you must submit a photograph demonstrating all containers of waste have been removed from the premises.

Please find enclosed a list of analytical labs, should you decide to have the waste tested to determine if it is hazardous.

2. 3745-279-22 Used oil storage requirements for generators:

(1) Containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words "Used Oil."

At the time of this inspection Ohio EPA observed a 250 gallon tote being used as a container for used oil. The container was unlabeled, and not marked with the words "Used Oil". Upon being informed of Rules regarding used oil, the operator immediately marked the tote with the words "Used Oil". Ohio EPA considers this violation abated.

Davood Highighi properties needs to immediately take the necessary measures to return to compliance with Ohio's environmental laws. **Within 14 days of receipt of this letter**, Davood Highighi properties is requested to provide documentation to this office including the steps taken to abate the violations cited above. Documentation of steps taken to return to compliance includes written correspondence, updated policies, and photographs, as appropriate, and may be submitted via the postal service or electronically to: Suzanne.Prusnek@epa.state.oh.us

Please be advised that violations cited above will continue until the violations have been properly abated. Failure to comply with Chapter 3734 of the Ohio Revised Code and rules promulgated thereunder may result in a civil penalty of up to \$10,000 per day for each violation. It is imperative that you return to compliance. If circumstances delay the abatement of violations, you are requested to submit written correspondence of the steps that will be taken by date certain to attain compliance.

Should you have any questions, please feel free to call me at (330) 963-1181.

Sincerely,



Suzanne Prusnek
Environmental Specialist
Division of Hazardous Waste Management

SP:ddw
Enclosure

ec: Frank Popotnik, DMWM, NEDO, OEPA
Jeff Mayhugh, DMWM, CO, OEPA