

**Environmental  
Protection Agency**

**Governor  
Lt. Governor  
Director**

September 12, 2011

RE: BEACHWOOD CITY OF (SERVICE GARAGE)  
OHD 986 980 597  
CUYAHOGA COUNTY  
CEI PRTC/NOV  
SQG>CESQG

Mr. Thomas S. Kreczko, P.E.  
City of Beachwood  
25325 Fairmont Blvd.  
Beachwood, OH 44122

Dear Mr. Kreczko:

On August 10, 2011, Ohio EPA received a letter dated August 9, 2011 that was in response to the Ohio EPA notice of violation (NOV) letter dated June 16, 2011. The response letter included digital images of various labeled containers, information on the disposal of the fluorescent lamps, documentation of universal waste management training and waste analysis of the sand blasting waste and air filters from the firing range.

In addition, Ohio EPA conducted a follow-up inspection at the Beachwood Police firing range on August 23, 2011. Beachwood was represented by you and Commander Dunham. Ohio EPA was represented by Sherry Slone and me. During the inspection, Commander Dunham gave me a copy of an August 9, 2011 letter from Reserve Trading regarding the management of the lead shot. You then sent a follow-up e-mail on August 24, 2011 that had several digital images of the filters attached.

Based on the information submitted, Beachwood was in violation of the following:

**Ohio Revised Code § 3734.02 (F) Causing A Hazardous Waste To Be Transported To An Unpermitted Facility and associated violations of OAC rules:**

Beachwood caused the transportation of the spent filters which are characteristically hazardous for lead to Glen Willow Landfill. In doing so, Beachwood violated ORC § 3734.02 (F) which states in part that no person shall dispose of or cause to be transported, hazardous waste, except at or to, a permitted hazardous waste treatment, storage, and/or disposal (TSD) facility. Glen Willow Landfill is not a permitted TSD facility. Additionally, Beachwood violated OAC rule 3745-52-11 (Waste Evaluation); OAC rule 3745-52-20 through OAC rule 3745-52-23 (Manifest Use); OAC rule 3745-52-31 and OAC rule 3745-52-32 (Labeling and Marking Containers of Hazardous Waste); and OAC rule 3745-270-07 (Land Disposal Restriction Requirements) since these regulations were not complied with when the waste was shipped.

The filters from the indoor firing range tested hazardous. The analytical results submitted indicate that lead was present at 10.6 mg/L, which exceeds the regulatory threshold of 5.0 mg/L for lead. Prior to testing the filters, Beachwood had been placing the spent filters in the solid waste dumpster and disposing of the waste at Glen Willow Landfill.

Based on our follow-up inspection, it appears that the majority of the filters are similar to the type used in household furnaces with a size of 24 inches by 24 inches by 2 inches. In your e-mail of August 23, 2011, you clarified that the filters are in two sets: there are 6 pre-filters located on the left side of the unit consisting of 4 each 24"x24"x2" filters and 2 each 12"x24"x2" filters. On the right side of the unit located in the metal housing are 6 regular filters consisting of 4 each 24"x24"x12" filters and 2 each 12"x24"x12" filters. Your e-mail also indicated that there are records showing the filters are changed approximately twice per year.

You are now in the process of finding a treatment, storage and disposal facility to whom you will send the next set of spent filters. Please note, the filters would be considered a sludge as defined in the OAC rule 3745-50-10 which states, in part, that a "sludge" means any solid, semi-solid or liquid waste generated from a municipal, commercial or industrial....air pollution control facility." Your filters (sludge) exhibit the characteristic of a hazardous waste (lead). Per OAC rule 3745-51-02 if characteristic sludges are reclaimed they are not wastes and therefore are not a hazardous waste. If Doe Run (the facility that is currently reclaiming your spent shot) or any other facility can legitimately reclaim the lead from the filters, it would not be a hazardous waste.

In addition, the City of Beachwood is planning on building a new "state of the art" firing range in the City Service Garage now that those operations have moved to Mercantile Road. Beachwood anticipates that the new range will be in use by the end of 2012. It is expected that due to the configuration of the new range, the spent bullets won't shatter as much and less lead dust will be in the atmosphere to be captured by the new filtration system. As we discussed on August 23, once the new range is operational, when the filters from that system need to be changed, the spent filters should be placed in closed containers until new analytical testing is complete to demonstrate whether these filters should also be managed as a hazardous waste.

Please submit documentation demonstrating Beachwood has a contract with a facility that will be able to manage the spent hazardous waste filters appropriately by October 12, 2011.

Based on these submittals and inspection, Ohio EPA has determined that Beachwood has adequately addressed the following violations cited in the June 2011 NOV:

**Violations:**

1. ***Used Oil Storage Requirements for Generators, OAC rule 3745-279-22(C)***
2. ***Labeling/markings- standards for small quantity handlers of universal waste, OAC rule 3745-273-14(E)***
3. ***Packaging of Universal Waste Lamps, OAC rule 3745-273-13(D)(1)***
4. ***Employee training for Small Quantity Handlers of Universal Waste, OAC rule 3745-273-16***

The following concerns did not require a response from the City:

7. SERC notification
8. Air permits
10. Lead weights

The response also adequately addressed the following concerns from the June NOV:

5. Waste characterization
6. Spent aerosol can management
9. Spent shot management

Please respond to this letter by October 12, 2011. Should you have any questions or require additional information, please contact Frank Popotnik, my supervisor, or me at (330) 963-1200.

Sincerely,



Karen L. Nesbit  
Division of Materials and Waste Management

KLN:ddw

ec: Jeff Mayhugh, DMWM, CO  
Frank Popotnik, DMWM, NEDO  
Natalie Oryshkewych, DMWM, NEDO  
Jennifer Carlin, DMWM, NEDO  
cc: Marlene Kinney, DMWM, NEDO  
Megan Dunleavy, Cuyahoga County Board of Health

**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.