



Environmental
Protection Agency

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

Eval. 001
Ent. 001

October 19, 2011

**Re: LT Enterprises (LTE) Complaint Investigation
Used Oil Generator
Hamilton County
NOV**

Ms. Karen Davis
LT Enterprises
6500 Stockton Rd.
Fairfield, OH 45014

OHRC000165605

Dear Ms. Davis:

On October 6, 2011, Ohio EPA received a complaint that multiple drums and totes have been stored for at least two months outside LTE. The complainant also stated that a reddish brown liquid appeared to have leaked from at least one of these containers.

Ohio EPA conducted a complaint investigation of LTE on October 18, 2011. Jeff Smith and I represented Ohio EPA and you represented LTE. During our complaint investigation you showed us this area where the containers are stored. You stated that the containers had been tarped at one point but the tarp had blown off. This allowed for rain to get into open containers of used oil (most visible from a large tote that had an opening on top) and caused overfilling and used oil to splash onto the concrete beneath them. We stated that bungs should be placed on the drums and that the tarp should be used to cover the totes in that area. While at LTE, we also observed that a bin containing metal scrap was draining used oil directly to the concrete beneath it.

Based upon our complaint investigation, Ohio EPA identified the following violation of Ohio's hazardous waste laws:

**Used Oil Generators Must Respond to Used Oil Releases and Perform
Cleanup Steps
[OAC 3745-279-22(D)]**

Upon detection of a release of used oil to the environment, a generator must stop, contain, cleanup and properly manage the release.

FTE failed to stop, contain, cleanup and properly manage the releases associated with the containers identified in Ohio EPA's complaint and the metal scrap bin identified above.

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FTE must stop, contain, cleanup and properly manage the releases associated with the containers identified in Ohio EPA's complaint and the metal scrap bin. **Please submit documentation of compliance with this rule by November 4, 2011** (Ohio EPA's last business day before a public auction scheduled from November 7-9, 2011 at FTE due to a bankruptcy filed earlier this year).

The method of stopping releases from the containers would be covering them to prevent rain overfill and from the metal scrap bin would be to put some type of containment under the bin to catch the used oil draining from it (this would apply to any other bins used on-site in the future). **We are also requesting that you remove and properly dispose of the containers identified in Ohio EPA's complaint** given the public will have access to FTE on November 7, 2011.

Findings

The current status of Ohio EPA's complaint investigation is active given the complaint allegations were supported and FTE is in violation of the OAC rule identified above. **Please submit documentation demonstrating how FTE has addressed this violation and Ohio EPA's request to remove and properly dispose of the containers identified in the complaint by November 4, 2011.**

Should you have any questions, please feel free to call me at (937) 285-6091 or contact me via e-mail at pam.hull@epa.state.oh.us.

Sincerely,



Pam Hull
District Representative
Division of Materials and Waste Management

PH/tf

cc: Robyn Fox, SWDO-DMWM/SWDO Facility File
Facility File: LT Enterprises Complaint Investigation, Used Oil Generator, Hamilton County

NOTICE:

Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve your company from having to comply with applicable regulations.