



**Environmental
Protection Agency**

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

March 5, 2012

CERTIFIED MAIL

**Re: Republic Environmental Services
636 Irwin St Dayton, Ohio
Montgomery County
OHD 980 700 942
Permit # 05-57-0624
TSD**

Mr. Edward McCabe, President
McCabe Corporation
3470 Brecksville Road
Richfield, Ohio 44286

AND

Mr. Alan N. Hirth
Attorney for Defendant Republic
Meyers, Roman, Friedberg & Lewis
28601 Chagrin Blvd., Suite 500
Cleveland, Ohio 44122

Re: Notice of Violation- Republic Environmental Services Facility

Dear Mr. McCabe and Mr. Hirth:

On February 17, 2012, Ohio EPA conducted a site visit at 636 Irwin Street, Dayton, Ohio where Republic Environmental Systems (RES) formerly operated a hazardous waste treatment and storage facility. The purpose of this visit was to determine if the perimeter fence was being maintained to prohibit unauthorized site entry. A comprehensive inspection to determine compliance with all of Ohio's hazardous waste laws and regulations, as found under the Ohio Revised Code (ORC) and the Ohio Administrative Code (OAC) was not conducted. Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve owners and operators from the responsibility to comply with all applicable permit conditions and associated regulations.

The following violation of condition of the facility permit issued to the former site operators (RES) on January 3, 1990 and Ohio's hazardous waste requirements was found during this site visit.

Mr. McCabe and Mr. Hirth
March 5, 2012
Page 2

VIOLATION 1-

January 3, 1990 Ohio Hazardous Waste Installation and Operation Permit

Within the permit application the following sections describe the measures which must be taken at the facility in order to maintain site security:

Section F-1 Security

Part 1.01.21 Barrier states that an eight foot chain link fence topped with barbed wire surrounds the active portion of the site as well as the parking lots.

Section F 2.01 Security Devices and Monitoring, Safety, Emergency, Operating, and Structural Equipment

Part 2.01 a) Security (perimeter fence) states that the fence and barbed wire will be checked at least once a week for corrosion or damage, and that any damage which would permit unauthorized entry must be repaired before the close of the operating day.

While conducting the inspection on February 17, 2012, Ohio EPA observed the condition of the perimeter fence surrounding the facility and noted missing or downed sections of perimeter fence along the east, north, and south perimeter allowing access to the site. Therefore Defendants Edward M. McCabe, McCabe Corporation, Republic Environmental Systems (Ohio), Inc., Republic Environmental Systems, Inc.; and BRAC, Inc., are in violation of Section F-1 and F 2.01 of the permit application for failing to maintain and repair the perimeter fence to prevent unauthorized entry to the site.

To correct this violation Defendants Edward M. McCabe, McCabe Corporation, Republic Environmental Systems (Ohio), Inc.; Republic Environmental Systems, Inc.; and BRAC, Inc., must replace or repair the perimeter fence and provide a written response within 30 days of receipt of this correspondence documenting: 1) that the appropriate corrective measures have been implemented to replace or repair the security fence; 2) that a program will be implemented to conduct periodic monitoring of the site security fence to detect, as well as repair, any observed damage in a timely manner.

Mr. McCabe and Mr. Hirth
March 5, 2012
Page 2

If you have any questions regarding this letter or other issues, please feel free to contact me at (937) 285-6357.

Sincerely,



Brian Gitzinger
District Representative
Division of Hazardous Waste Management

BG/ca

cc: Robyn Fox, DERR, SWDO
Brian Ball, Environmental Enforcement Section, AGO
Ike Wilder, DMWM, CO
Jay Cavender, DDAGW, SWDO
Norman A. Abood, Esq. (via Certified mail)

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