



State of Ohio Environmental Protection Agency

**Southeast District Office**

2195 Front Street  
Logan, Ohio 43138

TELE: (740) 385-8501 FAX: (740) 385-6490  
www.epa.state.oh.us

Ted Strickland, Governor  
Lee Fisher, Lieutenant Governor  
Chris Korleski, Director

February 27, 2009

**SCIOTO COUNTY  
M & J INDUSTRIES  
DHWM/SEDO  
OHD080960776**

Mr. Chris Meininger  
HillStreet Capital  
300 Main Street  
Cincinnati, Ohio 45202

Mr. Dennis Ruch  
SFI of Ohio LLC  
3880 Grace Street  
New Boston, Ohio 45662

Mr. Raymond Balzer  
708 Fairground Road  
Lucasville, Ohio 45648

**Re: Abandoned materials at former M & J Industries, Lucasville**

Gentlemen:

On February 9, 2009, Melody Stewart and I visited the former M & J Industries located at 832 Fairground Road, Lucasville, Ohio, to determine compliance with Ohio's hazardous waste laws as found in Chapter 3734 of the Ohio Revised Code (ORC) and Chapter 3745 of the Ohio Administrative Code (OAC). The purpose of this letter is to inform you of conditions at the site, explain the violations we found and what you need to do to correct the violations, and to convey any general concerns we have and what you need to do to respond to our concerns.

Our February 9, 2009 site visit was conducted as a follow up to a January 2009 site visit by Fred Snell of Ohio EPA's Division of Surface Water, in which he indicated that numerous drums and containers of materials remained on-site (see attached photographs). On our February 2009 visit, we were accompanied by Mr. Raymond Balzer, whom we understand is the property owner. Mr. Balzer indicated that M & J Industries, who is no longer in business at this location, sold their assets to SFI of Ohio LLC, and that what is left of M & J Industries now belongs to Hillstreet Capital. At this time, it is unclear to Ohio EPA to which of these entities the drums and containers of materials belong.

During our visit, it appeared that the buildings formerly occupied by M & J Industries were unlocked and accessible. The inside of the buildings looked unchanged from the photographs taken by Fred Snell last month. The wastewater pretreatment building contained several drums of what appeared to be pretreatment chemicals which had labels that read "do not freeze"; the buildings are without electricity or heat. The pretreatment laboratory still had reagents and chemicals on the benches and in the cabinets. A warehouse/shed which was open and unsecured contained several drums of acids and other materials. The buildings showed evidence that people had accessed the site; laboratory drawers and cabinets had been opened and gone through, and papers had been strewn on the floor, etc.

As a result of our February 9, 2009 site visit, we found the following violation of Ohio's hazardous waste laws. In order to correct this violation, you must do the following and send the required information to me **within 30 days** of your receipt of this letter:

- (1) **OAC Rule 3745-52-11, Hazardous Waste Determination:** Any person who generates a waste must determine if that waste is a hazardous waste, using the criteria set forth in OAC Chapter 3745-51.

M & J Industries closed its Lucasville facility in approximately March of 2007. As of the date of our visit, drums and containers of materials still remain on-site at the closed facility. Since these materials have been abandoned, they are considered to be wastes<sup>1</sup>.

All abandoned materials (i.e., wastes) left on site at the former M & J Industries site must be evaluated to determine if they are hazardous wastes. Documentation demonstrating that these wastes have been evaluated must be submitted to this office for review.

#### **General Comments:**

- (a) **Site Security.**

It appeared that the buildings formerly occupied by M & J Industries were unlocked and accessible, and showed evidence that people had accessed the site. All buildings formerly occupied by M & J Industries that contain abandoned materials (i.e., wastes) must be secured in order to eliminate access by unauthorized persons and/or the general public. Acceptable methods of securing these buildings include entry barriers such as boards, locks, or other means to secure all windows, doors and other potential means of entry to the buildings; providing fencing around the site with a locked entry; providing a surveillance system for the site; or providing a guard or security service for the site. Security measures should be maintained until the wastes have been evaluated and removed from the site.

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<sup>1</sup> OAC Rule 3745-51-02 defines a "waste" as any discarded material that is not excluded by paragraph (A) of OAC Rule 3745-51-04 or that is not excluded by variance granted under OAC Rules 3745-50-23 and 3745-50-24, including "abandoned" material as defined in OAC Rule 3745-51-02(B).

**(b) Waste Management and Disposal.**

Once all wastes remaining on-site have been evaluated, any wastes that are determined to be hazardous must be properly managed in accordance with Ohio's hazardous waste laws and regulations, and treated or disposed by a permitted hazardous waste treatment, storage, and disposal (TSD) facility.

I have enclosed a list of permitted commercial TSD facilities in Ohio for your use in this matter. Documentation of the final disposition of the on-site wastes must be submitted to this office for review.

You can find copies of the hazardous waste rules and other information on our division's web page at <http://www.epa.state.oh.us/dhwm>. Compliance assistance and pollution prevention information is available at <http://www.epa.state.oh.us/ocapp/ocapp.html>.

Should you have any questions regarding this letter, please contact me at 740-380-5237.

Sincerely,



Vicky D. German  
Environmental Specialist  
Division of Hazardous Waste Management  
Ohio EPA, Southeast District Office

VDG/mlm

Enclosure

cc: Fred Snell, Ohio EPA, DSW-SEDO

**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.***

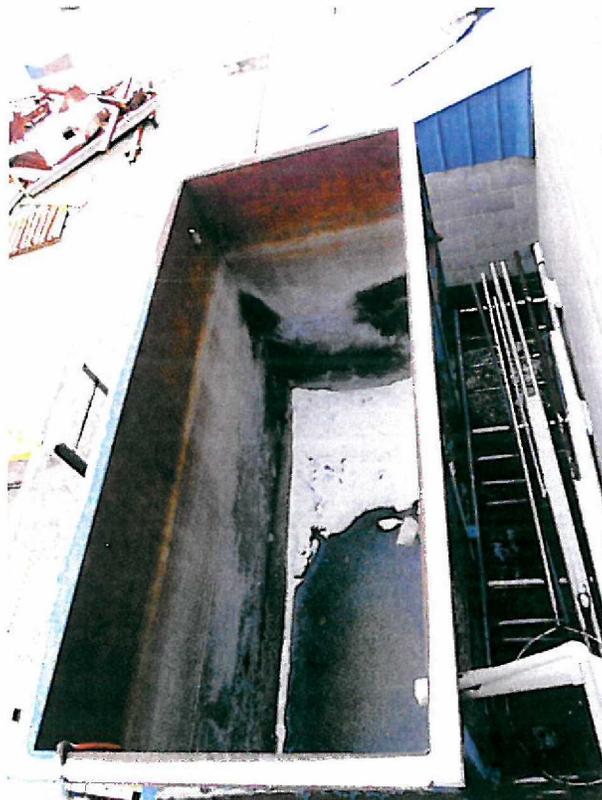
SCIOTO COUNTY  
M & J INDUSTRIES

Date: Jan. 9, 2009

Photographer: Fred Snell, DSW-SEDO



Effluent tank

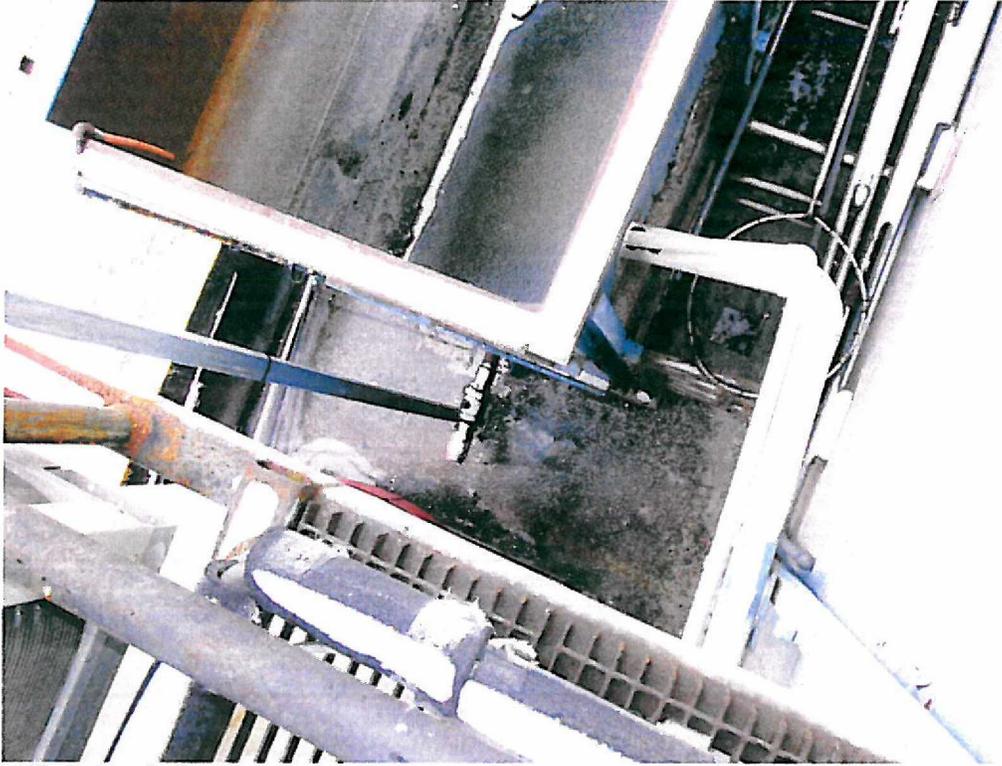


Effluent tank

SCIOTO COUNTY  
M & J INDUSTRIES

Date: Jan. 9, 2009

Photographer: Fred Snell, DSW-SEDO



Effluent tank drain



Flocculent drums

SCIOTO COUNTY  
M & J INDUSTRIES

Date: Jan. 9, 2009

Photographer: Fred Snell, DSW-SEDO



Chemical drums



Chemical drums

SCIOTO COUNTY  
M & J INDUSTRIES

Date: Jan. 9, 2009

Photographer: Fred Snell, DSW-SEDO



Chemical drums



Drums and containers

SCIOTO COUNTY  
M & J INDUSTRIES

Date: Jan. 9, 2009

Photographer: Fred Snell, DSW-SEDO



Effluent tanks



Outside drums with liquids

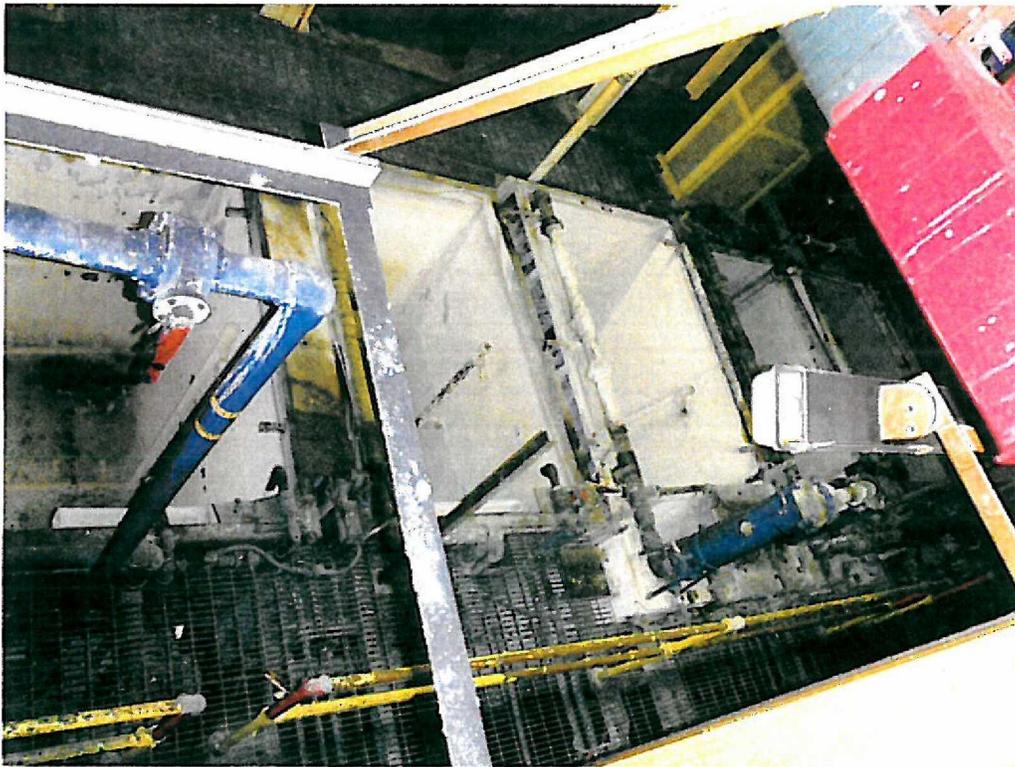
SCIOTO COUNTY  
M & J INDUSTRIES

Date: Jan. 9, 2009

Photographer: Fred Snell, DSW-SEDO



Paint drums

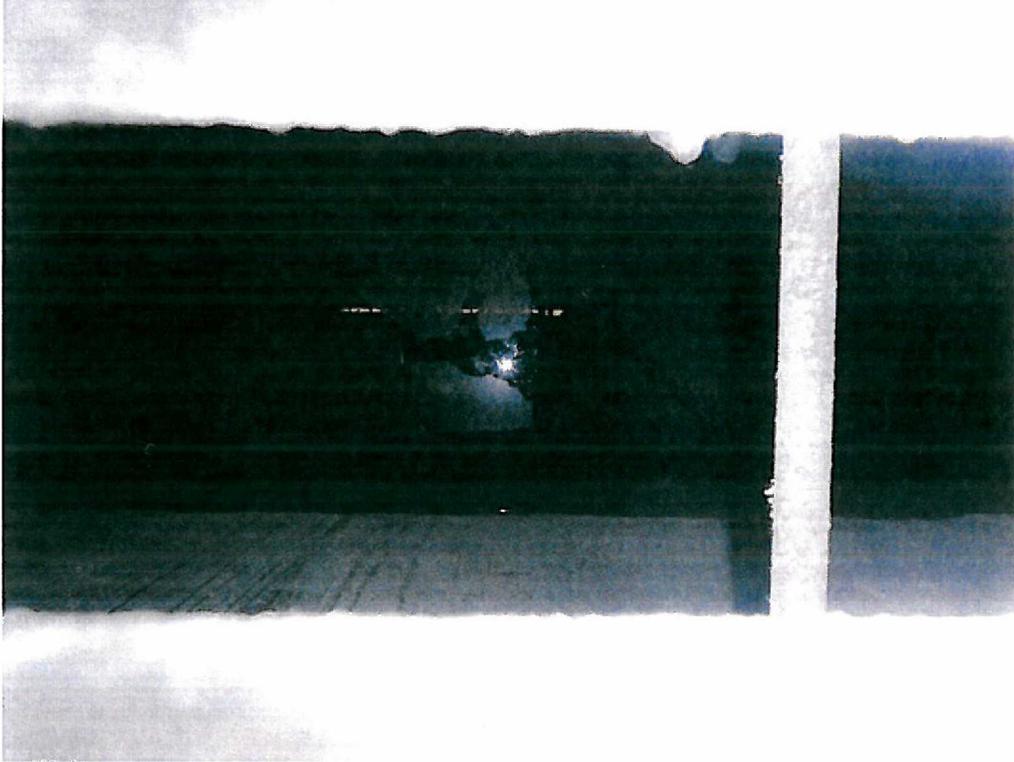


Coating line

SCIOTO COUNTY  
M & J INDUSTRIES

Date: Jan. 9, 2009

Photographer: Fred Snell, DSW-SEDO



Coating sump



Coating tanks

SCIOTO COUNTY  
M & J INDUSTRIES

Date: Jan. 9, 2009

Photographer: Fred Snell, DSW-SEDO



Coating line sump



Pretreatment Lab

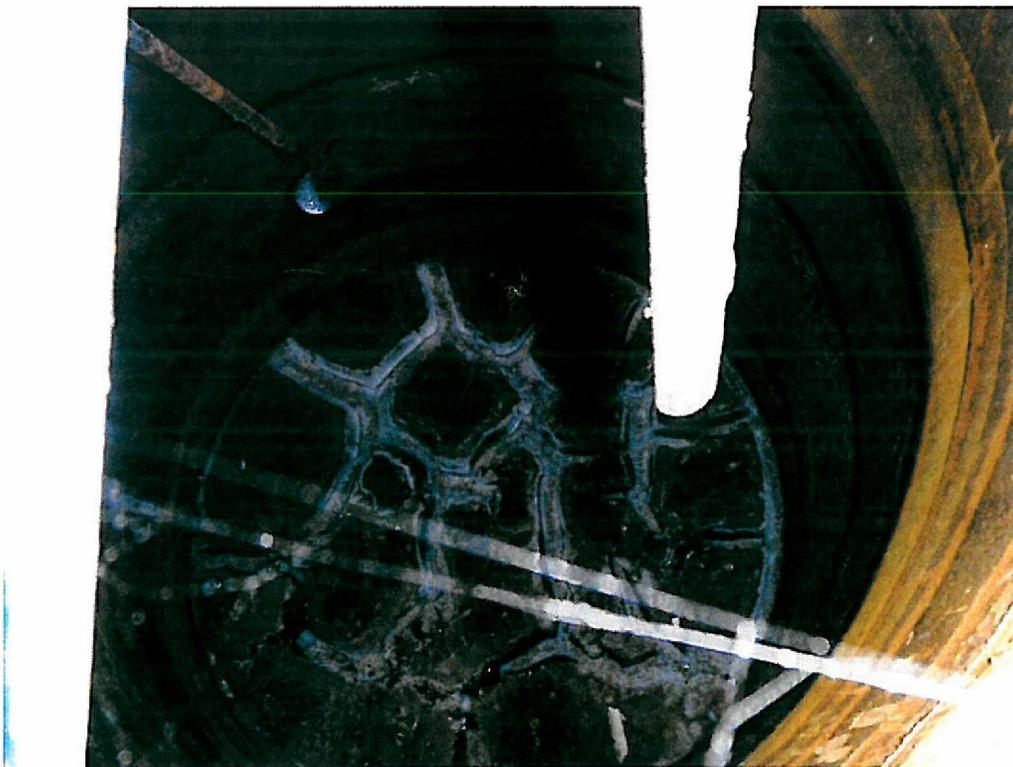
SCIOTO COUNTY  
M & J INDUSTRIES

Date: Jan. 9, 2009

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Pretreatment tank



Pretreatment tank

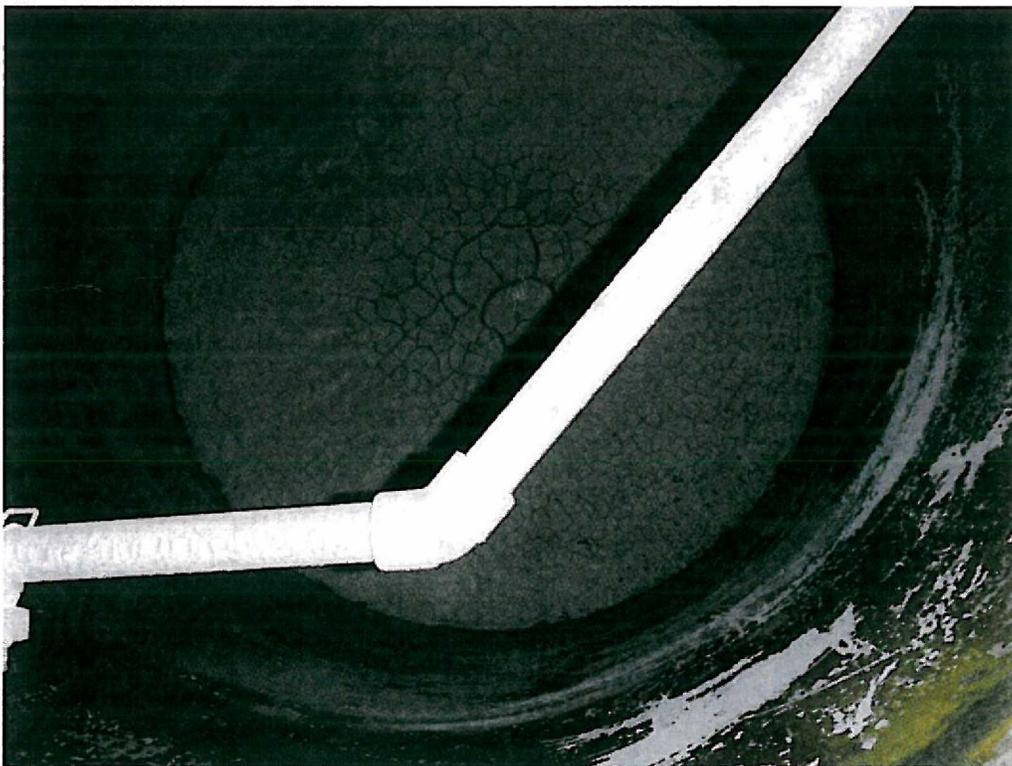
SCIOTO COUNTY  
M & J INDUSTRIES

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Pretreatment system



Phosphate holding tank

SCIOTO COUNTY  
M & J INDUSTRIES

Date: Jan. 9, 2009

Photographer: Fred Snell, DSW-SEDO



Pretreatment system



Pretreatment system

SCIOTO COUNTY  
M & J INDUSTRIES

Date: Jan. 9, 2009

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Coating line holding tanks



North end storage area

SCIOTO COUNTY  
M & J INDUSTRIES

Date: Jan. 9, 2009

Photographer: Fred Snell, DSW-SEDO



Between buildings facing south



Sign



State of Ohio Environmental Protection Agency  
Southeast District Office

15 Front St.  
Logan, OH 43138-9031

*German*

MEIN300 452025  
NOTIFY SENDER OF NEW  
MEININGER, CHRIS L  
250 E 5TH ST STE 1500  
CINCINNATI OH 45202-4252



- A
- INSUFFICIENT ADDRESS
- ATTEMPTED NOT KNOWN
- NO SUCH NUMBER/ STREET
- NOT DELIVERABLE AS ADDRESSED
- UNABLE TO FORWARD
- OTHER

**RTS**  
RETURN TO SENDER

3/10/09