



State of Ohio Environmental Protection Agency

Northeast District Office



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

**CERTIFIED MAIL**

June 2, 2008

Mr. Kenneth Gray  
Gray Container, LLC  
2800 E. 90<sup>TH</sup> St.  
Cleveland, OH 44104

**RE: GRAY CONTAINER LLC, CUYAHOGA COUNTY, OHD980903827, NOV**

Dear Mr. Gray:

On April 18, 2008, I received Gray Container's, LLC (Gray Container's) response to Ohio EPA's March 18, 2008 Notice of Violation (NOV) letter. Your response concerned the wastes found at location G33, Trailer 1, Trailer 5, Trailer 6, Trailer 7 and Trailer 8. However, your response did not address all violations presented in Ohio EPA's March 18, 2008 NOV letter.

During the week of May 5, 2008, you and your consultant (Eco-Tron, Inc.) began moving and consolidating containers from location G33. Ohio EPA observed these activities at your facility on May 5, 2008. You and your consultant identified the presence of the following wastes from location G33: 52, 55-gallon drums containing paint/solvent related (liquids) hazardous wastes; 27, 55-gallon drums containing paint/solvent related (solids/sludges) hazardous wastes; 6 overpack drums containing paint/solvent related hazardous wastes and 2, 55-gallon drums of sulfuric acid.

On May 9, 2008, Ohio EPA documented the presence of the aforementioned containers from location G33 which had been moved to the Old Process Building. Additionally, Ohio EPA conducted field screening of location G33 and detected the presence of organic vapors in soils and residue present on the concrete pad. Ohio EPA collected a sample (G33 PR-01) of the residue which had been placed into a pile on the pad. You were advised to containerize all residues from the pad. Additionally, you were advised to make arrangements for the proper disposal of the precipitation which had been collected from location G33.

On May 20, 2008, you submitted a copy of the waste profile for the paint/solvent related hazardous wastes from location G33. The waste profile identified these wastes as D001/D004/D007/D008/D035/F003/F005 hazardous wastes.

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The analytical results for sample G33 PR-01 revealed hazardous constituents consistent with the type of hazardous wastes that were present inside the unlawfully stored containers at location G33. The analytical results for sample G33 PR-01 were e-mailed to you on March 28, 2008.

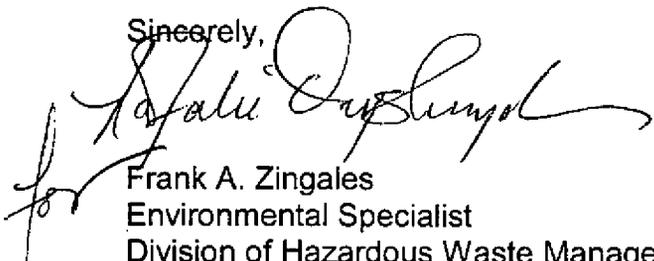
**Within 14 days of receipt of this letter, you must provide a response addressing all violations appearing in Ohio EPA's March 18, 2008 NOV letter.** Please be aware that your facility will remain in violation until the appropriate documentation is received by the undersigned. Please ensure your response addresses the following:

- Waste evaluation information for all wastes documented at your facility.
- Management information and disposal documentation for all wastes from location G33 (i.e., paint/solvent related, precipitation and pad residue).
- A work plan and schedule for the completion of all necessary tasks to abate the violations at your facility.

Present or past instances of non-compliance may continue as subjects of pending or future enforcement actions. Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve your facility from having to comply with all applicable regulations.

Should you have any questions, please contact me at (330) 963-1108.

Sincerely,



for Frank A. Zingales  
Environmental Specialist  
Division of Hazardous Waste Management

FAZ:ddw

cc: Natalie Oryshkewych, DHWM, NEDO  
Kelly Smith, DHWM, CO  
Todd Anderson, Legal, CO  
James Justice, USEPA