



State of Ohio Environmental Protection Agency

Northeast District Office

2110 East Aurora Rd.
Twinsburg, Ohio 44087

TELE: (330) 963-1200 FAX: (330) 487-0769
www.epa.state.oh.us

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

September 2, 2009

RE: GARVER PROPERTY
9450 SHARROTT ROAD
MAHONING COUNTY
CESQG - COMPLAINT NO. 6787
PARTIAL RETURN TO COMPLIANCE

Mr. Jay Garver
9450 Sharrott Road
Youngstown, OH 44514

Dear Mr. Garver:

Site walkovers were conducted March 19 and July 8, 2009. The following updates and summarizes the conditions of your property according to 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). A response was verbally requested during the July 8, 2009 site visit to update Ohio EPA with the status of your property and materials and wastes that have been transferred offsite.

In response you provided a progress report that was received on August 4, 2009. This progress report covers the time period from January to July 2009. The waste, scrap and items removed include: disposal of gallon cans of paint and aerosol paint and chemical cans, various truck, car and tractor tires, disposal of one drum of cleaner and two drums of acid and ongoing disposal of solid waste. In addition our conversations identified that several drums of blast grit and aluminum dross were sent for scrap or reuse, and that a pallet of batteries were recycled.

CURRENT STATUS

Continued progress was observed. You had accumulated and staged in the front area paint, batteries, used oil, tires and solvent. Satellite accumulations of one gallon cans, aerosol cans, tires and batteries were removed. Paint and aerosols were received at a local hazardous waste collection center. Several 55 gallon drums of hardened heels, soot and other debris remain but it appears drums of blast media and dross were removed. You reported that the aluminum oxide blast grit and dross were sold or being sent for use. Some solvent and cleaner was sent for disposal or reuse, while other solvent is being kept as product material.

It is understood that Tri-County Industries, Inc. located in Grove City, Pennsylvania continues to receive generated solid wastes while construction and demolition debris (C&DD) are sent to the BFI CLD landfill in Salem, Ohio. Composting facilities also may accept various types of wood waste and paperboard waste.

NOTICE OF VIOLATION

The following violation of Ohio's hazardous waste regulations remain. To abate the violation you must respond with information regarding the following:

4. **Waste Evaluation, OAC 3745-52-11:** Any person who generates a waste must evaluate the waste to determine if the waste is a hazardous waste in accordance with the criteria set forth in OAC Chapter 3745-51.

You must continue to evaluate and remove the remaining waste streams and provide updated information regarding:

- c) Fifty-five gallon drums (used oils to be sent offsite)
- d) Drums and containers of debris and other residue, and
- e) Universal waste lamps and batteries

Although most hazardous waste and regulated substances appear to have now been accumulated, removed or placed in product storage, it is likely that incidental items will continue to be generated on occasion.

To abate this violation, you must continue to locate and evaluate the contents of all containers and waste materials located onsite and identify and properly dispose all items that are determined to be a hazardous waste or regulated substance.

Recommendations and Concerns

To verify that field areas appear clear of wastes and regulated substances for the purposes of the Division of Hazardous Waste Management (DHWM) regulatory requirements, I would like to schedule a walk through with you in late October or early November. At that time, it can be determined whether your efforts are able to return you to compliance in outside areas for the above violation. Please call me at 330-963-1146 to schedule a visit.

Containers of used oil must be labeled "used oil" according to: **Used Oil Storage Requirements, OAC 3745-279-22(C)**. Your drums and containers were covered by a tarp and labeling was not apparent. While being generated and stored onsite used oil containers must be properly labeled. **These oils were soon to have gone offsite. Please provide confirmation by photograph that the drums are properly labeled or receipt that the used oil has been received by a licensed hauler.**

According to the Universal Waste Labeling requirement of **OAC 3745-273-14(A)**: the "Universal waste batteries, or a container in which the batteries are contained, shall be labeled clearly with one of the following phrases: 'Universal Waste-Batteries or Waste Batteries, or Used Batteries'. Batteries that were onsite on July 8, 2009 were not labeled. You reported that they were going offsite the next day to abate this violation. Your Progress Report did not identify that waste batteries had been sent offsite. There batteries are understood to have been sent off however, your progress report did not confirm that batteries were sent offsite. **Please provide confirmation by receipt that the batteries were recycled or a photograph that the batteries are properly labeled.**

GARVER PROPERTY
SEPTEMBER 2, 2009
PAGE - 3 -

It is recommended that any unknown or questionable material be properly characterized and disposed. Disposal options may include opportunities at hazardous waste collection centers or facilities permitted to receive hazardous waste. A list of licensed hazardous waste facilities and recycling locations has been previously provided.

Please respond to this Notice of Violation with the above requested documentation **within 30 days** of your receipt of this letter. Should you have any questions or need assistance, please feel free to contact me at (330) 963-1146.

Sincerely,

R. Shadrach

Ronald J. Shadrach
District Representative
Division of Hazardous Waste Management

RJS:ddw

cc: Beaver Township Zoning Inspector
Ted Lyda, Beaver Township Trustee
Mary Helen Smith, Mahoning Co. Health Dept.
ec: Frank Popotnik, DHWM, NEDO

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.

