



State of Ohio Environmental Protection Agency

Northeast District Office

2110 East Aurora Rd.
Twinsburg, Ohio 44087

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

July 19, 2007

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:

Thank you for your letter response dated May 15, 2007, and received May 23, 2007. The items detailed in this response include waste and recycled materials sent off site in January 2007. The items included: scrap to All Demolition, trash to CLD Landfill, batteries to Reserve Environmental, dumpster clean out to legal landfill (All Demolition), tires to Mat Shop, and a vehicle removed.

CURRENT STATUS

Several site visits were made since January with the last occurring on June 18, 2007. Considerable progress was noted and a significant amount of materials of concern recovered and sent off site or staged for further evaluation and disposal or recycling. It was noted that you are removing visual evidence of debris, scrap, waste or stained soils at point locations immediately after removal of storage. It is understood these materials are being disposed as a solid waste to a licensed solid waste landfill. Currently, you have contracted with Tri-County Industries, Inc. located in Grove City, Pennsylvania to remove and dispose of all solid wastes. Wastes intended for disposal as construction and demolition debris (C&DD) have been shipped to the BFI CLD landfill in Salem, Ohio. It is understood you are currently negotiating a C&DD contract with a new entity.

It was observed that a fire had occurred in the west central storage area at the site that required emergency response by the fire department. Be aware that some burned material may be a hazardous waste and could require sampling and analysis. In regard to fire safety, it is recommended that you consider staging several clean, labeled drums of water locally and provide buckets accessible in the event of a similar occurrence. The drums should be kept covered.

You appear to have abated the following violation and implemented practices to address such possible future occurrences:

1. OAC 3745-279-22(D) Response to Releases of Used Oil.

NOTICE OF VIOLATION

The following violation of Ohio's hazardous waste regulations remains. In order to abate the violation you must respond with information regarding the following **within 30 days** of receipt of this letter:

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 the following waste streams and provide updated information regarding:

- a) One and five gallon containers of paint and other contents
- b) Aerosol cans and small containers
- c) Fifty-five gallon drums (oils and unknown fluids)
- d) Drums or other containers of sandblast material, grinding grit, slag, residue etc.

Many of these materials appear to have been accumulated in the front area. Some of these remain to be identified, labeled or disposed, recycled or set aside as raw material or product. A few drums of concern also yet remain in the back field areas. You must ensure that you have removed, evaluated and properly recycled or disposed wastes from all areas at the site in order to return to compliance in this matter.

To abate this violation, you must evaluate the contents of all containers that are onsite and identify and properly dispose all items that are determined to be a waste. Items that are determined to have a product value must be properly stored to protect this value. Provide Ohio EPA with an update of all material and waste generated in this cleanup effort within 30 days of receipt of this letter. Provide receipts, certificates or bills of lading that document the final destination of all materials stored onsite and wastes disposed or recycled.

CONCERNS, INFO and RECOMMENDATIONS

- **Construction and demolition debris** - wastes that may be managed as demolition wastes include: those materials resulting from the alteration, construction, destruction, rehabilitation, or repair of any manmade physical structure, including, without limitation, houses, buildings, industrial or commercial facilities, or roadways. "Construction and demolition debris" **does not** include materials identified or listed as: *solid wastes, infectious wastes, hazardous wastes, nontoxic fly ash, spent nontoxic foundry sand, and slag*. Acceptable items include: brick, concrete and other masonry materials, stone, glass, wall coverings, plaster, drywall, framing and finishing lumber, roofing materials, plumbing fixtures, heating equipment, electrical wiring and components **containing no** hazardous fluids or refrigerants, insulation, affixed carpeting, asphaltic substances, metals incidental to any of the above, and weathered railroad ties and utility poles. Guidance is enclosed and may be found at: http://www.epa.state.oh.us/dsiwm/document/guidance/gd_415.pdf and at: http://www.epa.state.oh.us/dsiwm/document/guidance/gd_587.pdf.
- **Municipal Solid waste** - non-demolition debris wastes must be disposed as a solid waste unless characterization indicates the waste to be a hazardous waste or the waste is otherwise unacceptable. Unacceptable non-hazardous wastes include all fluids, liquids including paint, mercury or freon and its containing devices and equipment, batteries, tires and gas cylinders. Prior to recycling, freon appliances must be certified that no gas remains.
- Additional oils have been collected. Determine and properly label all such containers as "used oil" and have the contents taken by a licensed hauler that can accept this material. Provide documentation of all fluids sent off site and identify to Ohio EPA any fluids that are unacceptable as used oil. You must further characterize these fluids.
- Maintain and provide documentation that all universal wastes (batteries, lamps, thermostats and mercury containing devices) are collected, properly managed and sent for recycling or proper disposal.

- Items that require segregation and proper recycling or disposal include: *condensing equipment, plastics, asbestos, aerosol cans, paints, solvents, oils, fluids, batteries, tires, electrical parts and PCB's, Freon appliances, gas cylinders, acid, caustics and waste containing metals including chromium, mercury and lead.* Items with these contents may be considered hazardous waste or an otherwise regulated substance. These items must be sorted and removed for proper management, recovery, disposal or recycling. **Per OAC 3745-52-11 Waste Evaluation, you are required to evaluate all wastes to determine and insure proper management and disposal. Where generator knowledge is inadequate, sampling and laboratory analysis is required.** A fact sheet for "Identifying Your Hazardous Waste" was previously provided. You were provided a list of "Waste Disposal and Recycling Companies in Northeast Ohio" and a fact sheet for "Management of Electronic Waste".
- For proper management and recycling review, this link may be useful: <http://earth911.org/>. The following lists were previously provided and may be accessed as follows:
 - Freon reclaimers at: <http://www.epa.state.oh.us/opp/recyc/freonrec.html>.
 - Mercury recyclers at: <http://www.epa.state.oh.us/opp/recyc/mercrec.html>.
 - Paint recyclers at: <http://www.epa.state.oh.us/opp/recyc/paint1.html>.
 - Plastic recyclers at: <http://www.epa.state.oh.us/opp/recyc/pete-rc.html>.
 - Polystyrene recyclers at: <http://www.epa.state.oh.us/opp/recyc/psrecyc.html>.
 - Pallet/wood recycle: <http://www.epa.state.oh.us/opp/recyc/pallet1.html>.
- In regard to lamp ballasts, transformers and capacitors that could contain polychlorinated biphenals (PCB's), these units should be collected and managed in a drum or similar container labeled as PCB containing. Ballasts that are stated to be non- PCB containing or were manufactured after 1978 may be normally recycled. You were provided a list of ballast recyclers.

If you have any questions regarding proper management and disposal, please do not hesitate to inquire. You must respond with the requested documentation, to my attention, **within 30 days** of receipt of this letter. Additional violations may be cited in the future that will require your action. Should you have any questions or need assistance, please feel free to contact me at (330) 963-1146.

Sincerely,

Ron Shadrach

Ronald J. Shadrach
Environmental Specialist
Division of Hazardous Waste Management

RJS:ddw

cc: Michele L. Swope, M.A., Beaver Township Zoning Inspector
Mary Helen Smith, Mahoning Co. Health Dept.
ec: Frank Popotnik, DHWM, NEDO
John Kwolek, DSW, 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.