



State of Ohio Environmental Protection Agency

Northeast District Office



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October 16, 2007

Kerry P. McNamara, CEO
K.P. McNamara Co.
3972 Hamilton Ave.
Cleveland, OH 44114



RE: K.P. MCNAMARA CO., OHR000108027, CUYAHOGA COUNTY

Dear Mr. McNamara:

On September 24, 2007, I received K.P. McNamara Company (KPM's) response (dated September 19, 2007) to Ohio EPA's September 5, 2007 Notice of Violation/Partial Return to Compliance (NOV/PRTC) letter. On October 14, 2007, I received electronic correspondence from KPM which contained compliance related information that was requested by Ohio EPA on September 25, 2007.

The following is the status of the previously cited violations:

1. **ORC§ 3734.02(E)&(F); Unlawful Storage & Transportation of Hazardous Waste: No further information was requested to address this violation.**
2. **Personnel Training, OAC rule 3745-65-16(A)(1-3),(C),&(D)(1-3):**
 - A. OAC rule 3745-65-16(A)(1-3): KPM submitted information to demonstrate that procedures have been implemented to evaluate all wastes and to properly manage them when they are identified as hazardous wastes. **Based upon submitted documentation, this violation has been adequately abated. No further information is requested.**
 - B. OAC rule 3745-65-16(C): **No further information was requested to abate this violation.**
 - C. OAC rules 3745-65-16(D)(1-3): KPM submitted information concerning job titles, job descriptions and type/amount of introductory and continued training that will be provided to employees managing hazardous waste. **Based upon submitted documentation, this violation has been adequately abated. No further information is requested.**
3. **OAC rule 3745-65-52(D)&(E), Content of Contingency Plan: KPM submitted a revised contingency plan. Based upon submitted documentation, this violation has been adequately abated. No further information is requested.**

Please be advised that the revised plan must be distributed to all emergency authorities pursuant to OAC rule 3745-65-53.

4. **OAC rule 3745-65-33, Testing and Maintenance of Emergency Equipment: No further information was requested to abate this violation.**
5. **OAC rule 3745-273-14(E); Labeling/marketing Standards for Small Quantity Handlers of Universal Waste: No further information was requested to abate this violation.**
6. **OAC Rule 3745-273-15(C); Accumulation Time Limits - Standards For Small Quantity Handlers of Universal Waste: No further information was requested to abate this violation.**
7. **OAC rule 3745-52-11; Waste Evaluation**
8. **OAC rule 3745-52-20 through OAC rule 3745-52-23; Manifest Use**
9. **OAC rule 3745-52-31 and OAC rule 3745-52-32; Labeling and Marking**
10. **OAC rule 3745-270-07; LDR Requirements**

With respect to violations seven through ten, KPM submitted information to demonstrate that procedures have been implemented to evaluate all wastes and to properly manage them when they are identified as hazardous wastes. These procedures are now part of facility's personnel training program required under OAC rule 3745-65-16. **Based upon submitted documentation, this violation has been adequately abated. No further information is requested.**

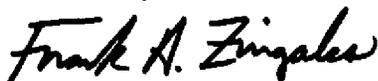
11. **OAC rule 3745-52-41(A)(3)(4)(5); Annual Report: KPM submitted an amended 2006 Annual Hazardous Waste Report. Based upon submitted documentation, this violation has been adequately abated. No further information is requested.**

Please be aware that 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 KPM from having to comply with all applicable regulations.

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

Sincerely,



Frank A. Zingales
Environmental Specialist
Division of Hazardous Waste Management

FAZ:ddw

cc: Natalie Oryshkewych, DHWM, NEDO
Tammy Heffelfinger, DHWM, CO
Elissa Miller, Legal, CO