



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 30, 2008

INDUSTRIAL FIRST, INC.  
OHR 000 112 946  
CUYAHOGA COUNTY  
CRO SECOND NOV

Mr. David Stanton  
Industrial First, Inc.  
16400 Miles Avenue  
Cleveland, OH 44128

CERTIFIED MAIL

RE: NO RESPONSE TO NOTICE OF VIOLATION

Dear Mr. Stanton:

A Notice of Violation was sent dated July 14, 2008 to which no response has been received. The Notice of Violation was based on facility inspections conducted May 16, 2008, and July 9, 2008, of the First Industrial facility (Facility) in Cleveland, by Ohio EPA's Division of Hazardous Waste Management (DHWM). The inspection was conducted to determine compliance with Ohio's Cessation of Regulated Operations (CRO) rules and Ohio's hazardous waste laws and regulations as found in the Ohio Revised Code and the Ohio Administrative Code ("ORC" and "OAC" respectively).

A walkthrough of outside areas of the storage building identified waste paints, solvents, oils, tars, chemicals, fuels, lamps and batteries. It was reported that construction operations and storage at this facility had been discontinued but that administrative operations continue. Under Ohio EPA's CRO program you are required to properly remove, transfer or dispose all regulated materials when those operations are discontinued. As a large quantity generator of hazardous waste you are required to properly characterize and dispose of your hazardous waste within 90 days of accumulation.

The following violations of Ohio's CRO and hazardous waste laws and regulations were documented:

- 1) **Drain or remove all regulated substances from each stationary item, ORC §3752.06(A)(4) and OAC 3745-352-20:** All regulated substances must be drained or removed from each stationary vat, tank, electrical transformer, and vessel, and from all piping that is to remain at the facility and a combination of the following must also be done:
  - A. Transfer the regulated substances to another facility owned or operated by the owner or operator.
  - B. Lawfully transfer ownership of the regulated substances to another person through sale or otherwise; or
  - C. Cause the regulated substances to be transported off the premises and managed in compliance with all applicable regulations for disposal.

At the storage building rear loading dock area you failed to remove: eleven, 1-gallon containers including apparent hydrochloric acid, spray coolant and solvent; and seven 55-gallon drums of possible roofing tar with water, possible solvents, used/waste oils and unknown fluids. There were also observed several lead-acid batteries, lamps and a five gallon red fuel container full of a fuel. On the east side of the building you failed to remove: one and five gallon containers of paint, paint waste, solvent and solvent waste from three construction lockers and; eight, 55-gallon drums containing unknown fluids. Six of the drums were full or mostly full. At least one full drum was labeled as a solvent. One drum was a quarter full and one drum appeared empty.

To abate this violation, you must submit photographs and an invoice demonstrating that these containers of regulated and potentially regulated substances, have been removed and properly disposed.

- 2) **Waste Characterization, 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.

As of our meeting on July 9, 2008, you have determined that the substances cited above in Violation #1, are items that will no longer be used. These items and waste are to be properly transferred, recycled or disposed.

To abate this violation, you must submit waste characterization or analytical data of the wastes remaining onsite. Provide disposal manifests and receipts to demonstrate that all waste has been properly disposed or recycled in accordance with applicable laws and regulations.

- 3) **OAC 3745-352-20(A)(2):** What are my responsibilities if I am an owner or operator? Not later than ninety days after cessation of regulated operations, you must: Certify to the director that you have complied with the sections of this rule using form EPA 0329. You must include a statement indicating whether any asbestos-containing materials are present at the facility and remove regulated substances and all debris, nonstationary equipment and furnishings, nonstationary containers, and motor vehicles and rolling stock that contain or are "contaminated with" regulated substances, as defined in rule 3745-352-05 of the Ohio Administrative Code.

To abate this violation, you will need to submit a completed 90-day Form 0329. The form must indicate whether asbestos-containing materials are present and that all regulated substances have been properly removed and disposed. If the building is to be demolished you will need to file a Notice of Intent with the Cleveland Air Authority. All lamps, ballasts, mercury switches (if any) should be removed and properly disposed prior to demolition.

- 4) **OAC 3745-352-30 (B):** What are the requirements for posting warning signs? You must post warning signs in publicly visible locations about each building or structure and each outdoor location of operation. Minimally, you must post warning signs at all facility access locations. You must have enough warning signs to alert persons that the building, structure or outdoor location contains or is contaminated with regulated substances. These warning signs must prohibit trespassing and state: "The building, structure, or outdoor location of operation contains or is contaminated with regulated substances that may endanger public health or safety if released into the environment." Additionally, each warning sign must comply with the following requirements:
- (1) It must be posted on or near the building, structure or outdoor location that contains or is contaminated with a regulated substance.
  - (2) It must include the words, "No Smoking," if the warning sign is posted on or near a building, structure or outdoor location that contains ignitable regulated substances.
  - (3) All writing on each warning sign must be legible from a distance of at least twenty-five feet; and
  - (4) It must be constructed to withstand weathering, and be firmly affixed to secure against removal.

**AND,**

- 5) **OAC 3745-352-30 (C):** How must I maintain security measures? You must maintain entry barriers and warning signs required in paragraphs (A) and (B) of this rule by doing the following:
- (1) You must inspect entry barriers and warning signs at least every seven days, or as agreed upon in writing by the director, the county sheriff's department, or the local police department;
  - (2) You must record the condition of each entry barrier, security measure, and warning sign in an inspection log. You must show the log to the director if he requests it; and
  - (3) You must repair or replace any damaged, lost, or removed entry barrier, warning sign, or other security measure promptly after you discover it is damaged or missing.

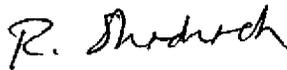
First Industrial, Inc. has not posted warning signs or maintained weekly inspection of postings and barriers for security per violations #4 and #5 above. To abate this violation, you must immediately post said warning signs and begin logging weekly inspections. Provide a photograph of your signs and a copy of your inspection log.

INDUSTRIAL FIRST, INC.  
SEPTEMBER 30, 2008  
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During the July inspection you were provided guidance documentation that included waste characterization, container management, universal waste, used oil and disposal and recycling companies. This and additional information was provided by email.

Please respond to this letter **within 15 days** providing the documentation requested above. Should you have any questions or require additional information, please contact me at (330) 963-1146. Copies of the hazardous waste and CRO rules can be found at [www.epa.state.oh.us/dhwm](http://www.epa.state.oh.us/dhwm).

Sincerely,



Ronald J. Shadrach  
District Representative  
Division of Hazardous Waste Management

RJS:ddw

ec: Frank Popotnik, DHWM, NEDO

cc: Cuyahoga County LEPC  
Cleveland Fire Department  
Ralph McGinnis, DHWM, CO

**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.