Ohio Environmental Protection Agency
John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

May 17, 2012

RE: 38345 APOLLO PARKWAY
OHD 018 441 469
LAKE COUNTY
SECOND NOTICE OF VIOLATION

Paul Gabriel
11190 Chillicothe Road
Chesterland, OH 44026

Dear Mr. Gabriel:

On April 10, 2012, I sent you a letter regarding 38345 Apollo Parkway, Willoughby, Ohio. This letter requested a written response within 14 days and I have not received such a response. A copy of the letter is enclosed. Please call me when you receive this letter so that we can discuss this.

You can contact me at (330) 963-1217, or robert.almquist@epa.state.oh.us. I look forward to your prompt, written response.

Sincerely,

Robert Almquist

Robert Almquist
Division of Materials and Waste Management

RA:cl
Enclosure

ec: Jeff Mayhugh, DMWM, CO
Frank Popotnik, DMWM, NEDO
Natalie Oryshkewych, DMWM, NEDO
Marlene Kinney, DMWM, NEDO
Jennifer Carlin, DMWM, NEDO

Environmental
Protection Agency
John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

April 10, 2012

RE: 38345 APOLLO PARKWAY
OHD018441469
LAKE COUNTY
NOTICE OF VIOLATION

Paul Gabriel
11190 Chillicothe Road
Chesterland, OH 44026

Dear Gabriel:

On March 29 and 30, 2012, I inspected 38345 Apollo Parkway, Willoughby, Ohio. The purpose of this was to determine if 38345 Apollo Parkway was in compliance with Ohio's hazardous waste, universal waste and used oil laws and rules as found in Chapter 3734 of the Ohio Revised Code (ORC) and Chapter 3745 of the Ohio Administrative Code (OAC). You told me that you manage this property.

Our records for this location had been for the former Euclid Body and Fender Co. Multiple businesses are at this location. It did not appear that any of them typically generate a hazardous waste. Please see the attached form which will be used to update the records associated with this ID number (OHD018441469).

The following violations were found:

1. **OAC Rule 3745-279-22(D) - Response to releases of used oil.**
This rule requires that upon detection of a release of used oil to the environment, the generator must clean up and manage properly the released used oil and other materials. The following documents are enclosed regarding this:

The Regulation of Used Oil: An Overview for Ohio Businesses Who Generate Used Oil, 2006
http://epa.ohio.gov/portals/32/pdf/Used_Oil_Generators_Guidance.pdf
Registered Used Oil Transporters in Northeast Ohio, 2011

You violated this rule by having what appeared to be used oil on the ground at this property. You told me that this is from an excavating company that you rent to and who will be moving out at the end of the month. Photographs of this are enclosed. This contaminated soil/gravel must now be removed and disposed of properly. If it is only contaminated with used oil then it may be disposed of as a solid waste. **Send me a photograph showing that this has been done.**

2. **OAC Rule 3745-27-05(C) – Open dumping of solid waste.**
This rule prohibits the open dumping of solid waste and requires the proper removal and disposal of any open dumped solid waste.

Northeast District Office
2110 East Aurora Road
Twinsburg, OH 44087-1924

330 | 963 1200
330 | 487 0769 (fax)
www.epa.ohio.gov

You violated this rule by allowing the open dumping of the solid waste and scrap tires shown in the enclosed photograph. **These wastes must now be properly cleaned up and disposed. Send me a photograph showing this has been done and documentation (such as pickup receipts) showing these wastes have been properly disposed.**

The following documents are enclosed:

How Do Ohio's Scrap Tire Rules Affect Generators of Scrap Tires? 2007
http://www.epa.ohio.gov/portals/34/document/guidance/gd_645.pdf

Registered Scrap Tire Transporters, March 7, 2011
http://epa.ohio.gov/portals/34/document/facility_lists/scrap_tire_transporters.pdf

Ohio's Universal Waste Rules: Are You Handling Used Lamps Correctly?, 2010
http://www.epa.ohio.gov/portals/41/sb/publications/Lampcompliancechecklist.pdf

Identifying Your Hazardous Waste, 2010
http://www.epa.ohio.gov/portals/41/sb/publications/identifyingwaste.pdf

How Do Ohio's Scrap Tire Rules Affect Generators of Scrap Tires? 2007
http://www.epa.ohio.gov/portals/34/document/guidance/gd_645.pdf

Other information and suggestions:

- Ohio EPA's Office of Compliance Assistance and Pollution Prevention (OCAPP) provides compliance and pollution prevention assistance on environmental issues (including sources of funding) related to air, land, and water. They can be contacted at (800) 329-7518, or http://www.epa.ohio.gov/Default.aspx?alias=www.epa.ohio.gov/ocapp.

- Entrepreneurs for Sustainability is a group that seeks to "build a sustainable regional economy in Northeast Ohio that will create prosperity and total community health." They offer workshops, conferences, a business to business directory and more. Their website is at http://www.e4s.org/content/index.asp.

- ENERGY STAR is a government-backed program helping businesses and individuals protect the environment through superior energy efficiency. Their website is at http://www.energystar.gov/.

You need to immediately take the necessary measures to return to compliance with Ohio's environmental laws. Within 14 days of receipt of this letter, you are requested to provide documentation to me including the steps taken to abate the violations cited above. Such documentation may include written correspondence, updated policies, and photographs, as appropriate.

Please be advised that violations cited above will continue until the violations have been properly abated. Failure to comply with Chapter 3734 (or 3714 for C&DD) of the Ohio Revised Code and rules promulgated thereunder may result in a civil penalty of up to $10,000 per day for each violation. If circumstances delay the abatement of violations, you are requested to submit written correspondence of the steps that will be taken by date certain to attain compliance.

If you have any questions, please contact me at (330) 963-1217, or robert.almquist@epa.state.oh.us. I look forward to your prompt, written response.

Sincerely,

Robert Almquist

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Division of Materials and Waste Management

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