



**Environmental
Protection Agency**

John R. Kasich, **Governor**
Mary Taylor, **Lt. Governor**
Scott J. Nally, **Director**

Re: AYFC
OHR000156943
Complaint #2961
Lucas County
Hazardous Waste
Notice of Violation

April 25, 2012

CERTIFIED MAIL

Reverend Jamin Hurd
American Youth for Christ (AYFC)
32355 Newcastle Drive
Warren, Michigan 48093

Dear Reverend Hurd:

Through Notice of Violation (NOV) letters dated April 8, 2010, August 10, 2010, (Certified Mail), and October 7, 2010 (Certified Mail), Ohio EPA notified you by mail of certain violations of Ohio's hazardous waste rules at your facility located at 205 West Alexis Road in Toledo, Ohio. Among other requirements, AYFC was required to sample and analyze soil from the waste pile that you created at the AYFC facility. On January 6, 2012, and February 2, 2012, I observed sampling of the soil in the pile. This sampling was being performed as a result of a violation of OAC Rule 2735-279-22(D), first cited in an NOV dated April 8, 2010, as a result of my investigation on March 11 and March 12, 2010. The sampling was performed by Groundwater & Environmental Services, Inc. for AYFC. The analytical results submitted on January 12, 2012, and February 28, 2012, demonstrate that the pile contains lead contaminated hazardous waste (D008).

As a result of this, on February 28, 2012, I found the following additional violation of Ohio's hazardous waste laws:

**5. Unpermitted Hazardous Waste Treatment, Storage & Disposal
ORC Section 3734.02(E)&(F)**

No person shall store, treat, or dispose of hazardous waste identified or listed under this chapter and rules adopted under it, regardless of whether generated on or off the premises where the waste is stored, treated, or disposed of, or transport or cause to be transported any hazardous waste identified or listed under this chapter and rules adopted under it to any other premises, except at or to any of the following:

(1) A hazardous waste facility operating under a permit issued in accordance with this chapter; (2) A facility in another state operating under a license or permit issued in accordance with the "Resource Conservation and Recovery Act of 1976" 90 Stat. 2806, 42 U.S.C.A. 6921, as amended.

AYFC has become an unpermitted hazardous waste storage facility by: unlawfully storing a pile of lead contaminated hazardous waste (D008) at its facility located at 205 W. Alexis Road in Toledo, Ohio. The pile of lead contaminated hazardous waste (D008) has been stored at the site since at least April 28, 2010 (almost two years). AYFC must immediately cease this unpermitted storage of hazardous waste.

AYFC may attempt to demonstrate, through representative sampling and analysis, that portions of the pile are not hazardous waste. If AYFC wishes to do this it must be done immediately. **AYFC must immediately arrange for the lawful transportation of the lead contaminated hazardous waste pile (D008) to a permitted hazardous waste treatment, storage or disposal facility.** Please provide Ohio EPA with advance notice prior to shipment of any hazardous waste off-site. You must explain to Ohio EPA, in advance, what treatment, storage or disposal facility you may send it to. Additionally, please provide original copies of the hazardous waste manifests (or shipping papers if a portion of the waste pile is deemed by Ohio EPA to be non-hazardous waste) and copies of the returned manifests from the designated facility.

Since AYFC has violated ORC Section 3734.02(E) & (F) by becoming an unpermitted storage facility, it is subject to OAC Rules 3745-55-10 through 3745-55-48 and 3745-55-97, including preparing, submitting and implementing a closure plan in accordance with these rules. AYFC also is subject to all applicable general facility standards, found in OAC Chapters 3745-54 and 55, until such time as AYFC has demonstrated that it has ceased operations as a storage facility. Additionally, at any time, Ohio EPA may assert its right to have AYFC begin facility-wide cleanup, pursuant to the Corrective Action process under Ohio law.

Due to the serious nature of this violation, a referral to our Central Office Compliance Assurance Section for escalated enforcement consideration may result.

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The violations previously cited in the NOV's dated April 8, 2010, August 10, 2010, and October 7, 2010 are:

1. **Waste Evaluation**
OAC Rule 3745-52-11
2. **Used Oil Container Labeling**
OAC Rule 3745-279-22(C)(1)
3. **Used Oil Container Condition**
OAC Rule 3745-279-22(B)
4. **Response to Releases of Used Oil**
OAC Rule 3745-279-22(D)

AYFC needs to immediately take the necessary measures to return to compliance with Ohio's environmental laws. Within 14 days of receipt of this letter, AYFC is requested to provide documentation to this office including the steps taken to abate the violations cited above. Documentation of steps taken to return to compliance includes written correspondence, updated policies, and photographs, as appropriate, and may be submitted via the postal service or electronically to don.north@epa.state.oh.us.

Please be advised that violations cited above will continue until the violations have been properly abated. Failure to comply with Chapter 3734. 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. It is imperative that you return to compliance. If circumstances delay the abatement of violations, AYFC is requested to submit written correspondence of the steps that will be taken by date certain to attain compliance.

The Division of Hazardous Waste Management has created an electronic news service to provide you with quick and timely updates on events and news related to hazardous waste activities in Ohio. If you haven't already, we encourage you to sign-up for this free service. You can find more information at the following Web link http://ohioepa.custhelp.com/cgi-bin/ohioepa.cfg/php/enduser/doc_serve.php?2=subscriptionpage. Please feel free to share this information with your colleagues.

If you have any questions, please feel free to contact me at (419) 373-3074.

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You can find copies of the rules and other information on the division's web page at <http://www.epa.ohio.gov/dhwm>.

Sincerely,



Don North
District Representative
Division of Materials and Waste Management

/lr

pc: Cindy Lohrbach, DMWM, NWDO
Colleen Weaver, DMWM, NWDO (hard copy)

ec: Colleen Weaver, DMWM, NWDO (scanned copy)
Mitch Mathews, DMWM, CO
Don North, DMWM, NWDO