



Environmental
Protection Agency

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

Eval. 001

Enf. 001

RTD'd 1 violation

June 18, 2012

OHR 000 169847

Mr. Mark Carter
Carter Construction
P.O. Box 20
106 Glendale Milford Road
Miamiville, Ohio 45147

**RE: COMPLAINT INVESTIGATION - NOTICE OF VIOLATION
AND RETURN TO COMPLIANCE**

Clermont Co

Dear Mr. Carter:

On June 13, 2012, I investigated a complaint alleging mismanagement of wastes at the Carter Construction facility located at 106 Glendale Milford Road in Miamiville, Ohio. The purpose of the investigation was to assess the validity of the complaint and determine compliance with Ohio's environmental laws found in Chapter 3734 of the Ohio Revised Code and Chapter 3745 of the Ohio Administrative Code. **As a result of the investigation, one violation was cited.**

Violation OAC 3745-279-22 (B) - Used Oil

Used oil must be stored in containers that are in good condition, not leaking, and are labeled with the words "Used Oil". During the investigation, the tank used to store used oil was not labeled. This was corrected at the time of the investigation and is therefore Returned to Compliance at this time.

Additional Areas of Concern

The complaint alleged mismanagement of wastes in an underground storage tank and illegal disposal. You stated that underground storage tanks on site were removed and you were unable to provide records showing that the tanks have been removed. The complaint alleges that an underground storage tank that leaks is still being used for illegal disposal. Currently, Carter Construction is under investigation by the enforcement group at the State Fire Marshall's office. This matter has been referred to them as well for further investigation.

Mr. Mark Carter
Carter Construction
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You stated that you had no off-site disposal of used oil or antifreeze in at least two years. Used oil is burned on site in a space heater. While records retention is required for hazardous wastes, records should also be maintained for any other wastes. As a reminder, a generator is ultimately responsible and liable for the management of its waste.

Sincerely,



Thomas E. Koch
Environmental Specialist
Division of Materials and Waste Management

cc: Robyn Fox, SWDO-DMWM/SWDO, File

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.

TEK\bp