



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

Re: 715 Spencer Street Corporation
Lucas County
DMWM, NWDO
Complaint 3201
Notice of Violation

November 9, 2012

Mr. Rick Conley, Owner
715 Spencer Corporation
5834 Crossroads Court
Waterville, Ohio 43566

Dear Mr. Conley:

As outlined in an October 22, 2012, letter from the Ohio Environmental Protection Agency (Ohio EPA), Ohio EPA conducted a complaint investigation at 715 Spencer Street in Toledo, Ohio. Two investigations were conducted, one on September 25, 2012, and another on October 4, 2012. During these investigations numerous 55 gallon drums and other various containers of unknown materials were observed. These observations are outlined in the October 22, 2012, letter, which additionally requested information to demonstrate compliance with Ohio Administrative Code (OAC) 3745-52-11, which requires any person who generates waste, as defined in OAC Rule 3745-51-02 to determine if that waste is a hazardous waste. Through subsequent correspondence you provided me with additional information that was available to you regarding the observed wastes. However, based on the observations outlined in the October 22, 2012, letter and subsequent correspondence, 715 Spencer Street Corporation (715 SSC) was, and continues to be, in violation of the following at the time of the original complaint investigation:

1. **Ohio Administrative Code (OAC) Rule 3745-52-11, Hazardous Waste Determination:**

"Any person, who generates a waste, as defined in rule 3745-51-02 of the Administrative Code, must determine if that waste is a hazardous waste..."

715 SSC failed to adequately evaluate the waste streams listed below to determine if they were a hazardous waste in accordance with OAC Rule 3745-52-11.

- a. Building 1-Wastes which include a minimum of 9 55-gallon drums of unknown material at various levels of capacity, approximately 15 5-gallon pails of unknown materials at various levels of capacity, and 50+ 1-gallon containers at various levels of capacity.
- b. Building 2-Wastes which include a minimum of 16 55-gallon drums of unknown materials at various levels of capacity.

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In order to abate this violation, 715 SSC must obtain a chemical analysis of a representative sample of each waste to determine if they exhibit hazardous characteristics. 715 SSC will need to contract the services of a commercial environmental laboratory to analyze these materials. 715 SSC must determine the concentrations of toxicity characteristic leaching procedure (TCLP) volatile organic compounds (VOCs), TCLP semi-volatile organic compounds (SVOCs), and TCLP Resource Conservation and Recovery Act (RCRA) metals of the wastes. If the wastes can be considered a liquid, then 715 SSC must also determine the pH and flashpoint of the wastes.

715 SSC must submit the analytical results indicating the proper evaluation of the waste for Ohio EPA's review. The results must document if the waste is hazardous or not and, if hazardous and 715 SSC will generate more than 100 kilograms of hazardous waste per month, whether it is restricted from land disposal. Once Ohio EPA acknowledges 715 SSC's proper characterization of the wastes, 715 SSC must dispose of the wastes at a proper disposal facility. 715 SSC must then submit the appropriate manifest documents or shipping papers indicating proper disposal of the wastes.

Please notify me at least five days prior to sampling so that I may be present.

If the waste is hazardous, I will determine the status of your compliance with other hazardous waste laws and notify you of my findings in a separate letter.

715 SSC needs to immediately take the necessary measures to return to compliance with Ohio's environmental laws. Within 14 days of receipt of this letter, 715 SSC 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 kara.reynolds@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, 715 SSC is requested to submit written correspondence of the steps that will be taken by date certain to attain compliance.

Ohio EPA will issue an EPA ID number to track our inspection activity at 715 SSC. 715 SSC cannot use this number for manifesting hazardous waste shipments. If 715 SSC wants to use an EPA ID number for manifesting and other hazardous waste, used oil or universal waste activities, 715 SSC must complete and submit a Notification of Regulated Waste Activity form to Ohio EPA. This form is available on our Web page at <http://epa.ohio.gov/dmwm/Home/Notiform.aspx> or 715 SSC can call the Division of Materials and Waste Management, Central Office, at (614) 644-2923 and a copy will be sent through the mail.

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Should you have any questions, please feel free to call me at (419) 373-3065. Please send all correspondence **within 14 days of receipt of this letter**, to Ohio EPA, Northwest District Office, Attn: Kara Reynolds, 347 North Dunbridge Road, Bowling Green, Ohio 43402.

Sincerely,

Kara Reynolds

Kara Reynolds
Environmental Specialist
Division of Materials and Waste Management

/l/r

Enclosure

pc: Colleen Weaver, DMWM, NWDO (with enclosure)
Kara Reynolds, DMWM, NWDO
Lisa Gifford, DMWM, NWDO
Haley Haggard, Toledo Division of Environmental Services (with enclosure)
Jodi Vaughan, Toledo Health Department (with enclosure)

ec: Brent Goetz, DMWM, NWDO
Rick Hassinger, SIU, NWDO
Colleen Weaver, DMWM, NWDO (with enclosure)

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.

Send to Central Office <input checked="" type="checkbox"/>	Ohio Environmental Protection Agency RCRA SUBTITLE C SITE IDENTIFICATION/VERIFICATION FORM	For Ohio EPA use only
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Completed verification forms required to be submitted to CO should be e-mailed to brad.hauser@epa.state.oh.us.

Site EPA ID No. Site Name Site Location Information Site Land Type (check only one) NAICS code(s) www.census.gov/epcd/www/naics.html	EPA ID Number:		Website: (Optional)	
	Name: 715 Spencer Corporataion			
	Street Address: 715 Spencer Street			
	City, Town, or Village: Toledo		State: OH	
County Name: Lucas		Zip Code: 43609		
Private <input type="checkbox"/> County <input type="checkbox"/> District <input type="checkbox"/> Federal <input type="checkbox"/> Indian <input type="checkbox"/> Municipal <input type="checkbox"/> State <input type="checkbox"/> Other <input type="checkbox"/>				

Facility Representative Additional names can be recorded in number 12 Only provide address information if it is different than the site address	First Name: Rick		MI:	Last Name: Conley	
	Title: Owner				
	Phone Number: 4419-461-3595		Phone Number Extension:		
	E-Mail Address: conleycommercial@gmail.com				
	Fax Number: 419-568-1807		Fax Number Extension:		
	Street or P.O. Box:				
City, Town or Village:					
State:			Zip Code:		

Legal Owner And Operator of the Site. List Additional Owners and/or Operators in the Comment Section or on another copy of this form page	Name of Site's Legal Owner: 715 Spencer Corporation		Date Became Owner (mm/dd/yyyy):						
	Owner Type:	Private <input type="checkbox"/>	County <input type="checkbox"/>	District <input type="checkbox"/>	Federal <input type="checkbox"/>	Indian <input type="checkbox"/>	Municipal <input type="checkbox"/>	State <input type="checkbox"/>	Other <input type="checkbox"/>
	Street or P.O. Box: 715 Spencer Street								
	City, Town or Village: Toledo			Owner Phone #: 419-461-3595					
	State: Ohio			Country: USA		Zip Code: 43609			
	Name of Site's Operator:		Date Became Operator (mm/dd/yyyy):						
	Operator Type:	Private <input type="checkbox"/>	County <input type="checkbox"/>	District <input type="checkbox"/>	Federal <input type="checkbox"/>	Indian <input type="checkbox"/>	Municipal <input type="checkbox"/>	State <input type="checkbox"/>	Other <input type="checkbox"/>
	Street or P.O. Box:								
City, Town or Village:			Operator Phone #:						
State:			Country		Zip Code:				

VIOLATIONS CITED? Yes No

TYPE OF HANDLER - MARK "X" AS APPROPRIATE

<input type="checkbox"/> Not a HW Generator	<input checked="" type="checkbox"/> UNKNOWN: Cited for violation of 3745-52-11		<input type="checkbox"/> Large Quantity Generator (LQG)	
	<input type="checkbox"/> Short-Term/Temporary Generator (generates from a short-term or one-time event and not from on-going processes). Check the box for the applicable generator status and provide a comment.		<input type="checkbox"/> Small Quantity Generator (SQG)	
			<input type="checkbox"/> Conditionally Exempt Small Quantity Generator	
			<input type="checkbox"/> U.S. Importer of Hazardous Waste	
			<input type="checkbox"/> Mixed Waste (Hazardous and Radioactive) Generator	

TYPE OF REGULATED WASTE ACTIVITY (MARK 'X' IN ALL OF THE APPROPRIATE BOXES)

<input type="checkbox"/> Hazardous Waste Transporter	<input type="checkbox"/> Exempt Boiler and/or Industrial Furnace
<input type="checkbox"/> Hazardous Waste Transfer Facility	<input type="checkbox"/> Small Quantity On-Site Burner Exemption
<input type="checkbox"/> Treater, Storer or Disposer of Hazardous Waste	<input type="checkbox"/> Smelting, Melting, Refining Furnace Exemption
<input type="checkbox"/> Recycler of Hazardous Waste	<input type="checkbox"/> Underground Injection Control Facility
<input type="checkbox"/> 72-Hour Recycler	<input type="checkbox"/> Receives Hazardous Waste from Off-site

UNIVERSAL WASTE ACTIVITIES (INDICATE TYPES OF UNIVERSAL WASTE MANAGED (CHECK ALL BOXES THAT APPLY))

<input type="checkbox"/> Small Quantity Handler of Universal Waste	<input type="checkbox"/> Destination Facility for Universal Waste
<input type="checkbox"/> Large Quantity Handler of Universal Waste (accumulates 5,000 kg. or more)	

CHECK ALL BOXES BELOW THAT APPLY FOR THE TYPES OF UNIVERSAL WASTE THE FACILITY MANAGES

Batteries
 Pesticides
 Mercury containing equipment
 Lamps

USED OIL ACTIVITIES (INDICATE TYPE(S) OF ACTIVITY(S))

Used Oil Generator
 Used Oil Transporter
 Used Oil Transfer Facility
 Used Oil Processor
 Used Oil Re-refiner
 Off-Specification Used Oil Burner
 Used Oil Fuel Marketer who directs shipment of Off-Spec Used Oil
 Used Oil Fuel Marketer who first claims the Used Oil meets the specifications

Eligible Academic Entities with Laboratories: Facility has previously notified that they are opting into managing laboratory hazardous waste pursuant to OAC rules 3745-52-200 through 3745-52-216. Check the box(es) below to indicate the laboratory type.

College or University
 Teaching hospital that is owned by or has a formal written affiliation agreement with a college or university
 Non-profit institute that is owned by or has a formal written affiliation agreement with a college or university

Waste Codes for Federally Regulated Hazardous Wastes: Please list the codes for the federally regulated hazardous waste handled at the site. List them in the order they are presented in the regulations (e.g., D001, D003, F007, U112). Use an additional page or list them in the comments if more space is needed. If the waste codes are the same as listed in the most recent RCRA Info source record, you do not need to list them. Instead just indicate the date of the most recent source record.

COMMENTS: USE THIS AREA TO DESCRIBE WHETHER THE INSPECTION WAS ANNOUNCED, WHETHER THE WASTE IS STORED IN TANKS OR CONTAINERS, ETC.

Announced	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Additional Facility Representatives:
Tanks	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
Containers	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
Name of Inspector(s) Kara Reynolds	Name of Inspector(s) Brent Goetz	Date of Inspection/Time (mm/dd/yyyy) (hh:mm) 09-25-2012 1:30 PM	

Comments:
Buildings leased out to various tenants that conduct various businesses.