



State of Ohio Environmental Protection Agency

Northwest District Office

347 North Dunbridge Road
Bowling Green, OH 43402-9398

TELE: (419) 352-8461 FAX: (419) 352-8468
www.epa.state.oh.us

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

Re: **Complaint #2714**
7965 W. Central Avenue
Lucas County
Hazardous Waste
Notice of Violation

December 7, 2007

Mr. Sol Zyndorf, Property Owner
320 North Michigan Street
Toledo, Ohio 43604

Mr. Robert Zeadker, Lessee
1126 Vanderbilt Road
Toledo, Ohio 43615

Dear Mr. Zyndorf and Mr. Zeadker:

On November 26, 2007, Wendy Miller and I investigated a complaint at M.C. Leather, formerly known as Rollin Leather, located at 7965 W. Central Avenue in Toledo, Ohio. The Sylvania Township Fire Department responded to a report of unauthorized burning at this location on November 3, 2007. The fire department reported that Mr. Robert Zeadker was burning a large pile of tree trimmings mixed with garbage, motor oil, and possibly other chemicals. The fire department also reported several 55-gallon drums located on the property that were not labeled. This letter will explain the validity of the complaint, the violation found as a result of our investigation, and what you need to do to respond to this violation.

During our visit, we spoke with Janice and Mike Rogers who lease one of the buildings on the property and operate the business, M.C. Leather. Janice Rogers stated that Mr. Zeadker has been cleaning up the fenced in area located at the back of the property. Mike Rogers unlocked the fence and we investigated the area where the used oil has been stored and where the open burning was taking place. We observed several drums of stained soil, used oil, and a trailer with three drums of soil and the charred remains of the tree trimmings that Mr. Zeadker was burning. We also observed the area on the ground where the open burning has been taking place.

On November 28, 2007, I contacted Mr. Zeadker and spoke with him on the telephone. I notified him of our visit and that he was not to remove any drums of soil from the property until a proper waste evaluation has been conducted. I also notified him to stop removing the used oil from the property until a full assessment of where the used oil came from was completed. Mr. Zeadker stated that he has already taken two 55-gallon drums of used oil to Tractor Supply.

During our conversation, Mr. Zeadker raised the question of who is responsible for the clean up and complying with the hazardous waste generator requirements. A generator is defined as any person by site whose act or process produces a hazardous waste. Our understanding is that Sol Zyndorf owns the property and Mr. Zeadker is a Lessee. Ohio EPA contends that both parties are generators and are jointly and severally liable for complying with the generator standards in Ohio Administrative Code (OAC) Chapter 3745-52. We reserve the right to hold both parties liable for these responsibilities in any enforcement actions we might take as a result of a violation of the regulations. This interpretation parallels the interpretation the U.S. EPA discussed in the preamble to amendment to the federal hazardous waste rules (see 45 Fed. Reg. 72026-72027, October 30, 1980).

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We found the following violation of Ohio's hazardous waste laws. In order to correct this violation you must do the following and send me the required information within 30 days of your receipt of this letter:

1. **OAC Rule 3745-52-11: Waste Evaluation:** Any person who generates a waste must determine if that waste is a hazardous waste by using generator knowledge or by testing the waste.
 - a. At the time of the inspection, there were approximately nine 55-gallon drums of stained soil located on the property. This soil was dug up from the areas where the used oil drums were stored and the area where open burning was taking place. A proper waste evaluation of this soil must be conducted prior to disposal.

You must obtain a representative sample of the stained soil and have it analyzed for Toxic Characteristic Leaching Procedure (TCLP) Resource Conservation and Recovery Act (RCRA) metals (SW-846 Method 1311/6010) and volatile organics (SW-846 Method 1311/8260). You must notify me at least seven days prior to the sampling event date so that a representative from Ohio EPA can be present to observe the sampling and to split samples if necessary. To abate this violation, you must submit a copy of the analytical results to Ohio EPA. Once analytical results have been reviewed, Ohio EPA will advise you on proper disposal options for this waste stream.

Ohio EPA may use the data you collect, in part, to make regulatory decisions concerning the waste(s) tested. A data review process, referred to as data validation, may be utilized to confirm the validity of the data. This data validation can include a review of the following components: sampling techniques, sample containers, representativeness of sample, laboratory test methods, laboratory data completeness, documentation of holding time(s), chain(s) of custody and quality assurance/quality control (QA/QC) data. Please include data sufficient for Ohio EPA to perform the data validation review. Information on conducting a data validation can be obtained from Ohio EPA's web page at http://www.epa.state.oh.us/dhwm/tier_i_data_validation_manual.html.

Request for Information:

Mr. Zeadker stated that the used oil currently located on the property was generated from a previous lessee. Please provide documentation regarding the name of the lessee, the business conducted by this person and the length of time they leased this portion of the property.

Additional violations may be cited based upon the waste evaluation documentation and/or the previous lessee information. You will be notified of any additional violations in a separate letter.

Ohio EPA will issue an EPA ID number to track our inspection activity at 7965 W. Central Avenue in Toledo, Ohio. You cannot use this number for manifesting hazardous waste shipments. If you want to use an EPA ID number for manifesting and other hazardous waste, used oil or universal waste activities, you must complete and submit a Notification of Regulated Waste Activity form (*EPA Form 9029 (Rev. 11/2002)*) to Ohio EPA. This form is available at <http://www.epa.state.oh.us/dhwm/notiform.html> or you can call me at (419) 373-3066 or the Division of Hazardous Waste Management, Central Office, RIS at (614) 644-2977 and we will mail you a copy.

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Ohio EPA has helpful information about compliance assistance and pollution prevention at the following web address: <http://www.epa.state.oh.us/ocapp/ocapp.html>. In addition, you can also find copies of the rules and other information on the division's web page at <http://www.epa.state.oh.us/dhwm..>

The investigation performed by Ohio EPA was conducted as the result of a complaint received by this Agency. A comprehensive Compliance Evaluation Inspection was not conducted, therefore, failure to list specific deficiencies in this communication does not relieve you from the responsibility of complying with all applicable regulations.

As a result of this complaint investigation, the Ohio EPA did find evidence to support the complainant's allegations; therefore, the Ohio EPA considers the complaint investigation an open case. If you have any questions or I can be of assistance, please contact me at (419) 373-3066.

Sincerely,



Melissa L. Boyers
Division of Hazardous Waste Management

/cs

pc: Cindy Lohrbach, DHWM, NWDO
Colleen Weaver, Supervisor, DHWM, NWDO
Janice & Mike Rogers, M.C. Leather
Sylvania Township Fire Department (incident #07-0003332)
~~DHWM, NWDO, Lucas County General File~~

ec: Melissa Boyers, DHWM, NWDO

<p>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.</p>
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E-mail this completed form to tammy.mcconnell@epa.state.oh.us or mail it to Tammy McConnell, Central Office	Ohio Environmental Protection Agency RCRA SUBTITLE C SITE IDENTIFICATION/VERIFICATION FORM		For Ohio EPA use only																	
2. Site EPA ID No.	EPA ID Number:																			
3. Site Name	Name: M.C. Leather (fenced area at back of property)		Website (optional:)																	
4. Site Location Information	Street Address: 7965 W. Central Avenue																			
	City, Town, or Village: Toledo	State: OH																		
	County Name: Lucas	Zip Code: 43617																		
5. Site Land Type (check only one)	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 12.5%;">Private</th> <th style="width: 12.5%;">County</th> <th style="width: 12.5%;">District</th> <th style="width: 12.5%;">Federal</th> <th style="width: 12.5%;">Indian</th> <th style="width: 12.5%;">Municipal</th> <th style="width: 12.5%;">State</th> <th style="width: 12.5%;">Other</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">X</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>			Private	County	District	Federal	Indian	Municipal	State	Other	X								
Private	County	District	Federal	Indian	Municipal	State	Other													
X																				
6. NAICS code(s) www.census.gov/epcd/www/naics.html	A.		B.																	
	C.		D.																	
7. Facility Representative: Additional names can be recorded in number 12. Only provide address information if it is different than the site address.	First Name: Mike & Janice		MI:																	
	Last Name: Rogers		Phone Number Extension:																	
	Phone Number: 419-843-9507			E-Mail Address:																
	Fax Number:		Fax Number Extension:																	
	Street or P.O. Box:																			
	City, Town or Village:																			
	State:		Country:																	
Zip Code:																				
8. 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.	A. Name of Site's Legal Owner: Mr. Sol Zyndorf		Date Became Owner (mm/dd/yyyy):																	
	Owner Type: Mark with an X	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 12.5%;">Private</th> <th style="width: 12.5%;">County</th> <th style="width: 12.5%;">District</th> <th style="width: 12.5%;">Federal</th> <th style="width: 12.5%;">Indian</th> <th style="width: 12.5%;">Municipal</th> <th style="width: 12.5%;">State</th> <th style="width: 12.5%;">Other</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">X</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>			Private	County	District	Federal	Indian	Municipal	State	Other	X							
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	X																			
	Street or P.O. Box: 320 N. Michigan Street																			
	City, Town, or Village: Toledo		Owner Phone #: 419-243-1144																	
	State: Ohio		Country: Lucas Zip Code: 43604																	
	B. Name of Site's Operator: Mr. Robert Zeadker		Date Became Operator (mm/dd/yyyy):																	
	Operator Type: Mark with an X	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 12.5%;">Private</th> <th style="width: 12.5%;">County</th> <th style="width: 12.5%;">District</th> <th style="width: 12.5%;">Federal</th> <th style="width: 12.5%;">Indian</th> <th style="width: 12.5%;">Municipal</th> <th style="width: 12.5%;">State</th> <th style="width: 12.5%;">Other</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>			Private	County	District	Federal	Indian	Municipal	State	Other								
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Street or P.O. Box: 1126 Vanderbilt Road																				
City, Town, or Village: Toledo		Operator Phone #: 419-531-6102																		
State: Ohio		Country: Lucas Zip Code: 43615																		
9. Violations Cited?	X	Yes	No																	
10. Type of Regulated Waste Activity (Mark "X" in all of the appropriate boxes.)																				
<input type="checkbox"/> Not Regulated																				

10. Type of Regulated Waste Activity (Mark "X" in all of the appropriate boxes.)

A. Hazardous Waste Activities	
(choose only one of the following categories)	
<input checked="" type="checkbox"/> UNKNOWN: Cited for violation of 3745-52-11	<input type="checkbox"/> 3. Treater, Storer or Disposer of Hazardous Waste
<input type="checkbox"/> a. Large Quantity Generator (LQG):	<input type="checkbox"/> 4. Recycler of Hazardous Waste
<input type="checkbox"/> b. Small Quantity Generator (SQG)	<input type="checkbox"/> 5. Exempt Boiler and/or Industrial Furnace
<input type="checkbox"/> c. Conditionally Exempt Small Quantity Generator	<input type="checkbox"/> a. Small Quantity On-site Burner Exemption
<input type="checkbox"/> d. United States Importer of Hazardous Waste	<input type="checkbox"/> b. Smelting, Melting, Refining Furnace Exemption
<input type="checkbox"/> e. Mixed Waste (hazardous and radioactive) Generator	<input type="checkbox"/> 6. Underground Injection Control Facility

B. Universal Waste Activities	C. Used Oil Activities															
<input type="checkbox"/> 1. Small Quantity Handler of Universal Waste (Indicate types of universal waste generated and/or accumulated (check all boxes that apply):	<input type="checkbox"/> 1. Used Oil Generator															
<input type="checkbox"/> 2. Large Quantity Handler of Universal Waste (accumulates 5,000 kg or more).	<input type="checkbox"/> 2. Used Oil Transporter Indicate Type(s) of Activity(ies)															
<input type="checkbox"/> 3. Destination Facility for Universal Waste (Check all boxes below that apply for each of the three types of facilities above.)	<input type="checkbox"/> Transporter															
	<input type="checkbox"/> Transfer Facility															
	<input type="checkbox"/> 3. Used Oil Processor and/or Re-refiner Indicate Type(s) of Activity(ies)															
	<input type="checkbox"/> Processor															
	<input type="checkbox"/> Re-refiner															
<table border="1"> <thead> <tr> <th></th> <th>Generated</th> <th>Accumulated</th> </tr> </thead> <tbody> <tr> <td>A. Batteries</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>B. Pesticides</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>C. Thermostats</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>D. Lamps</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </tbody> </table>		Generated	Accumulated	A. Batteries	<input type="checkbox"/>	<input type="checkbox"/>	B. Pesticides	<input type="checkbox"/>	<input type="checkbox"/>	C. Thermostats	<input type="checkbox"/>	<input type="checkbox"/>	D. Lamps	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> 4. Off-Specification Used Oil Burner
	Generated	Accumulated														
A. Batteries	<input type="checkbox"/>	<input type="checkbox"/>														
B. Pesticides	<input type="checkbox"/>	<input type="checkbox"/>														
C. Thermostats	<input type="checkbox"/>	<input type="checkbox"/>														
D. Lamps	<input type="checkbox"/>	<input type="checkbox"/>														
	<input type="checkbox"/> 5. Used Oil Fuel Marketer - Indicate Type(s) of Activity(ies)															
	<input type="checkbox"/> a. Marketer Who Directs Shipment of Off-Specification Oil															
	<input type="checkbox"/> b. Used Oil to Off-Specification Used Oil Burner															

11. Waste Codes for Federally Regulated Hazardous Wastes. Please list the codes for the federally regulated hazardous waste handled at your site. List them in the order they are presented in the regulations (e.g., D001, D003, F007, U112). Use an additional page if more space is needed. If there are more than 7 waste codes and they are the same as listed in the most recent RCRAInfo source record, you do not need to list them all. Instead just indicate the date of the most recent source record.

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12. Comments: Use this area to describe whether the inspection was announced, whether the waste is stored in tanks or containers, etc.

N	Announced ?	Additional Facility Representatives:	Robert Zeadker, Lessee of the fenced in area at back of property
N	Tanks?	Other comments:	
Y	Containers?		

13.	Name of Inspector(s)	Name of Inspector(s)	Date of Inspection/ Time (mm-dd-yyyy) (HH:MM)
	Melissa Boyers	Wendy Miller	11-26-2007 11:30

14. OPTIONAL CERTIFICATION. I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature of owner, operator, or an authorized representative	Name and Title (Print)	Date (mm-dd-yyyy)