

MC Leather



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 Korteski, Director

Re: **Complaint #2714**
7965 W. Central Avenue
Lucas County
Hazardous Waste
Partial Return to Compliance

May 20, 2008

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:

Thank you for your February 4, 2008, response to Ohio EPA's December 7, 2007, Notice of Violation letter. My review of this documentation reveals that Mr. Sol Zyndorf has adequately demonstrated partial abatement of the violation discovered during the November 26, 2007, complaint investigation.

The following is a summary of the violation cited and your compliance with respect to it:

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.

On several occasions I spoke with Rachel who represented Mr. Sol Zyndorf's office. On December 12, 2007, Rachel informed me that the property owner is Port Lawrence Title and Mr. Zyndorf is the property manager. On December 13, 2007, Rachel informed me that Mr. Zyndorf's office was in the process of contacting a consulting firm to conduct the required sampling. On December 18, 2007, I made a site visit to number the drums and select the drums to be sampled for waste evaluation. Two drums containing liquid (#10 and #11) and two drums containing solids (#2, #8) were selected for sampling. On January 7, 2008, I spoke with Mr. Tom Kiger, Bowser-Morner, regarding the sampling of the drums planned for that week. On January 11, 2008, the drums were sampled and the samples were delivered to the laboratory for analysis.

On February 4, 2008, Bowser-Morner submitted an Environmental Service Report outlining the sampling procedures used and the analytical results for the two drums of liquid and two drums of solids sampled on January 11, 2008.

Based upon the analytical results, the two drums of soil appear to be non-hazardous petroleum contaminated soil. The drums of soil are to be removed and disposed of at a licensed solid waste facility. Copies of receipts for the disposal of the drums of soil must be submitted to Ohio EPA.

Based upon the analytical results, the two drums of liquid appear to be used oil. The best way to manage your used oil is to send it to a used oil recycler. Enclosed is a used oil generator fact sheet and a list of used oil collection centers and used oil recyclers. Copies of receipts for the disposal of the drums of used oil must be submitted to Ohio EPA.

Please submit documentation demonstrating abatement of the above violation to this office within 15 days of receipt of this letter.

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. **On May 6, 2008, I spoke with Mr. Zyndorf regarding the current status of the site. Mr. Zyndorf stated that all the drums are covered in plastic and ready for proper disposal. Mr. Zyndorf was unsure where the used oil stored on-site came from. There were no records to indicate if it was from household do-it-yourself used oil generators or from other businesses.**

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 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

/llr

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

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.
