



State of Ohio Environmental Protection Agency

**Northwest District Office**

347 North Dunbridge Rd.  
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: T-RICK Industries  
837 Buckingham Street Property  
OHR 000 150 979  
Lucas County  
Hazardous Waste  
**Notice of Violation**

July 9, 2009

Certified Mail 7007 2560 0000 4485 6369

Mr. Rick Villarreal  
T-RICK Industries  
837 Buckingham Street  
Toledo, Ohio 43607

Dear Mr. Villarreal:

On January 5, 2009, I conducted a follow-up inspection of T-RICK Industries, located at 837 Buckingham Street in Toledo, Ohio. The purpose of this inspection was to check on the condition of the hazardous waste drums at your facility and the other drums of unknown waste that you have been required to sample and analyze.

You took me to an area outside, in the back of your property, where you placed certain drums you had cut up. According to you, in the summer of 2008 you poured the liquid in certain drums, from the unpermitted storage unit (the area behind the building that was identified during the original inspection), into an evaporator tank inside your building and evaporated it. You explained that you allowed the remaining waste in the drums to dry out. Then you cut the drums open and placed the solid masses inside them into three bags and one container on the floor of your warehouse area. I observed and photographed the following cut up drums: Drum 8, Drum 28, Drum 20, Drum 16, Drum 17, Drum 11 and Drum 21. Most of these drums had their bottoms cut out. On January 5, 2009, you stated that you recycled the evaporator that summer as scrap metal after using it to treat the waste at your property.

Back in your office I explained to you that Drum 17 was identified as hazardous waste by Ohio EPA in its January 23, 2008, Notice of Violation letter. You admitted that it was a mistake to evaporate the hazardous waste in Drum 17. Again on March 25, 2009, I stated that you had performed illegal treatment by pouring out and evaporating the hazardous waste contents of Drum 17. You acknowledged that this is what you had done.

All violations referenced in my previous Notice of Violation letter, dated January 23, 2008, remain outstanding.

As a result of this follow-up inspection, I found the following additional violation of Ohio's hazardous waste laws. You must do the following and send me the required information **within 30 days** of your receipt of this letter:

1. **Unpermitted Hazardous Waste Treatment, Storage or 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.

T-RICK Industries has become an unpermitted treatment and disposal facility by: **treating and disposing to the air (evaporating) at least one 55-gallon drum of hazardous waste (Drum 17) at the Buckingham Street facility, instead of shipping it to a hazardous waste treatment, storage or disposal facility.** In a letter dated January 23, 2008, Ohio EPA informed you that the contents of Drum 17 were hazardous waste with a flash point of 113°F. In the same letter you were required to immediately ship the drum, along with four other hazardous waste drums, to a permitted hazardous waste treatment, storage or disposal facility (TSD) and submit a copy of the manifest first signed by the transporter and a copy of the final manifest signed by the hazardous waste treatment, storage or disposal facility. Prior to shipping the hazardous waste off-site, you were required to inform Ohio EPA of the hazardous waste treatment, storage or disposal facility you intended to use and the EPA hazardous waste numbers you will designate on the hazardous waste manifest. You did not ship the hazardous waste to a permitted TSD. You did not inform Ohio EPA that you were planning to evaporate the hazardous waste.

Since T-RICK Industries has violated ORC §3734.02(E) & (F) by establishing and operating an unpermitted treatment and disposal facility (TSD), it is subject to OAC Rules 3745-55-10 through 3745-55-48 and 3745-55-97, as well as Chapters 3745-54 and 3745-55 of the OAC. Therefore, **T-RICK Industries is required to submit a closure plan, in accordance with the applicable rules of OAC Chapters 3745-54 and 3745-55, including, but not limited to, the groundwater protection program in accordance with OAC Rules 3745-54-90 through 3745-54-100 for the new unpermitted hazardous waste treatment unit.** A closure plan describes the steps necessary to investigate the extent of contamination and to clean up all contamination found.

T-RICK Industries also is subject to all applicable general facility standards found in OAC Chapters 3745-54 and 55 until such time as T-RICK Industries has demonstrated that it has ceased operations as a treatment, storage or disposal facility. The purpose of Chapters 54 and 55 of the Administrative Code is to establish minimum standards which define the acceptable management of hazardous waste.

At any time, Ohio EPA may assert its right to have T-RICK Industries begin facility-wide cleanup pursuant to the Corrective Action process under Ohio law.

Mr. Rick Villarreal  
July 9, 2009  
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In addition, you agreed to have the waste at your facility sampled by Heritage Environmental Services, LLC on July 1, 2009. Both Ohio EPA's January 23, 2009, letter to you and the proposal that Heritage presented to you on April 2, 2009, clearly explained the sampling and analytical work that was necessary. The Heritage proposal also clearly described the expense involved in sampling and analysis. When you were asked to pay in advance for the work, you declined to pay. Therefore, the sampling event was cancelled by Heritage. The waste has still not been sampled, analyzed or shipped off-site for proper disposal.

**You must ship all the waste off-site immediately.** Ohio EPA has determined that if you want to designate all the remaining waste, listed in the January 23, 2009, letter to you, as hazardous waste, ship it off-site as hazardous waste, and use the following EPA hazardous waste numbers: F003, F005, D035, D004, D006, D007 and D008. This would be acceptable. This could be done in lieu of sampling and analysis. The waste cannot be reclaimed by Toledo Paint & Chemical. You must notify Ohio EPA of your plans immediately.

If you have any questions about this letter, or any previous correspondence, please contact me immediately at (419)373-3074.

Sincerely,



Don North  
District Representative  
Division of Hazardous Waste Management

/cs

pc: Colleen Weaver, DHWM, NWDO  
Cindy Lohrbach, DHWM, NWDO  
Dan Martin, AGO  
Kelly Smith, DHWM, CO  
DHWM; NWDO File; Lucas County; T-RICK/Buckingham Street Property File

ec: Don North, 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.

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Sent To  
**T-RICK Industries**  
Street, Apt. No.,  
or PO Box No. **837 Buckingham St.**  
City, State, ZIP+4  
**Toledo, Ohio 43607**

PS Form 3800, August 2006 See Reverse for Instructions

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
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- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
**Mr. Rick Villarreal**  
**T-RICK Industries**  
**837 Buckingham St.**  
**Toledo, Ohio 43607**

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
**Amy Walker**  Agent  Addressee

B. Received by (Printed Name) **Amy Walker** C. Date of Delivery **7-10-09**

D. Is delivery address different from item 1?  Yes  
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3. Service Type  
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4. Restricted Delivery? (Extra Fee)  Yes

2. / 7007 2560 0000 4485 6369