



State of Ohio Environmental Protection Agency

Northwest District Office

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

Re: T-RICK Industries/
837 Buckingham Street Property
Lucas County
Hazardous Waste
Notice of Violation

January 23, 2008

CERTIFIED MAIL

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

Dear Mr. Villarreal:

On April 12, 2007, I conducted a follow-up inspection and investigation at 837 Buckingham Street and the lot behind the building there. The Buckingham Street property, in Toledo, Ohio, is an industrial building that has been subdivided and leased to various businesses. I have been informed that you own the 837 Buckingham Street property. The original purpose of this follow-up work was to evaluate the status of Fulton Equipment Company. In the process of evaluating the status of Fulton Equipment Company and the contamination of the back lot that they caused, I discovered abandoned drums of waste there, in two different locations. Many of the drums were open. I obtained nineteen (19) photographs of the area and the abandoned drums. As the owner of the property, you were required to evaluate the contents of the drums. I first sent a letter to you, via certified mail, at Diversified Manufacturing Co., 1228 Hastings Avenue, Toledo, Ohio, 43607 on May 10, 2007. This letter was returned to Ohio EPA by the United States Post Office.

Therefore, on September 21, 2007, I returned to the site. I met you where the drums were stored, at the time I arrived. You said the drums had been there about 1½ years and that you were meaning to do something with them. You said a friend dropped them off. You said you already had the drums sampled and had a report, but never got a bill. You said you had tried to find the report before but couldn't, since you had moved your office several times and the report was lost. I told you that you would need to have the contents of the drums sampled and analyzed.

We spoke again about these drums on September 25, 2007. You said the drums came from a friend of a past tenant.

The tenant was going to put them inside his space in your building, (the current ATR space), but then you evicted him and the drums remained outside. According to you, the tenant had a car repair business. The drums were originally in the front of your building at 837 Buckingham Street and you later moved them to the back. According to you, while in the back, someone took the tops off the drums. You said they were just latex paint and had filled up with rain water. I asked you for the tenants' name and you could not remember, however, you said you would find out and let me know. Later in the day, you called me back with the name of the former tenant: either Rob Randal or Louis Randal. Their business was called Rob's Auto Body. Previously, you have told Ohio EPA that the drums were dropped off by Mr. Rick Vella. In April of 2006, you explained that the drums were left there after you bought the property but before May of 2005.

On September 21, 2007, I hand delivered another letter to you about these abandoned drums. The letter required you to respond within fifteen (15) days, and to have the contents of the drums in two (2) areas evaluated. You stated on September 21, 2007, that you could have the drums sampled within two (2) weeks. You identified your Buckingham Street business as T-RICK Industries (TRI) and gave me your business card. You did not respond to the September 21, 2007, letter in writing. So on October 25, 2007, I called to ask you about the status of your sampling plans. You explained that you had not yet found a company to sample the drums. But you agreed to arrange for them to be sampled on November 2, 2007.

On November 2, 2007, I returned to the site with Mr. Gary Deutschman, also of Ohio EPA, Division of Hazardous Waste Management, Northwest District Office. We met you there at some time after our 9:00 a.m. scheduled meeting time. You explained that you did not have the sample containers and needed some time to get them. You said that you only needed about 15 minutes to get some sample containers from the Doug Beat Company. You returned with small amber plastic medicine bottles from a pharmacy and said something about them being chemically resistant. You said you believed the drums came from Rob's Auto Service. You said you had a letter in your office. You did not provide this letter.

On November 2, 2007, you did not have the sampling equipment or sampling containers necessary for obtaining a representative sample from the containers in the back lot (you were just going to dip the containers in the waste). Also, you had not identified a laboratory to analyze the samples, so you would not have known where to take them once you collected them. Therefore, Mr. Deutschman and I sampled the containers with Ohio EPA's sampling equipment and sample containers. We sampled nine (9) 55-gallon drums. Ed Raetz, working for TRI, assisted us by opening containers. There were 29 drums and containers in one group in the back lot and about half of them were open. There were three drums in a second group, also in the back lot.

Ohio EPA received the analytical results from Kemron on December 10, 2007. The following table lists significant information about a number of the drums that were sampled by Ohio EPA, on November 2, 2007:

Drum Number	Drum Condition	Waste Type	Results
TRICK-5-DR	Closed 55-Gallon	Full Brown liquid on top. White paint on bottom.	Hazardous Waste D001 Fl. Pt. 68°F (TCLP MEK 138 mg/kg)
TRICK-15-DR	Closed 55-Gallon	Full Thin white liquid with strong solvent odor. Green color detected upon sampling.	Hazardous Waste D001, D004 & D035 Fl. Pt. 69.8°F Arsenic 7.38 mg/kg MEK 6,620 mg/kg <u>Other VOCs (in mg/kg):</u> Ethylbenzene 23,200 Isopropylbenzene 636 Naphthalene 324 n-Propylbenzene 1,150 Styrene 1,760 Toluene 86,000 1,2,4-Trimethylbenzene 6,460 1,3,5-Trimethylbenzene 1,840, and Xylenes 94,000
TRICK-17-DR	Open 55-Gallon	Full Clear liquid on top with floating semi-solid mass and 4 inches of paint sludge on the bottom.	Hazardous Waste D001 Fl. Pt. 113°F

Drum Number	Drum Condition	Waste Type	Results
TRICK-24-DR	Closed 55-Gallon	Full Greenish liquid on top with ¼ white paint sludge on bottom.	Hazardous Waste D001 Fl. Pt. 113°F
TRICK-30-DR	Closed 55-Gallon Black poly Tipped on side.	Full Clear liquid. Labeled Additive F.	Hazardous Waste D002 pH 1.92

* This is a summary of information in Ohio EPA's file. Please view the photos and notes in the file for more detail.

In summary, the analytical results from sampling performed by Ohio EPA on November 2, 2007, demonstrate that hazardous waste is stored at the TRI facility at 837 Buckingham Street in Toledo.

Therefore, I evaluated TRI for compliance with Ohio's hazardous waste laws as found in Chapter 3734. of the Ohio Revised Code (ORC) and Chapter 3745. of the Ohio Administrative Code (OAC). I found the following violations 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.

TRI has become an unpermitted treatment, storage or disposal facility by: storing at least five (5) 55-gallon drums of hazardous waste at the Buckingham Street facility for more than 2½ years, instead of shipping it to a hazardous waste treatment, storage or disposal facility. Many of the containers of waste being stored outside on the ground are open. The hazardous waste being stored includes the following characteristics: Ignitability (D001), Corrosivity (D002), Arsenic toxicity (D004), and MEK (methyl ethyl ketone) toxicity (D035).

TRI must immediately ship the five 55-gallon drums of hazardous waste, identified by Ohio EPA and listed in this letter, to a permitted hazardous waste treatment, storage or disposal facility 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, TRI must inform Ohio EPA of the hazardous waste treatment, storage or disposal facility it intends to use and the hazardous waste codes/numbers it will designate on the hazardous waste manifest.

Since TRI has violated ORC § 3734.02(E) & (F) by becoming an unpermitted treatment, storage or disposal facility (TSD), it is subject to OAC Rules 3745-55-10 through 3745-55-48 and 3745-55-97, as well as Chapters 3734-54 and 3754-55 of the OAC. Therefore, TRI is required to submit a closure plan for the unpermitted hazardous waste storage units. A closure plan describes the steps necessary to investigate the extent of contamination and to clean up all contamination found.

TRI also is subject to all applicable general facility standards found in OAC Chapters 3745-54 and 55 until such time as TRI 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.

Additionally, at any time, Ohio EPA may assert its right to have TRI begin facility-wide cleanup pursuant to the Corrective Action process under Ohio law.

**2. General Waste Analysis
OAC Rule 3745-54-13(A)**

Before an owner or operator treats, stores, or disposes of any hazardous wastes, he must obtain a detailed chemical and physical analysis of a representative sample of the wastes. At a minimum, this analysis must contain all the information which must be known to treat, store, or dispose of the waste in accordance with the requirements of Chapters 3745-54 to 3745-57, 3745-205, and 3745-270 of the Administrative Code.

TRI has failed to obtain a detailed chemical and physical analysis of all of its waste, according to this rule. The waste includes twenty-nine (29) 55-gallon drums and containers in approximately the northeast corner of the back lot at 837 Buckingham Street, and three (3) 55-gallon drums in approximately the southwest corner of the back lot at 837 Buckingham Street.

In order to abate this violation, you must immediately sample each container at the 837 Buckingham Street facility and obtain a detailed chemical and physical analysis of the contents of each container of waste referred to above, in accordance with the requirements of Ohio Administrative Code Rule 3745-54-13(A) and this letter. TRI may use the analytical information already obtained by Ohio EPA for disposal and waste analysis purposes.

You must evaluate all samples, through laboratory analysis, for all appropriate characteristics and listings and submit the results of the laboratory analysis to Ohio EPA. TRI will need to give Ohio EPA a five day advance notice of sampling activities, in order for an inspector to make arrangements to view the sampling.

Before sampling, you must submit a waste analysis plan, for Ohio EPA's approval. The plan must explain, in writing, at a minimum: the sampling method and how you will obtain a representative sample of each container of waste; the sampling equipment to be used, including sample collectors and sample containers; who will collect them; who will analyze them and how they will be analyzed, including the parameters, the rationale for the selection of these parameters, and analytical method numbers. In addition, where applicable, the plan must include the methods which will be used to meet the additional waste analysis requirements for specific waste management methods as specified in rules 3745-54-17, 3745-57-14, 3745-57-41 and 3745-270-07 of the Administrative Code. Please refer to the following guidance document for help with writing your waste analysis plan: RCRA Waste Sampling Draft Technical Guidance. It can be found at:

<http://www.epa.gov/epaoswer/hazwaste/test/pdfs/rwsdtg.pdf>

The complete analytical results from implementation of the approved waste analysis plan must be submitted to me as soon as they are available. Your results must document if the waste is hazardous or not and whether it is restricted from land disposal. If it is hazardous, you must explain what treatment, storage or disposal facility you will send it to. TRI must submit to me a legible copy of the manifest(s), signed by a representative of the permitted treatment, storage or disposal facility that documents the proper off-site shipment of all its hazardous waste. **If other waste is hazardous, I will determine the status of your facility's compliance with other hazardous waste laws and notify you of my findings in a separate letter.**

Ohio EPA will use the data you provide, in addition to other documentation, to make regulatory decisions concerning the waste(s) tested. The data you submit should be reviewed using a data review process, referred to as data validation, to confirm the validity of your data prior to submission. Data validation includes a review of the following components: laboratory test methods, laboratory data completeness, documentation of holding time(s), chain(s) of custody, and quality assurance/quality control (QA/QC) data.

To confirm the validity of your data, you may use Ohio EPA's tier 1 data validation plan review form, which can be obtained from Ohio EPA's web page: http://www.epa.state.oh.us/dhwm/tier_i_data_validation_manual.html. Ohio EPA may request the documentation needed to confirm the validity of the data submitted.

Please submit, with your laboratory data, a brief narrative of each sampling event which includes: process generating the waste, point in the process the sample was obtained, sampling techniques used to obtain the sample and a description of how this sample was determined to be a representative sample of the waste tested.

In order to assist you in evaluating your wastes I have enclosed a copy of the following document: Managing Your Hazardous Waste. I strongly urge you to review this document carefully and contact me immediately, if you have any questions.

**3. Identification Number
OAC Rule 3745-54-11**

Every facility owner and operator must apply to Ohio EPA for a U.S. EPA identification number. TRI does not possess an identification number. In order to correct this violation, TRI must apply for an identification number immediately. Notification forms for this purpose may be obtained from Ohio EPA, by dialing 614-644-2922. TRI must submit documentation demonstrating that it has obtained a U.S. EPA identification number and what that number is.

**4. Required Notices
OAC Rule 3745-54-12(B)**

The owner or operator of a facility that receives hazardous waste from an off-site source, except where the owner or operator is also the generator, must inform the generator in writing that he has the appropriate permit(s) for, and will accept, the waste the generator is shipping. The owner or operator must keep a copy of this written notice as part of the operating record.

TRI does not possess the necessary permit(s) to be a hazardous waste treatment, storage or disposal facility and, therefore, could not properly inform the generator in writing that the shipment was acceptable. In order to correct this violation, TRI must clearly state, in writing, that it will no longer bring hazardous waste onto its facility.

**5. Security
OAC Rule 3745-54-14**

The owner or operator must prevent the unknowing entry, and minimize the possibility for the unauthorized entry, of persons onto the active portion of the facility.

The facility must have: a twenty-four-hour surveillance system (e.g., television monitoring or surveillance by guards or facility personnel) which continuously monitors and controls entry onto the active portion of the facility; or an artificial or natural barrier (e.g., a fence in good repair or a fence combined with a cliff), which completely surrounds the active portion of the facility; and a means to control entry, at all times, through the gates or other entrances to the active portion of the facility (e.g., an attendant, television monitors, locked entrance, or controlled roadway access to the facility); a sign with the legend, "Danger - Unauthorized Personnel Keep Out" posted at each entrance to the active portion of the facility, and at other locations, in sufficient numbers to be seen from any approach in the active portion.

TRI has failed to provide security for its hazardous waste storage facility. Trespassers and tenants are able to gain access to the active portions of the hazardous waste facility and, according to you, remove covers on the waste containers and tip hazardous waste containers over. TRI is unable to prevent this from happening. TRI has not posted any warning signs and has not even labeled its hazardous waste with the words "Hazardous Waste", thereby not warning trespassers and tenants to stay away. In order to correct these violations, TRI must immediately label the hazardous waste containers with the words "Hazardous Waste", provide the required security for the active portion of its hazardous waste storage facility and submit photographic documentation demonstrating this.

6. General Inspection Requirements
OAC Rule 3745-54-15(A)

The owner or operator must inspect his facility for malfunctions and deterioration, operator errors, and discharges which may be causing or may lead to: release of hazardous waste constituents to the environment; or a threat to human health. The owner or operator must conduct these inspections with such regularity as to be able to identify problems in time to correct them before such problems harm human health or the environment.

TRI has failed to conduct the required inspections of its hazardous waste facility at 837 Buckingham Street. TRI must immediately conduct inspections of its hazardous waste facility.

7. Inspection Schedule
OAC Rule 3745-54-15(B)

a.) **3745-54-15(B)(1)** The owner or operator must develop and follow a written schedule for inspecting monitoring equipment, safety and emergency equipment, security devices, and operating and structural equipment (such as dikes and sump pumps) that are important to preventing, detecting, or responding to environmental or human health hazards.

b.) **3745-54-15(B)(2)** He must keep the schedule at the facility.

c.) **3745-54-15(B)(3)** The schedule must identify the types of problems (e.g., malfunctions or deterioration) which are to be looked for during the inspection (e.g., inoperative sump pump, leaking fitting, eroding dike, and other such problems).

d.) **3745-54-15(B)(4)** Areas subject to spills, such as loading and unloading areas, and storage areas, must be inspected daily when in use.

TRI has failed to develop and follow a written inspection schedule. TRI has failed to inspect the hazardous waste container storage areas, at its 837 Buckingham Street facility, on a daily basis. TRI must develop a written inspection schedule, in compliance with this rule, and submit a copy to Ohio EPA. **TRI must immediately conduct inspections of its hazardous waste storage areas daily and submit documentation of this to Ohio EPA on a weekly basis.**

8. Remedies and Remedial Action
OAC Rule 3745-54-15(C)

The owner or operator must remedy any deterioration or malfunction of equipment or structures which the inspection reveals, on a schedule which ensure that the problem does not lead to an environmental or human health hazard. Where a hazard is imminent or has already occurred, remedial action must be taken immediately.

TRI has not remedied deterioration or malfunctions at its hazardous waste storage facility, at 837 Buckingham Street. Ohio EPA has observed open containers of hazardous waste and other wastes that may be hazardous. Also, some of the containers have been so damaged that they cannot be closed and the waste in them must be placed into another container that is then immediately closed. TRI must immediately ensure that all waste has been placed into containers that are closed. TRI must submit photographic documentation demonstrating that this has been done. TRI may find other problems that must be remedied, as a result of its daily inspections.

9. Inspection Records
OAC Rule 3745-54-15(D)

The owner or operator must record inspections in an inspection log or summary. He must keep these records for at least three years from the date of inspection. At a minimum, these records must include the date and time of the inspection, the name of the inspector, a notation of the observations made, and the date and nature of any repairs or other remedial actions.

TRI has failed to record any inspections of its hazardous waste storage facility at 837 Buckingham Street. TRI must conduct the required inspections immediately and record the required information in a log or summary. TRI must submit copies of its inspection records to Ohio EPA.

10. Personnel Training
OAC Rule 3745-54-16(A)(1)

Facility personnel must successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance with the requirements of Chapters 3745-54 to 3745-57 and 3745-205 of the Administrative Code.

TRI has failed to provide the required training for any facility personnel. In order to correct this violation, TRI must submit a training outline or plan to Ohio EPA and demonstrate that facility personnel have successfully completed a classroom program of instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance with the requirements of Chapters 3745-54 to 3745-57 and 3745-205 of the Administrative Code. TRI must submit to Ohio EPA a sign-in sheet, log or record that demonstrates attendance at this required training.

11. Trainer Requirements
OAC Rule 3745-54-16(A)(2)

The training program must be directed by a person trained in hazardous waste management procedures, and must include instruction which teaches facility personnel hazardous waste management procedures, including contingency plan implementation, relevant to the positions in which they are employed.

TRI has failed to provide training directed by a person trained in hazardous waste management procedures. TRI has failed to provide training which includes hazardous waste management procedures. TRI has failed to develop a contingency plan and so has also failed to provide training in its implementation.

In order to correct this violation, TRI must have the required training, including all the items required by this rule, provided by a person trained in hazardous waste management procedures. TRI must submit documentation that demonstrates that these requirements have been met.

12. Training for Emergency Response
OAC Rule 3745-54-16(A)(3)

At a minimum, the training program must be designed to ensure that facility personnel are able to respond effectively to emergencies by familiarizing them with emergency procedures, emergency equipment, and emergency systems, including, where applicable: procedures for using, inspecting, repairing, and replacing facility emergency and monitoring equipment; communications or alarm systems; and response to fire or explosions.

TRI has failed to develop a contingency plan and train any facility personnel in its implementation. In order to correct this violation, TRI must develop a hazardous waste management contingency plan and provide training in its proper implementation and all emergency procedures. The contingency plan must include the facilities response to fires or explosions. TRI must submit documentation that demonstrates that these requirements have been met.

13. Training Records
OAC Rule 3745-54-16(D)(1), (2), (3) & (4)

a.) **3745-54-16(D)(1)** The owner or operator must maintain the following documents and records at the facility: the job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job.

b.) **3745-54-16(D)(2)** A written job description for each position that includes the requisite skill, education, or other qualifications, and duties of employees assigned to each position.

c.) **3745-54-16(D)(3)** A written description of the type and amount of both introductory and continuing training that will be given to each person filling a position

d.) **3745-54-16(D)(4)** Records that document that the training has been given to, and completed by, facility personnel.

TRI has failed to develop the required hazardous waste management records. In order to correct this violation, TRI must submit copies of all these required records.

14. Training Records Retention
OAC Rule 3745-54-16(E)

Training records on current personnel must be kept until closure of the facility.

TRI has failed to keep the required training records. TRI must submit copies of all required training records and a statement that they will be kept, for all existing personnel, until closure of the facility.

15. General Requirements for Ignitable Wastes
OAC Rule 3745-54-17(A)

The owner or operator must take precautions to prevent accidental ignition or reaction of ignitable or reactive waste.

This waste must be separated and protected from sources of ignition or reaction including, but not limited to: open flames, smoking, cutting and welding, hot surfaces, frictional heat, sparks (static, electrical, or mechanical), spontaneous ignition (e.g., from heat-producing chemical reactions), and radiant heat. While ignitable or reactive waste is being handled, the owner or operator must confine smoking and open flame to specially designated locations. "No Smoking" signs must be conspicuously placed wherever there is a hazard from ignitable or reactive waste.

TRI has failed to take precautions to prevent accidental ignition or reaction of its ignitable waste. Ohio EPA has observed open containers of waste, including ignitable hazardous waste, at the 837 Buckingham Street facility. These open containers are not protected from sources of ignition or reaction. TRI has failed to post signs warning "No Smoking" in the hazardous waste storage units. In order to correct this violation, TRI must immediately close each container of waste at its 837 Buckingham Street facility and post the required "No Smoking" signs and submit photographic documentation that this has been accomplished.

16. Design and Operation of Facility
OAC Rule 3745-54-31

Facilities shall be designed, constructed, maintained, and operated to minimize the possibility of a fire, explosion or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment.

TRI has failed to operate its facility at 837 Buckingham Street in a manner that minimizes the possibility of a fire, explosion or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water. In order to correct this violation, TRI must immediately close all containers of waste, secure the storage units, and place all required signs in and around the storage units. TRI must provide photographic documentation that demonstrates that this has been accomplished.

17. Required Equipment
OAC Rule 3745-54-32

All facilities shall be equipped with the following: an internal communications or alarm system capable of providing immediate emergency instructions (voice or signal) to facility personnel; a device, such as a telephone (immediately available at the scene of operations) or a hand-held two-way radio, capable of summoning emergency assistance from local police departments, fire departments, or Ohio EPA or local emergency response teams; portable fire extinguishers, fire control equipment, including but not limited to, special extinguishing equipment, such as that using foam, inert gas, or dry chemicals, spill control equipment, and decontamination equipment; and water of adequate volume and pressure to supply water hose streams, or foam producing equipment, or automatic sprinklers, or water spray systems.

TRI has failed to equip the storage units with this required emergency equipment. TRI must equip the storage units at its 837 Buckingham Street facility, with the required emergency equipment, state in writing its capabilities and explain its rationale for the selection of this equipment. TRI must provide photographic documentation that demonstrates that this equipment has been installed.

**18. Testing and Maintenance of Emergency Equipment
OAC Rule 3745-54-33**

All facility communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, where required, shall be tested and maintained as necessary to assure its proper operation in time of emergency.

TRI has failed to equip the facility's storage units with the required emergency equipment and has failed to test or maintain such equipment. Therefore, TRI must provide the required emergency equipment and test and maintain it. TRI must submit documentation demonstrating that the equipment is tested and maintained.

**19. Arrangements/Agreements with Local Authorities
OAC Rule 3745-54-37(A)**

The owner or operator shall attempt to make the following arrangements/agreements, as appropriate for the type of waste handled at the facility and the potential need for the services of these organizations: arrangements to familiarize police, fire departments, and emergency response teams with the layout of the facility, properties of hazardous waste handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to and roads inside the facility, and possible evacuation routes.

TRI has failed to attempt to make the required arrangements/agreements with these emergency responders. In order to correct this violation, TRI must immediately make such arrangements/agreements and submit written documentation to Ohio EPA demonstrating this.

**20. Purpose and Implementation of Contingency Plan
OAC Rule 3745-54-51(A)**

Each owner or operator shall have a contingency plan for the facility. The contingency plan shall be designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water.

TRI has failed to develop a contingency plan for the 837 Buckingham Street facility. In order to correct this violation, TRI must develop the required contingency plan and submit a copy to Ohio EPA.

21. Content of Contingency Plan
OAC Rule 3745-54-52

The contingency plan must describe: the actions facility personnel must take to comply with rules 3745-54-51 and 3745-54-56 of the Administrative Code in response to fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water; the arrangements agreed to by local police departments, fire departments, hospitals, contractors, and Ohio EPA and local emergency response teams to coordinate emergency services; list the names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator; list all emergency equipment of the facility [such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment], and list the location and a physical description of each item on the list, and a brief outline of its capabilities; and include an evacuation plan for the facility.

TRI has failed to develop a contingency plan for the 837 Buckingham Street facility. In order to correct this violation; TRI must develop a contingency plan that includes all the required information and submit a copy to Ohio EPA.

22. Copies of Contingency Plan
OAC Rule 3745-54-53

A copy of the contingency plan and all revisions to the plan shall be: maintained at the facility; and submitted to all local police departments, fire departments, hospitals, and Ohio EPA and local emergency response teams that may be called upon to provide emergency services.

TRI has failed to develop and maintain the contingency plan at its facility and submit copies of the contingency plan to the proper authorities. TRI must submit documentation demonstrating that it has accomplished this.

23. Emergency Coordinator
OAC Rule 3745-54-55

At all times, there shall be at least one employee either on the facility premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all internal emergency response measures. This emergency coordinator shall be thoroughly familiar with all aspects of the facility's contingency plan, all operations and activities at the facility, the location and characteristics of waste handled, the location of all records within the facility, and the facility layout.

In addition, this person shall have the authority to commit the resources needed to implement the contingency plan.

TRI has failed to designate a qualified emergency coordinator and develop a contingency plan for the emergency coordinator to implement. TRI must develop a complete contingency plan, train an emergency coordinator(s) to implement the contingency plan and demonstrate that one will be available at the facility or on call. The emergency coordinator must be thoroughly familiar with the location and characteristics of the waste handled at the 837 Buckingham Street facility.

**24. Unmanifested Waste Report
OAC Rule 3745-54-76**

If a facility accepts for treatment, storage, or disposal any hazardous waste from an off-site source without an accompanying manifest, and if the waste is not excluded from the manifest requirement by rule 3745-51-05 of the Administrative Code, then the owner or operator must prepare and submit a single copy of an "Unmanifested Waste Report" to the director within fifteen days after receiving the waste. The report must include the following information: the U. S. EPA identification number, name, and address of the facility; the date the facility received the waste; the U. S. EPA identification number, name, and address of the generator and the transporter; a description and the quantity of each unmanifested hazardous waste the facility received; the method of treatment, storage, or disposal for each hazardous waste; a certification signed by the owner or operator of the facility or his authorized representative (see rule 3745-50-42(D) for the certification language required); and a brief explanation of why the waste was unmanifested. TRI must submit this report to the director of Ohio EPA and a copy to the Northwest District Office of Ohio EPA.

**25. Management of Containers
OAC Rule 3745-55-73(A)**

A container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste. TRI has failed to store hazardous waste in a closed container. In order to correct this violation, TRI must immediately close all containers of waste at its 837 Buckingham Street facility and submit photographic documentation demonstrating that this has been done.

**26. Management of Containers
OAC Rule 3745-55-73(B)**

A container holding hazardous waste must not be opened, handled, or stored in a manner which may rupture the container or cause it to leak. TRI has failed to store hazardous waste carefully. At least one 55-gallon drum of hazardous waste is stored outside, on the ground in an open container exposed to precipitation. This container has, or could leak to the ground.

In order to correct this violation, TRI must immediately close all containers of waste at its 837 Buckingham Street facility and submit photographic documentation demonstrating that this has been done.

27. Container Inspections
OAC Rule 3745-55-74

At least weekly, the owner or operator must inspect areas where containers are stored, looking for leaking containers and for deterioration of containers and the containment system caused by corrosion or other factors. (The owner or operator must record inspections in an inspection log or summary.)

TRI has failed to conduct a weekly inspection of the areas where containers are stored and record such an inspection. In order to correct this violation, TRI must conduct the required weekly inspections, record the inspections and submit copies of the inspection records to Ohio EPA.

28. Containment
OAC Rule 3745-55-75(A)

Container storage areas must have a containment system that is designed and operated in accordance with paragraph (B) of this rule, except as otherwise provided by paragraph (C) of this rule.

TRI has failed to provide a containment system for the hazardous waste containers at its 837 Buckingham Street facility. In order to correct this violation, TRI must provide containment that meets all the requirements of OAC Rule 3745-55-75 and submit to Ohio EPA documentation that demonstrates that this has been done.

29. Containment System Design
OAC Rule 3745-55-75(B)

a.) 3745-55-75(B)(1) A containment system must be designed and operated as follows: A base must underlie the containers which is free of cracks or gaps and is sufficiently impervious to contain leaks, spills, and accumulated precipitation until the collected material is detected and removed.

b.) 3745-55-75(B)(2) The base must be sloped or the containment system must be otherwise designed and operated to drain and remove liquids resulting from leaks, spills, or precipitation, unless the containers are elevated or are otherwise protected from contact with accumulated liquids.

c.) 3745-55-75(B)(3) The containment system must have sufficient capacity to contain ten per cent of the volume of containers or the volume of the largest container, whichever is greater.

d.) **3745-55-75(B)(4)** Run-on into the containment system must be prevented unless the collection system has sufficient excess capacity in addition to that required in paragraph (B)(3) of this rule to contain any run-on which might enter the system.

e.) **3745-55-75(B)(5)** Spilled or leaked waste and accumulated precipitation must be removed from the sump or collection area in as timely a manner as is necessary to prevent overflow of the collection system.

TRI has failed to provide the containment system required by these rules. It has not provided a containment system that is free of cracks or gaps, that can contain leaks, spills or precipitation, until they are collected, that is sloped or designed to remove liquids, that has excess capacity to contain waste and precipitation, and that is operated in a manner to remove spilled waste, leaked waste or precipitation. The containers are not protected from contact with precipitation.

In order to correct this violation, TRI must provide a containment system for the drum storage units and submit photographic documentation demonstrating that this has been done. TRI must also submit required information and calculations that demonstrate that the containment meets all the requirements of these rules.

Please be aware that incandescent, fluorescent, metal halide, neon, high-intensity discharge, high-pressure sodium and mercury-vapor lamps could be hazardous waste when discarded. Fluorescent lamps may contain up to 40 milligrams (mg) of mercury, depending on the brand and manufacturer. Lamps may also contain lead and cadmium. Many lamps exhibit a characteristic of toxicity for heavy metals when disposed. I have enclosed copies of the following documents to assist you in properly managing your spent lamps: Universal Waste Rules for Handlers of Lamps and Computer, Fluorescent Lamp and Ballast Recyclers. I recommend that you review these documents carefully and contact me if you have any questions. The first document describes the rules you must follow in order to manage lamps as a universal waste.

If you are a used oil generator, you are required to: store used oil in containers or aboveground tanks that are in good condition (no severe rusting, apparent structural defects or deterioration) and not leaking. Containers, aboveground tanks and fill pipes for underground tanks must be labeled with the words "Used Oil." If leaks are detected, the generator must: stop the release; contain the release; clean up and manage properly the released used oil and other materials related to the release; and, if necessary, repair or replace any leaking containers or tanks prior to returning them to service. I have enclosed copies of the following used oil fact sheets: The Regulation of Used Oil: Used Oil Generators and Used Oil Recyclers. Please review these carefully and contact me immediately if you have any questions.

The Division of Hazardous Waste Management has created an electronic news service to provide you with quick and timely updates on events and news related to hazardous waste, universal waste and used oil activities in Ohio.

Mr. Rick Villarreal
January 23, 2008
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If you haven't already, we encourage you to sign-up for this free service. You can find more information at the following Web link <http://www.epa.state.oh.us/dhwm/listserv.html>. Please feel free to share this information with your colleagues.

Ohio EPA considers the violations cited in this letter to be serious violations, ones for which further enforcement action may be taken. If you have any questions about my inspection or this letter, please feel free to call me at (419) 373-3074. You can find copies of the rules and other information about universal waste, used oil and hazardous waste management on the division's web page at <http://www.epa.state.oh.us/dhwm>. Ohio EPA also has helpful information about pollution prevention at the following web address: <http://www.epa.state.oh.us/ocapp/ocapp.html>.

Sincerely,



Don North
District Representative
Division of Hazardous Waste Management

/llr

pc: Colleen Weaver, DHWM, NWDO
Cindy Lohrbach, DHWM, NWDO
NWDO, DHWM, Lucas County, Buckingham Street Property File
ec: Don North, DHWM, NWDO

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City, State, ZIP+4

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