



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

August 1, 2013

RE: AFFORDABLE AUTO SALES
STARK COUNTY
COMPLAINT # 7636
OHR 000 165 696
NOV

Mr. Alex Perea
130 Market
Waynesburg, OH 44688

Dear Mr. Perea:

On July 29, 2013, the Ohio EPA conducted a complaint investigation of the area behind the building at the facility now known as Affordable Auto Sales. It is my understanding that this property belongs to you and is being rented by Mr. Josh Sanor. The inspection conducted was limited to the issues in Complaint Number 7636 which was received by Ohio EPA's Northeast District Office on July 18, 2013. Ms. Karen Nesbit and I represented the Ohio EPA. Mr. Sanor accompanied us while we investigated the site. Our investigation was limited to the area immediately behind the building and to looking into the trailer. Neither Ms. Nesbit nor I entered the trailer.

The complaint alleged that drums and buckets of chemicals are being stored behind the building and in the trailer. In addition, the complaint noted concerns of chemical odors that are perceived from the road and neighbors. Several people have complained to Mr. Sanor regarding the chemical odors coming from the property.

During our investigation we found these items behind the building. The number of containers represents a minimum. It was very difficult to make an exact count.

- a. 284 fifty-five (55) gallon drums;
- b. 13 smaller drums (between 25 and 35 gallons);
- c. 3 overpacks;
- d. 7 five gallon buckets;
- e. 3 one gallon square metal containers;
- f. 2 two gallon containers; and
- g. a large garbage can filled water and with one gallon bottles and aerosol cans.

We were able to see labels on some of the containers but could not get close enough to all the containers to see if there were any labels.

We did not enter the trailer, but looking in the windows and door we were able to see a large number of containers. The number of containers below represents a minimum.

- h. 43 approximately seven and one half gallon containers, some labeled METHANOL and Environmental Chemical Corp.;
- i. 5 two gallon bottles with lids;
- j. 16 two gallon bottles without lids or lids could not be determined;
- k. 3-4 aerosol cans, 8 one to two gallon square metal containers labeled CE-16 Methyl Ester; and
- l. 4 one gallon containers labeled BARLOX 10.5.

Please note, many of the materials were labeled as Environmental Chemical Corp. products, both behind the building and inside the trailer.

In addition to the containers we found on-site, there was also a truck labeled Environmental Chemical Corp. parked on the property. We were told that you transported products for/from Environmental Chemical Corp. We are in the process of making inquiries with Environmental Chemical Corp.

We were told that in the contract between you and Mr. Sanor, you acknowledged that these materials were yours and had committed to removing all the chemicals from the property.

Ohio EPA considers the chemicals left behind the building at 3545 Cleveland Ave. in Canton as well as in the trailer, as wastes. They represent abandoned materials and meet the definition of waste as defined in Ohio Administrative Code 3745-41-02. Open dumping of wastes is prohibited by Ohio Administrative Code 3745-27-05(C) which states: *No person shall conduct, permit, or allow open dumping.* All wastes must undergo proper disposal including the wastes you left at your Cleveland Ave. property.

Ohio EPA is citing one violation as a result of the inspection:

1. Hazardous Waste Determination, **OAC rule 3745-52-11**: *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 ...*

You have abandoned many containers of chemicals and have not determined whether any of them are hazardous waste.

You must determine what is in each container at the site, both behind the building and in the trailer. Containers which are unlabeled will have to be sampled and the material tested. You must also determine whether the contents of the each container is hazardous or nonhazardous waste. Once the determinations have been done, you must PROPERLY dispose of all the contents in the containers and the containers themselves.

The determinations must be done by August 19, 2013. Ohio EPA must be present when the contents of the containers are being determined. Please call Mr. John Paquelet at (330) 963-1246 and make arrangements so he can be there. Please call him at least 48 hours before the sampling event. I recommend you contact and hire an environmental consultant to help you.

Once the determinations have been made, submit all analytical data you have for my review. This should be done by August 31, 2013. In addition include how you plan on disposing of the materials. Once the materials have undergone proper disposal you must send me a letter detailing the disposal. If any of the materials are hazardous waste, include the manifests used for their transport. Submission of the requested letter must be done by September 15, 2013.

You can find copies of the rules and other information on the Division of Materials and Waste's web page at <http://epa.ohio.gov/dmwm/Home.aspx>

Nothing in this letter shall be construed to authorize any waiver from the requirements of any applicable state or federal laws or regulations. This letter shall not be interpreted to release the owner or operator, or others, from responsibility under Chapters 3704, 3714, 3734, or 6111 of the Ohio Revised Code or under the Federal Clean Water Act, Resource Conservation and Recovery Act, or Comprehensive Environmental Response, Compensation, and Liability Act for remedying conditions resulting from any release of contaminants to the environment.

Please submit the requested documentation to me by September 15, 2013. If you have any questions or require additional information, please contact me by telephone at (330) 963-1266 or by e-mail at Adrienne.LaFavre@epa.ohio.gov.

Sincerely,



Adrienne La Favre
Division of Hazardous Waste Management

ALF:ddw

cc: Marlene Kinney, DMWM, NEDO
John Paquelet, DMWM, NEDO

ec: Frank Popotnik, DMWM, NEDO
Natalie Oryshkewych, DMWM, NEDO