



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

Re: **715 Spencer Street Corporation
Lucas County
DMWM, NWDO
Complaint 3201
Return to Compliance**

July 29, 2013

Mr. Rick Conley, Owner
715 Spencer Corporation
5834 Crossroads Court
Waterville, Ohio 43566

Dear Mr. Conley:

Thank you for submitting the responses to the Ohio Environmental Protection Agency's (Ohio EPA's) November 9, 2012, Notice of Violation (NOV) letter. Your responses were submitted by Chip Tokar of Natural Resources Management, LLC, on behalf of 715 Spencer Street Corporation (715 SSC). These responses were received on January 17, 2013, January 30, 2013, February 4, 2013, February 25, 2013, June 18, 2013, and July 10, 2013, and included analytical results from sampling of the waste streams, other waste evaluation documentation, and waste disposal documents.

The property located at 715 Spencer Street consists of several separate but adjoining buildings. As of March 13, 2013, all buildings owned by you, as a part of 715 SCC, were entered and inspected. Several buildings, which adjoin the 715 SCC property but are not owned by 715 SSC, were not entered as a part of this investigation.

The buildings associated with 715 SSC are leased to different companies and thus generate different waste streams. Each company is considered a different waste generator. As the owner of the property, 715 SSC is responsible for any waste abandoned at the property. After review of the submitted responses, it has been determined that 715 SSC is a conditionally exempt small quantity generator of hazardous waste due to the wastes abandoned by prior tenants. This generator status does not take into account the wastes generated from other businesses at this property, only the abandoned waste found during this complaint investigation. Therefore, 715 SSC's hazardous waste generator status may change in the future.

My review of the submitted information reveals that 715 SSC has abated all violations discovered during the September 25, 2012, and October 4, 2012, complaint investigation as outlined below. In an attempt to streamline this letter, details concerning previously abated violations or general concerns which have been addressed in previous correspondence have been omitted.

1. **Ohio Administrative Code (OAC) Rule 3745-52-11, Hazardous Waste Determination:**
"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..."

715 SSC failed to adequately evaluate the waste streams listed below to determine if they were a hazardous waste in accordance with OAC Rule 3745-52-11.

- a. Building 1-Wastes which include a minimum of 9 55-gallon drums of unknown material at various levels of capacity, approximately 15 5-gallon pails of unknown materials at various levels of capacity, and 50+ 1-gallon containers at various levels of capacity.
- b. Building 2-Wastes which include a minimum of 16 55-gallon drums of unknown materials at various levels of capacity.

On January 30, 2013, February 4, 2013, and February 25, 2013, Ohio EPA received analytical results from the sampling events at the facility. These results showed that the 55-gallon drums of waste are non-hazardous waste. Additionally, Ohio EPA received waste evaluation documentation for a pallet of urea on January 17, 2013, that showed this waste was non-hazardous waste. For numerous reasons, the decision was made by 715 SCC to be conservative and consider all the small containers of waste paint and any paint coated visqueen as hazardous paint related materials (D001, D035).

On June 18, 2013, and July 10, 2013, Ohio EPA received documentation outlining that all wastes on site were properly disposed. These documents included signed hazardous waste manifests for the hazardous paint related materials (D001, D035).

Therefore, all portions of this violation are considered abated on July 10, 2013.

Should you have any questions, please feel free to call me at (419) 373-3065.

Sincerely,



Kara Reynolds
Environmental Specialist
Division of Materials and Waste Management

/llr

pc: Colleen Weaver, DMWM, NWDO
Kara Reynolds, DMWM, NWDO
Lisa Gifford, DMWM, NWDO
Haley Haggard, Toledo Division of Environmental Services
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ec: Rick Hassinger, SIU, NWDO
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Brent Goetz, DMWM, NWDO
Rick Conley
Chip Tokar

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.