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State of Ohio Environmental Protection Agency

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CERTIFIED MAIL #91 7108 2133 3932 4450 9440

September 4, 2007

**Re: Franklin County
Lifestyle Communities
Thompson Road
Used Oil Generator
Non-Notifier**

Mr. John Lind, Jr.
Lifestyle Communities
2800 Corporate Exchange Drive, Suite 400
Columbus, OH 43213

Dear Mr. Lind:

On August 14, 2007, I conducted a follow up complaint investigation of Lifestyle Communities on Thompson Road in Columbus, Ohio. The complainant alleged that used oil had been dumped into a trench near the northeast section of the property off Thompson Road.

This complaint was initially received on March 16, 2005. Kim Reinbold (formerly of this office) investigated the complaint on March 17, 2005. She found used oil dumped in a pit located across from 5365 Thompson Road. She had spoken with Mike Flaherty and Randy Hann of Lifestyle Communities. Mr. Flaherty promised to have the oil cleaned up right away and he committed to sending Kim photos or to call her when it was done. Kim sent a letter dated March 29, 2005, citing Lifestyle Communities for violation of Ohio EPA used oil rules, Surface Impoundment Prohibition and Response to Release (OAC 3745-279-12(A), 3745-279-22(D), and 3745-279-30(B)). After receiving no response, she sent another letter on August 8, 2005. Again after no response she sent a third letter certified mail including photos of the spill on October 12, 2005. Kim had a follow up conversation with Mr. Flaherty on October 25, 2005, and he stated he would get her a response in 15 days. On November 9, 2005, Kim received a call from an attorney stating clean up was being done and data will be submitted when finished. She spoke with Joe Korima (not sure of spelling) on February 22, 2006, and he said he would get her a letter in regard to clean up and disposal. Kim left CDO in March 2006.

I visited the site on August 14, 2007, and I spoke with you by phone on August 21, 2007. At that time, you stated you would check into the matter and get back to me. I have left you voice mail messages on August 23, 2007, August 28, 2007, and August 30, 2007. To date, you have not responded to any of these messages.

As noted above, Ohio EPA has sent Notice of Violation (NOV) letters on March 29, 2005, August 8, 2005, and October 12, 2005, specifying the violations observed during the investigation in 2005. To date, Lifestyle Communities has failed to respond to the abovementioned NOV letters and remains in violation of the following:

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

Surface Impoundment Prohibition and Response to Releases, OAC Rules 3745-279-12(A), 3745-279-22(D), and 3745-279-30(B)

Used oil must not be managed in a surface impoundment unless the unit is permitted under Ohio's hazardous waste facility standards. Upon detection of a release of used oil to the environment, a generator shall perform the following cleanup steps: (1) stop the release; (2) contain the released used oil; (3) clean up and properly manage the released used oil; and, (4) repair or replace leaking containers or tanks, if necessary. The earthen pit into which used oil was dumped at the Thompson Road site meets the definition of a surface impoundment. Lifestyle Communities is not permitted under Ohio's hazardous waste facility standards; therefore, storage or disposal of used oil in this surface impoundment is prohibited. As you indicated during the investigation, a trucking company had equipment problems and you suspect that company was responsible for the dumped oil.

To resolve this violation, Lifestyle Communities must not allow the use of an unpermitted surface impoundment to collect oil, and must instead ensure collection of all used oil generated at the site in a tank or in containers as required by OAC Rule 3745-279-22(A). Lifestyle Communities must remove all used oil and oil-contaminated soil from the pit. Used oil (liquid) that can be removed must be collected in containers and disposed through a used oil hauler with an EPA ID#. Contaminated soil must be disposed in accordance with all applicable regulations. ***Lifestyle Communities must provide Ohio EPA with documentation (e.g. photos and disposal records) to demonstrate that the cleanup has occurred and all used oil had been removed and properly managed.***

Please provide the information requested above within fifteen (15) days of your receipt of this letter.

Please note that Ohio EPA considers these violations serious in nature and the company's failure to respond to past Notices of Violation and other phone communications will result in referral of Lifestyle Communities' violations to our Central Office Enforcement Section for consideration of escalated enforcement.

Should you have any questions, please feel free to call me at (614) 728-3882.

Sincerely,



Elizabeth D. Lamerson
Environmental Specialist
Division of Hazardous Waste Management
Central District Office

Enclosure

c: Tammy McConnell, DHWM/CO
:CDO File

EDL/nsm Lifestyle Communities 4th NOV

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 rules.