



pennsylvania

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Waste Management Program

enf # 279941

January 27, 2012

NOTICE OF VIOLATION

CERTIFIED MAIL NO. 7009 0960 0000 7326 7846

Mr. Gary White
2437 Union Canal Drive
Lebanon, PA 17046

Re: Inspection
2437 Union Canal Drive
North Lebanon Township, Lebanon County

Dear Mr. White:

As a result of a January 9, 2012 inspection at 2437 Union Canal Drive, the Department of Environmental Protection (Department) has determined that you are in violation of the Solid Waste Management Act, Act of July 7, 1980, P.L. 380, No. 97, 35 P.S. Sections 6018.101 et seq, the Residual Waste Management rules and regulations found at 25 Pa. Code Chapters 287 to 299; and/or the Hazardous Waste Management rules and regulations found at 40 C.F.R. Parts 260 to 270 incorporated by reference at 25 Pa. Code Chapters 260a to 270a as follows:

- A. During the inspection, the Department observed dead vegetation and oil staining along the sides of a single car garage. You stated that you put used motor oil on vines to kill them. The dumping or depositing of waste oil, a residual waste, onto the surface of the ground without a permit from the Department is a violation of the Solid Waste Management Act, 35 P.S. Section 610(1); and the Residual Waste Regulations, 25 PA Code Section 287.101(a).


You are notified of both the existence of the violation, as well as the need to provide for prompt correction. Failure to correct the violation may result in legal proceedings under the provisions of the Solid Waste Management Act. Under the Act, each day of the violation is considered a distinct and separate offense and will be handled accordingly.

The Department has received information that three of the five samples collected around the garage detected tetrachloroethene (PCE) in soil. It would be a violation of the Hazardous Waste Regulations, 40 C.F.R. Part 270.1(c), to dispose of PCE, onto the surface of the ground.

On January 17, 2012, we spoke by phone and you stated that you had already dug out around the south side of the garage and around the downspout, about 8" to 9" deep. The soil filled one 55 gallon drum that is now closed and stored in your garage. No post-excavation samples were collected.

Reading District Office | 1005 Crossroads Blvd. | Reading, PA 19605

610.916.0100 | Fax 610.916.0110

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In order to achieve compliance with the Rules and Regulations of the Department, the Department recommends the following:

1. Have a qualified third party evaluate the need for additional soil removal and collect post-excavation samples to confirm the proper clean-up of soils.
2. Within 7 days, notify me at 610.916.0100 of the name of the third party, the date and the time of sampling so that the Department can observe collection of these samples.
3. Properly dispose of the contaminated soil at a permitted facility.

This Notice of Violation is neither an order nor any other final action of the Department. It neither imposes nor waives any enforcement action available to the Department under any of its statutes. If the Department determines that an enforcement action is appropriate, you will be notified of the action.

If you have any questions about this letter, please call me at 610.916.0100.

Sincerely,



Michael G. Maiolie
Field Operations Supervisor

Enclosure

cc: West Lebanon Township
North Lebanon Township
Southcentral Regional File