



State of Ohio Environmental Protection Agency

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P.O. Box 1049
Columbus, OH 43216-1049

February 1, 2010

Mr. Ray Carsner
Cardington Home and Auto
117 West Main Street
Cardington, OH 43315

**Re: Cardington Home and Auto
(AKA) Carsner True Value Hardware
Complaint Investigation
Notice of Violation & Return to Compliance**

Dear Mr. Carsner:

On January 13, 2010, Ohio EPA completed a complaint investigation at the Cardington Home and Auto (CHA) facility located at 117 West Main Street in Cardington, Ohio. The anonymous complainant alleged improper management of used oil by the facility. The specific allegations were that CHA allowed used oil generated at the facility to be taken away and burned for heating purposes by an individual. During the complaint investigation, CHA was represented by you and Ohio EPA by Greg Sanders and me. Enclosed, please find the *Complaint Investigation Report*.

Based upon the findings of the complaint investigation, it has been determined that CHA violated the following used oil rule, as found in the Ohio Administrative Code (OAC):

OAC Rule 3745-279-22(C), Labels: Containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words "Used Oil."

At the time of the investigation, the containers used to manage used oil were not appropriately labeled as required. On this day and in my presence, the containers of used oil were marked with the words "Used Oil."

No further action regarding this violation is required at this time.

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



Mr. Ray Carsner
Cardington Home and Auto
Page -2-

Also enclosed, please find the following guidance documents for your review:

The Regulation of Used Oil: An Overview for Ohio Businesses Who Generate Used Oil;
Burning Used Oil in a Space Heater – For Businesses;
Used Oil Recyclers (company listings);
Oil Filter and Transportation Services (company listings);
Fluorescent Lamps: What You Should Know (includes lamp recyclers in Ohio); and
Lead-Acid Batteries Must Be Recycled (includes signage to be posted).

Should you have any questions or need additional information, I can be reached by telephone at 614-728-5037.

NOTICE: Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve CHA from having to comply with all applicable regulations.

Respectfully,



Randy Sheldon
Environmental Specialist
Division of Hazardous Waste Management
Central District Office

Enclosures

c: Kristina Durnell, DHWM, CO
DHWM/CDO File

COMPLAINT INVESTIGATION REPORT

TO: DHWM, CDO File
FROM: Randy Sheldon, DHWM, CDO *RS*
DATE: January 20, 2010
RE: Cardington Home and Auto – Carsner True Value Hardware
Cardington, Ohio, Morrow County

On December 10, 2009, DHWM, CDO received a complaint initially received at the Ohio EPA, NWDO. The anonymous complainant alleged the improper management and/or burning of used oil. The allegations were that Chris Carsner of Carsner Home and Auto in Cardington, OH was giving used oil from the business to Jay Axthelm who was burning the used oil in his wood burning stove in his garage and/or fire pit located outside.

NWDO investigated Mr. Axthelm as his property was located in Marion County. NWDO reported that they were not able to gain access to the garage to determine if Mr. Axthelm was burning used oil to heat his garage and no evidence of a fire pit was seen (see NWDO Complaint Investigation Report).

On January 13, 2010, Greg Sanders and I went to the Carsner Auto facility located at 117 West Main Street in Cardington, OH. I spoke to Mr. Ray Carsner about the alleged complaint. In discussing the complaint allegations with Ray and other employees, it was reported that in the past some used oil may have been given to Mr. Axthelm. We discussed that without appropriate analyses, used oil could not be burned for heating purposes by a separate person/entity. There were currently seven (7) 55-gallon containers of used oil located adjacent to the east side of the building outside and several one (1) to five (5) gallon containers of used oil adjacent to the east wall inside the facility. None of these containers were appropriately labeled. Used oil filters were being drained into the containers on the inside of the facility. We discussed the need to crush/puncture the filters for draining. Once these smaller containers are filled, the contents are poured into the containers located on the outside. No automobile painting or body work is completed at this facility. New and used automobile batteries are managed through the battery supplier(s).

We discussed the need to label all containers that are used for the management of used oil, and the containers were labeled in my presence on this day. We discussed that the used oil should be managed by registered transporters and entities when removed from the auto shop. I told Ray I would send him a list of companies that could appropriately manage the used oil. We discussed that some companies may even pay for the used oil, if it met their pre-determined specifications. We discussed that the crushed/punctured oil filters could possibly be recycled for scrap metal. We discussed the appropriate

management of spent fluorescent light bulbs and I said I would send him information regarding this subject. We also discussed the regulatory requirements regarding the sale/management of lead acid batteries and I said I would provide him with information and the required signage.

Ohio Environmental Protection Agency
**RCRA SUBTITLE C SITE
IDENTIFICATION/VERIFICATION FORM**

For Ohio EPA use only

E-mail this completed form to kristina.durnell@epa.state.oh.us
or mail it to Kristina Durnell, Central Office

Site EPA ID No. Site Name Site Location Information Site Land Type (check only one) NAICS code(s) www.census.gov/epcd/www/naics.html	EPA ID Number: Name: Carsner Bros Ltd (DBA) Cardington Home & Auto; Carsner True Value Hardware Website: (Optional) Street Address: 117 West Main Street City, Town, or Village: Cardington State: OH County Name: Morrow Zip Code: 43315 Private <input checked="" type="checkbox"/> County <input type="checkbox"/> District <input type="checkbox"/> Federal <input type="checkbox"/> Indian <input type="checkbox"/> Municipal <input type="checkbox"/> State <input type="checkbox"/> Other <input type="checkbox"/>
Facility Representative Additional names can be recorded in number 12 Only provide address information if it is different than the site address	First Name: Ray MI: Last Name: Carsner Phone Number: 419-864-6035 Phone Number Extension: E-Mail Address: Fax Number: 419-864-6045 Fax Number Extension: Street or P.O. Box: 117 West Main Street City, Town or Village: Cardington State: OH Zip Code: 43315
Legal Owner And Operator of the Site. List Additional Owners and/or Operators in the Comment Section or on another copy of this form page	Name of Site's Legal Owner: Carsner Bros Ltd Owner Private County District Federal Indian Municipal State Other Type: <input checked="" type="checkbox"/> <input type="checkbox"/> Street or P.O. Box: PO Box 6 City, Town or Village: Cardington State: OH Date Became Owner (mm/dd/yyyy): Owner Phone #: 419-864-6035 Country: USA Zip Code: 43315 Name of Site's Operator: Carsner Bros Ltd Operator Private County District Federal Indian Municipal State Other Type: <input checked="" type="checkbox"/> <input type="checkbox"/> Street or P.O. Box: PO Box 6 City, Town or Village: Cardington State: OH Date Became Operator (mm/dd/yyyy): Operator Phone #: 419-864-6035 United States Zip Code: 43315

VIOLATIONS CITED? Yes No

TYPE OF HANDLER- A MINIMUM OF ONE BOX MUST BE CHECKED	
<input checked="" type="checkbox"/> Not a HW Generator	<input type="checkbox"/> UNKNOWN: Cited for violation of 3745-52-11
<input type="checkbox"/> Large Quantity Generator (LQG)	
<input type="checkbox"/> Small Quantity Generator (SQG)	
<input type="checkbox"/> Conditionally Exempt Small Quantity Generator	
<input type="checkbox"/> U.S. Importer of Hazardous Waste	
<input type="checkbox"/> Mixed Waste (Hazardous and Radioactive) Generator	

TYPE OF REGULATED WASTE ACTIVITY (MARK "X" IN ALL OF THE APPROPRIATE BOXES)

<input type="checkbox"/> Recycler of Hazardous Waste	<input type="checkbox"/> Exempt Boiler and/or Industrial Furnace
<input type="checkbox"/> Underground Injection Control Facility	<input type="checkbox"/> Small Quantity On-Site Burner Exemption
<input type="checkbox"/> Hazardous Waste Transporter	<input type="checkbox"/> Smelting, Melting, Refining Furnace Exemption
<input type="checkbox"/> Treater, Storer or Disposer of Hazardous Waste	

UNIVERSAL WASTE ACTIVITIES (INDICATE TYPES OF UNIVERSAL WASTE MANAGED (CHECK ALL BOXES THAT APPLY))

<input type="checkbox"/> Small Quantity Handler of Universal Waste	<input type="checkbox"/> Destination Facility for Universal Waste
<input type="checkbox"/> Large Quantity Handler of Universal Waste (accumulates 5,000 kg. or more)	

CHECK ALL BOXES BELOW THAT APPLY FOR THE TYPES OF UNIVERSAL WASTE THE FACILITY MANAGES

<input type="checkbox"/> Batteries
<input type="checkbox"/> Pesticides
<input type="checkbox"/> Mercury containing equipment
<input type="checkbox"/> Lamps

USED OIL ACTIVITIES (INDICATE TYPE(S) OF ACTIVITY(S))

<input checked="" type="checkbox"/> Used Oil Generator
<input type="checkbox"/> Used Oil Transporter
<input type="checkbox"/> Used Oil Transfer Facility
<input type="checkbox"/> Used Oil Processor
<input type="checkbox"/> Used Oil Re-refiner
<input type="checkbox"/> Off-Specification Used Oil Burner
<input type="checkbox"/> Used Oil Fuel Marketer Who Directs Shipment of Off-Spec. Oil
<input type="checkbox"/> Used Oil Fuel Marketer to Off-Specification Used Oil Burner

Waste Codes for Federally Regulated Hazardous Wastes. Please list the codes for the federally regulated hazardous waste handled at the site. List them in the order they are presented in the regulations (e.g., D001, D003, F007, U112). Use an additional page if more space is needed. If there are more than 7 waste codes and they are the same as listed in the most recent RCRAInfo source record, you do not need to list them all. Instead just indicate the date of the most recent source record.

COMMENTS: USE THIS AREA TO DESCRIBE WHETHER THE INSPECTION WAS ANNOUNCED, WHETHER THE WASTE IS STORED IN TANKS OR CONTAINERS, ETC.

Announced	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Additional Facility Representatives:
Tanks	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Other Comments: Complaint investigation.
Containers	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	

Name of Inspector(s)	Name of Inspector(s)	Date of Inspection/Time (mm/dd/yyyy) (hh:mm)
R Sheldon		1/13/2010 11:30 am

OPTIONAL CERTIFICATION. I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature of Owner, Operator, or an Authorized Representative	Name and Title (Print)	Date (mm/dd/yyyy)

**USED OIL INSPECTION CHECKLIST:
GENERATORS, COLLECTION CENTERS AND AGGREGATION POINTS**

NOTE: 1. A facility is subject to the federal SPCC regulations (40 CFR 112) if it is non-transportation related (e.g., fixed) and has an aggregate above ground storage capacity greater than 1,320 gallons or a total underground storage capacity greater than 42,000 gallons of oil (including used oil), and there is reasonable expectation of a discharge to navigable waters.

2. Inspectors can check BUSTR's web-site at https://www.comapps.ohio.gov/sfm/fire_apps/bust/bustr/PublicInquiry.asp to determine if a UST containing used oil is registered with BUSTR. Inspectors may call BUSTR at 614-752-7938 or a BUSTR site coordinator to report an unregistered UST or a UST that appears to not be in compliance with BUSTR regulations. A list of BUSTR coordinators by county are at: https://www.comapps.ohio.gov/sfm/fire_apps/bust/bustr/SearchByCounty.asp.

PROHIBITIONS

1.	Does the generator manage used oil in a surface impoundment or waste pile? If yes:	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
a.	Is the surface impoundment or waste pile regulated as a hazardous waste management unit? [3745-279-12(A)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>

NOTE: For example, used oil contaminated scrap metal stored in a pile.

2.	Is used oil used as a dust suppressant? [3745-279-12(B)]	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
3.	Is off-specification used oil fuel burned for energy recovery in devices specified in 3745-279-12(C)?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>

NOTE: Multiple used oil checklists may be applicable if used oil handler is performing multiple tasks (e.g., if generating used oil and shipping directly to a burner, complete generator and marketer checklists at a minimum).

GENERATOR STANDARDS

4.	Does the generator mix hazardous waste with used oil? If so,	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
a.	Is the mixture managed as specified in 3745-279-10(B)? [3745-279-21(A)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>

NOTE: Used Oil mixed with listed (3745-51-30 to 3745-51-35) or characteristic (3745-51-20 to 3745-51-24) hazardous waste are subject to regulation as a hazardous waste, unless the listed hazardous waste is listed solely because it exhibits a hazardous characteristic, and the resultant mixtures do not exhibit a characteristic. Mixtures of used oil and CESQG hazardous waste are subject to OAC Chapter 3745-279.

5.	Does the generator of a used oil containing greater than 1,000 ppm total halogens manage the used oil as a hazardous waste unless the presumption is rebutted successfully? [3745-279-21(B)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
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NOTE: If used oil contains greater than 1000 ppm total halogens, it is presumed to be listed hazardous waste until the presumption is successfully rebutted.

6.	Does the generator store used oil in tanks; or containers; or a unit(s) subject to regulation as a hazardous waste management unit? [3745-279-22(A)]	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
7.	Are containers and aboveground tanks used to store used oil in good condition with no visible leaks? [3745-279-22(B)]	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
8.	Are containers, above ground tanks, and fill pipes used for underground tanks clearly labeled or marked "Used Oil"? [3745-279-22(C)] At the time of the investigation, the containers used to manage used oil were not labeled. On this same day and in my presence, the containers were labeled.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
9.	Has the generator, upon detection of a release of used oil, done the following: [3745-279-22(D)]	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
a.	Stopped the release?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
b.	Contained the release?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
c.	Cleaned up and properly managed the used oil and other materials?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
d.	Repaired or replaced the containers or tanks prior to returning them to service, if necessary?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>

ON-SITE BURNING IN SPACE HEATER		
10.	Does the generator burn used oil in used-oil fired space heaters? [3745-279-23] If so:	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
a.	Does the heater burn only used oil that owner/operator generates or used oil received from household do-it-yourself (DIY) used oil generators?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
b.	Is the heater designed to have a maximum capacity of not more than 0.5 million BTU per hour?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
c.	Are the combustion gases from heater vented to the ambient air?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
<i>NOTE: Ash accumulated in a space heater must be managed in accordance with 3745-279-10(E).</i>		
GENERATOR TRANSPORTATION		
11.	Does the generator have the used oil hauled only by transporters that have obtained a U.S. EPA ID#? [3745-279-24] To date, only small quantities have reportedly been hauled. A registered used oil transporter will be contracted to haul the used oil generated from the facility. List of transporters provided.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
12.	If the generator self-transport used oil to an approved collection site or to an aggregation point owned by the generator: [3745-279-24] (See comment above)	
a.	Does the generator transport used oil in a vehicle owned by the generator or an employee of the generator? [3745-279-24]	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
b.	Does the generator transport more than 55 gallons of used oil at any time? [3745-279-24]	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
<i>NOTE: Used oil generators may arrange for used oil to be transported by a transporter without a U.S. EPA ID # if the used oil is reclaimed under a contractual agreement (i.e., tolling arrangement).</i>		
COLLECTION CENTERS AND AGGREGATION POINTS		
13.	Is the DIY used oil collection center in compliance with the generator standards in 3745-279-20 to 3745-279-24? [3745-279-30]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
14.	Is the non-DIY used oil collection center registered with Ohio EPA? [3745-279-31]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
15.	Is the used oil aggregation point in compliance with the generator standards in 3745-279-20 to 3745-279-24? [3745-279-32]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
<i>NOTE: Complete Used Oil Generator and any other applicable used oil handler checklist (e.g., marketer, burner, etc.) for used oil collection centers and aggregation points.</i>		