



State of Ohio Environmental Protection Agency

STREET ADDRESS:

**Central District Office**

MAILING ADDRESS:

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Columbus, Ohio 43215

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

April 29, 2010

Mr. Mark Gale  
5031 Township Road 187  
Marengo, OH 43334

**Re: Mark Gale (Business/Residence)  
Morrow County  
Complaint Investigation  
Notice of Violation**

Dear Mr. Gale:

On April 21, 2010, Ohio EPA and the Morrow County Health Department (MCHD) conducted a complaint investigation at your business/residence located at 5031 Township Road 187 near Marengo, Ohio in Morrow County. The complainant alleged that you were improperly running an unlicensed salvage/scrap metal business from the property; that you were allowing automobile fluids to drain onto the ground and/or into ravines, and these fluids could potentially migrate into an on-site pond; and that a large number of tires were believed to be present on the property. The MCHD was represented by Ms. Jodi Zimmerman and Ohio EPA was represented by Phil Farnlacher, Division of Solid & Infectious Waste Management and me. During the investigation we discussed the applicable rules and regulations for appropriate management of materials and wastes.

Based upon the findings of the complaint investigation in regards to used oil/fluids removed from automobiles, it has been determined that you are in violation of 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 for management of used oil were not appropriately labeled as required.

Within thirty (30) days of receipt of this letter, all containers used for management of used oil must be marked with the words "Used Oil," as we discussed.

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

Please be advised, other complaint allegations (licensing, zoning, tire removal, etc.) are currently under the scrutiny of the MCHD and any necessary actions to be taken by you will be relayed to you through the Health Department. In the near future, a follow-up inspection will be completed by me to determine if the noted violation has been adequately abated and/or to determine if any additional violations are warranted.

Enclosed, please find the following guidance documents for your review:

*The Regulation of Used Oil: An Overview for Ohio Businesses Who Generate Used Oil;*

*Recyclers and Environmental Service Providers; and*

*Registered Used Oil Collection Centers.*

I have marked facility locations on the lists that are in close proximity to you. These markings do not indicate an endorsement of these facilities, only that they are located closest to you.

Also enclosed, please find a copy of the used oil checklist completed as a result of the complaint investigation.

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 you from having to comply with all applicable regulations.

Respectfully,



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

Enclosures

c: Morrow County Health Department File, w/enclosures  
Kristina Durnell, DHWM/CO w/o enclosures  
~~DHWM/CDO File, w/o enclosures~~  
DSIWM/CDO File, w/o enclosures

SR

## COMPLAINT INVESTIGATION

TO: DHWM, CDO File  
FROM:  Randy Sheldon, DHWM, CDO  
DATE: April 26, 2010  
RE: Mark Gale (auto recycler), 5031 Twp. Rd. 187, Marengo, Ohio,  
Morrow County

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### Complaint

The complainant alleges that an unnamed, unlicensed scrap metal business is being conducted at 5031 Twp. Rd. 187, near Marengo, Ohio in Morrow County. Allegations include the dumping (allowing fluids to run from autos) of oil and/or antifreeze onto the ground and possibly running off into a nearby pond. Complainant is also concerned that appropriate zoning of the property is not being enforced, as the Morrow County Health Dept. was also notified.

### Investigation

On April 21, 2010, Phil Farnlacher, DSIWM, CDO and I went to the referenced property to review the ongoing operations. Farnlacher reported he had previously been to this business and location approximately ten (10) years ago. We were scheduled to meet Ms. Jodi Zimmerman of the Morrow County Health Dept. at the property on this day.

Upon arrival at the property, Farnlacher and I spoke to Mr. Mark Gale. He reported that he was still in the recycling business, as he had been for the past ~20 years. Mr. Gale said when he removed oil/fluid from autos, the oil/fluid would be placed into containers. In the past, the used oil was burned in a used oil furnace/heater, but is now collected for off-site recycling. Should gasoline tanks be removed, the gasoline is emptied into a container and used as fuel. Appropriate used oil/auto fluid management was discussed, and it was reported that the containers will be labeled as required prior to my return. It should be noted that two (2) recently received autos with some dripping fluids due to front end collusions had containers capturing the dripping fluids. It was reported that lead acid batteries were recycled and traded in for core credit. We discussed that lead acid batteries should be placed on a pallet and within a building/structure. It was indicated that this would also be done prior to my return.

Ms. Zimmerman arrived and we discussed that many of the tires in an old pile at the very rear of the property had been removed, per her guidance. The tires were disposed through Holyfield Tire in Mt. Gilead, OH. Ms. Zimmerman and Farnlacher agreed that the property had less scrap autos et al than during previous site visits. We viewed the entire property, including the remnants of the former large tire pile. During this property review, no areas of auto fluid saturated soils were viewed. It was discussed that should any fluids be released, the soil should be cleaned and containerized immediately. A large scrap metal container from Ross Bros. in Mt. Vernon, OH was being filled at this time. A small pond was located next to the barn building, but there was no visible sheen or any other indication of auto fluids migrating into this water.

### **Conclusions**

I discussed with Mr. Gale that I would be sending him a notice of violation for the used oil labeling requirements and that I would be back to verify that all was in order. He said to come back in a couple of weeks and I would see that he had done everything I wanted. Farnlacher indicated that any response associated with solid waste, recycling, tires, zoning, etc. would come from Ms. Zimmerman, as she had been in recent communications with Mr. Gale in regards to these matters.

Send to Central Office <input checked="" type="checkbox"/>	<b>Ohio Environmental Protection Agency</b> <b>RCRA SUBTITLE C SITE</b> <b>IDENTIFICATION/VERIFICATION FORM</b>	For Ohio EPA use only
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Completed verification forms required to be submitted to CO should be e-mailed to [kristina.durnell@epa.state.oh.us](mailto:kristina.durnell@epa.state.oh.us).

<b>Site EPA ID No.</b> <b>Site Name</b>	EPA ID Number:		Website: (Optional)					
<b>Site Location Information</b>	Name: <b>Mark Gale (business/residence)</b>		Street Address: <b>5031 Twp Rd 187</b>					
<b>Site Land Type</b> (check only one)	City, Town, or Village: <b>Marengo</b>		State: <b>OH</b>					
<b>NAICS code(s)</b> <a href="http://www.census.gov/epcd/www/naics.html">www.census.gov/epcd/www/naics.html</a>	County Name: <b>Morrow</b>		Zip Code: <b>43334</b>					
	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"/>

<b>Facility Representative</b>	First Name: <b>Mark</b>		MI:	Last Name: <b>Gale</b>	
Additional names can be recorded in number 12	Title: <b>resident &amp; manager</b>				
Only provide address information if it is different than the site address	Phone Number:		Phone Number Extension:		
	E-Mail Address:				
	Fax Number:		Fax Number Extension:		
	Street or P.O. Box: <b>5031 Twp Rd 187</b>				
	City, Town or Village: <b>Marengo</b>		Zip Code: <b>43334</b>		
	State: <b>OH</b>		Zip Code: <b>43334</b>		

<b>Legal Owner And Operator of the Site.</b> List Additional Owners and/or Operators in the Comment Section or on another copy of this form page	Name of Site's Legal Owner: <b>Wilma Sargent</b>		Date Became Owner (mm/dd/yyyy):						
	Owner Type:	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"/>
	Street or P.O. Box: <b>5031 Twp Rd 187</b>					Owner Phone #:			
	City, Town or Village: <b>Marengo</b>		State: <b>OH</b>		Country: <b>USA</b>		Zip Code: <b>43334</b>		
	Name of Site's Operator: <b>Mark Gale</b>		Date Became Operator (mm/dd/yyyy):						
	Operator Type:	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"/>
	Street or P.O. Box: <b>5031 Twp Rd 187</b>					Operator Phone #:			
	City, Town or Village: <b>Marengo</b>		State: <b>OH</b>		Country: <b>USA</b>		Zip Code: <b>43334</b>		

<b>VIOLATIONS CITED?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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<b>TYPE OF HANDLER - MARK "X" AS APPROPRIATE</b>		
<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"/> Short-Term Generator (generates from a short-term or one-time event and not from on-going processes). Check the box for the applicable generator status and provide a comment.	<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"/> Hazardous Waste Transporter	<input type="checkbox"/> Exempt Boiler and/or Industrial Furnace
<input type="checkbox"/> Hazardous Waste Transfer Facility	<input type="checkbox"/> Small Quantity On-Site Burner Exemption
<input type="checkbox"/> Treater, Storer or Disposer of Hazardous Waste	<input type="checkbox"/> Smelting, Melting, Refining Furnace Exemption
<input type="checkbox"/> Recycler of Hazardous Waste	<input type="checkbox"/> Underground Injection Control Facility
	<input type="checkbox"/> Receives Hazardous Waste from Off-site

**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**

Batteries  
 Pesticides  
 Mercury containing equipment  
 Lamps

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

Used Oil Generator  
 Used Oil Transporter  
 Used Oil Transfer Facility  
 Used Oil Processor  
 Used Oil Re-refiner  
 Off-Specification Used Oil Burner  
 Used Oil Fuel Marketer Who Directs Shipment of Off-Spec. Oil  
 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 or list them in the comments if more space is needed. If the waste codes are the same as listed in the most recent RCRAInfo source record, you do not need to list them. 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     Yes     No    Additional Facility Representatives:  
Tanks             Yes     No  
Containers       Yes     No

Name of Inspector(s)	Name of Inspector(s)	Date of Inspection/Time (mm/dd/yyyy) (hh:mm)
R Sheldon, DHWM	P Farnlacher, DSIWM J. Zimmerman, MCHD	04/21/2010 1:00 pm

**Comments:**  
Complaint investigation of scrap yard/auto recycler in rural Morrow County. Cited for used oil container labeling violation.

**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](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](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 checked="" type="checkbox"/> N/A <input 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)]	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"/>

*NOTE: Ash accumulated in a space heater must be managed in accordance with 3745-279-10(E).*

**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]	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]			
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"/>

*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).*

**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"/>

*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.*