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State of Ohio Environmental Protection Agency

STREET ADDRESS:

Lazarus Government Center
50 W. Town St., Suite 700
Columbus, Ohio 43215

Central District Office

TELE: (614) 728-3778 FAX: (614) 728-3898
www.epa.state.oh.us

MAILING ADDRESS:

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

March 27, 2009

Mr. Jack Kirby
Kirby Auto Parts
28 Marriott Road
Richwood, Ohio 43344-1166

**Re: Union County
Kirby Auto Parts
Used Oil Generator
Notice of Violation**

Dear Mr. Kirby:

On March 24, 2009, Ohio EPA, CDO (Central District Office), DHWM (Division of Hazardous Waste Management) myself and DSIWM (Division of Solid and Infectious Waste) Phil Farnlacher, attended a complaint investigation being conducted by the Union County Health Department at Kirby Auto Parts in Richwood, Ohio.

CDO and health department staff arrived on site at 11:00 AM on March 24, 2009 and were greeted by you Jack Kirby . I stated since we were on site we should take a look at the area where the engines and engine cores are stored. You stated this is the oldest areas of the salvage yard dating back to 1923. The engines removed here are mostly stored in a building with the oil in them so they do not rust. There were also engines or cores on the ground in this area. There was evidence that oil or other fluids had leaked on the ground in this area and we took pictures.

Therefore the following Ohio Administrative Code (OAC) rule was violated:

- 1. **OAC 3745-279-22 (D):** calls for stopping the release of used oil, containing the release of used oil, and cleaning up the used oil and disposing of it properly.

There is oil on the ground in the area of the engine and core storage building.

Kirby Auto Parts should cleanup the oil contaminated soils in this area. This contaminated soil should be evaluated and disposed of properly. New gravel or pavement can then be placed in this area. Clean soil is also acceptable.

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

Mr. Jack Kirby
Kirby Auto Parts
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This cleanup should be conducted as soon as possible but not longer than 30 days from receipt of this letter. A return to compliance inspection will be conducted upon completion of the work.

In the future an absorbent such as floor dry, saw dust, or newspaper should be used to absorb any spills. The absorbent should also be disposed of properly. Some of the oil contamination could also be reduced by removing and storing the drained cores and engines inside a structure or building. This would also add comfort to those removing engines and cores in the winter.

Failure to list specific deficiencies in this communication does not relieve Kirby Auto Parts from the responsibility of complying with all applicable hazardous waste regulations. This letter does not relieve Kirby from liability for any past or present violations of Ohio's hazardous waste laws.

Please call me at 614-728-5036 if you have any questions about this correspondence.

Sincerely,



Chris Bulinski
Environmental Specialist
Division of Hazardous Waste Management
Central District Office

c: CDO-File
Kristina Durnell, DHWM/CO

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: OHR000128017 Name: Kirby's Auto Body Street Address: 28 Marriott City, Town, or Village: Richwood County Name: Union	Website: (Optional) State: OH Zip Code: 43344-1166
	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"/> 44131	

Facility Representative Additional names can be recorded in number 12 Only provide address information if it is different than the site address	First Name: Jack MI: Last Name: Kirby Phone Number: 740-943-2394 Phone Number Extension: E-Mail Address: Fax Number: Fax Number Extension: Street or P.O. Box: City, Town or Village: State: Zip Code:
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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: Owner Type: Private <input 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: City, Town or Village: State: Name of Site's Operator: Operator Type: Private <input 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: City, Town or Village: State:	Date Became Owner (mm/dd/yyyy): Owner Phone #: Country: Zip Code: Date Became Operator (mm/dd/yyyy): Operator Phone #: United States Zip Code:
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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

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 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 Yes No Additional Facility Representatives:
 Tanks Yes No Other Comments:
 Containers Yes No

Name of Inspector(s)	Name of Inspector(s)	Date of Inspection/Time
Chris Bulinski	Phil Farnlacher	(mm/dd/yyyy) (hh:mm) 3/24/2009 11:00AM

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) _____



RCRA Site Detail

Report run on: March 30, 2009 - 10:04 AM

OHR000128017 KIRBY AUTO PARTS

EPA Region: 05 Extract Flag: Y Facility Identifier: County: UNION

Universes: Generator: N Transporter: N Active: Y
 Operating TSDF: --- IC In Place: N EI Indicator (HE / GW): N / N

Activity Location: OH Source Type: Implementer Seq. Number: 1 Receive Date: 06 JAN 2005

Other/Previous Site Name: KIRBY AUTO PARTS

Location: 28 MARRIOTT ST Address: RICHWOOD, OH 43344-1166	Mailing Address:
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Contact Person: JACK KIRBY
 For Source: (740) 943-2394
 Information:

Latitude/Longitude Measure - Owner: Seq #:
 Coordinates: ,

Land Type: Private Non Notifier: No Commercial Availability: Unknown Tsd Date:
 Accessibility: No. Employees: 0 State District: C

NAICS Codes: 44131 Automotive Parts and Accessories Stores

Regulated Waste Activities

Hazardous Waste Generator Status - Federal: Not a Generator; State: OH-N Not a Generator, Verified

Other Hazardous Waste Generator Activities		Used Oil Activities	
Importer Activity:	No	Used Oil Transporter Activity	Off-Specification Used Oil Burner: No
Mixed Waste Generator:	No	Transporter:	Used Oil Fuel Marketer Activity
Transporter Activity:	No	Transfer Facility:	Marketer who directs shipment off-specification used oil to off-specification used oil burner: No
TSD Activity:	No	Used Oil Processor and/or Re-refiner Activity	Marketer who first claims the used oil meets the specifications: No
Recycler Activity:	No	Processor:	
Exempt Boiler and/or Industrial Furnace		Refiner:	
Small Quantity Onsite Bumer Exemption:	No		
Smelting, melting, Refining Furnace Exemption:	No	Underground Injection Control:	Destination Facility for Universal Waste: No

State Activities:		
Owner	Type	Description
OH	UOG	USED OIL GENERATOR

* End of Report *

