

SR
File



State of Ohio Environmental Protection Agency

Southwest District

401 East Fifth Street
Dayton, Ohio 45402-2911

TELE: (937)285-6357 FAX: (937)285-6249
www.epa.state.oh.us

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

May 14, 2007

Mr. Chris Ostendorf
Service Manager
Car X Auto Service
6725 Montgomery Road
Cincinnati, Ohio 45236

Re: Car X Auto Service #51; Hazardous Waste; Hamilton County

Dear Mr. Ostendorf:

On May 8, 2007 Ohio EPA investigated a complaint at Car X Auto Service at 6725 Montgomery Road in Cincinnati, Ohio. While investigating this complaint Ohio EPA also conducted a compliance evaluation inspection to determine your compliance with Ohio's hazardous waste laws and regulations as found under the Ohio Revised Code (ORC) and the Ohio Administrative Code (OAC). You represented Car X Auto Service and I represented Ohio EPA. Ohio EPA's inspection included an inspection of facility operations and a review of written documentation and records. This letter will explain the validity of the complaint, the violations we found, what you need to do to correct the violations, other general concerns we have and what you need to do to respond to our general concerns.

Complaint Investigation

In the complaint received by Ohio EPA, the complainant alleged that Car X was mishandling auto fluids and that oil and anti-freeze are running across the parking lot onto the ground and down a storm sewer. During this investigation, we conducted interviews and a visual site inspection. We did visually observe evidence, in the form of stained pavement, of oil running from the service bays, across the parking lot and into the storm sewer. You indicated that this was mostly likely the result of rinse water from the scrubbing of the shop floor. You reported that the floor is routinely scrubbed and the rinse water is removed with a squeegee by pushing it out the front of the service bays into the parking lot and allowing it to run into the storm sewer. This complaint will be referred to our Division of Surface Water for follow-up on this aspect of the investigation.

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Notice of Violation

We found Car X in violation of the following Ohio hazardous waste laws:

- (1) **OAC 3745-279-22(C)(1), Used oil storage requirements for generators, Labels:** Containers and aboveground tanks at generator facilities must be labeled or marked clearly with the words "Used Oil."

The 275-gallon above ground used oil storage tank, the 5 gallon container used to drain oil filters, and one of the portable oil collectors within the shop were not properly labeled with the words "Used Oil."

→ To abate the above violations, Car X must immediately label all containers and tanks used to store used oil with the words "Used Oil." Please submit documentation which clearly demonstrates this violation has been abated.

- (2) **OAC 3745-279-22(D)(2) & (D)(3), Used oil storage requirements for generators, Response to releases:** Upon detection of a release of used oil to the environment that is not subject to the requirements of Chapter 1301:7-9 of the Administrative Code, a generator must contain the released oil, and clean up and manage properly the released used oil and other materials.

We observed evidence of used oil releases or spills around the above ground used oil storage tank. On the pavement in front of the tank, we observed stained pavement and the collection of an oil like sludge material. Behind the tank and fence, we observed oil stains on the ground and dead vegetation. Car X failed to contain these releases of used oil to the environment and failed to clean up and properly manage the released used oil and other materials.

→ To abate these violations Car X must clean up the released used oil. The oil sludge material on the pavement, and all visibly stained soil must be removed and properly disposed. Before disposal of this clean up material you must determine if the clean up material is a hazardous waste in accordance with OAC 3745-52-11. If the material is a hazardous waste it must be managed in accordance with Ohio's hazardous waste laws. If the material is not a hazardous waste it may be managed and disposed as solid waste.

Please submit documentation demonstrating that all violations cited above have been abated, e.g. cover letter, photographs, manifests, notices, sample results, etc., to me at the Southwest District Office within 30 days of your receipt of this letter.

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General Concerns

The following waste management issue was also discussed during the inspection:

- A. You indicated that Car X generates used fluorescent lamps. As we discussed during the inspection, fluorescent lamps may now be managed as a universal waste instead of hazardous waste. To assist you with these rule changes, I have enclosed an Ohio EPA guidance document on the management of fluorescent lamps. Please review this document at your convenience.

Again, please submit the documentation requested above, demonstrating that all violations cited in this letter have been abated, to me at the Southwest District Office within 30 days of your receipt of this letter. Enclosed you will find a copy of the checklists completed during the inspection. You can find copies of the rules and other helpful information on the Division of Hazardous Waste Management's web page at <http://www.epa.state.oh.us/dhwm>. If you should have any questions, please feel free to call me at (937) 285-6081.

Sincerely,



Steven Roth, P.E.
Environmental Specialist
Division of Hazardous Waste Management

cc: Prema Govind, Car X Auto Service
Dinah Crawford, SWDO-DHWM/SWDO File, w/encl.

Enclosure

SR/bp

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 regulations.



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E-mail this completed form to tammy.mcconnell@epa.state.oh.us or mail it to Tammy McConnell, Central Office	Ohio Environmental Protection Agency RCRA SUBTITLE C SITE IDENTIFICATION/VERIFICATION FORM		For Ohio EPA use only																	
2. Site EPA ID No.	EPA ID Number:																			
3. Site Name	Name: Car X Auto Service #51		Website (optional):																	
4. Site Location Information	Street Address: 6725 Montgomery Road																			
	City, Town, or Village: Cincinnati	State: OH																		
	County Name: Hamilton	Zip Code: 45236																		
5. Site Land Type (check only one)	<table border="1" style="width: 100%; text-align: center;"> <tr> <td>Private</td> <td>County</td> <td>District</td> <td>Federal</td> <td>Indian</td> <td>Municipal</td> <td>State</td> <td>Other</td> </tr> <tr> <td>X</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table>			Private	County	District	Federal	Indian	Municipal	State	Other	X								
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X																				
6. NAICS Code(s) www.census.gov/epcd/www/naics.html	A.		B.																	
	C.		D.																	
7. Facility Representative: Additional names can be recorded in number 12. Only provide address information if it is different than the site address.	First Name: Chris		MI:																	
	Last Name: Ostendorf																			
	Phone Number: (513) 793-8642		Phone Number Extension:																	
	E-Mail Address:																			
	Fax Number:		Fax Number Extension:																	
	Street or P.O. Box:																			
City, Town or Village:																				
State:		Country:																		
Zip Code:																				
8. 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.	A. Name of Site's Legal Owner:		Date Became Owner (mm/dd/yyyy):																	
	ABSCO Investments																			
	Owner Type: Mark with an X	<table border="1" style="width: 100%; text-align: center;"> <tr> <td>Private</td> <td>County</td> <td>District</td> <td>Federal</td> <td>Indian</td> <td>Municipal</td> <td>State</td> <td>Other</td> </tr> <tr> <td>X</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table>			Private	County	District	Federal	Indian	Municipal	State	Other	X							
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	X																			
	Street or P.O. Box: 6676 N. Lincoln Avenue																			
	City, Town, or Village: Lincolnwood		Owner Phone #:																	
	State: IL		Country: USA Zip Code: 60712																	
	B. Name of Site's Operator:		Date Became Operator (mm/dd/yyyy):																	
	Car X Auto Service																			
Operator Type: Mark with an X	<table border="1" style="width: 100%; text-align: center;"> <tr> <td>Private</td> <td>County</td> <td>District</td> <td>Federal</td> <td>Indian</td> <td>Municipal</td> <td>State</td> <td>Other</td> </tr> <tr> <td>X</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table>			Private	County	District	Federal	Indian	Municipal	State	Other	X								
Private	County	District	Federal	Indian	Municipal	State	Other													
X																				
Street or P.O. Box: 11843 Kemper Springs Drive																				
City, Town, or Village: Cincinnati		Operator Phone #: (513) 825-2660																		
State: OH		Country: USA Zip Code: 45240																		
9. Violations Cited? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No																				
10. Type of Regulated Waste Activity (Mark "X" in all of the appropriate boxes.)																				
<input type="checkbox"/> Not Regulated																				

USED OIL INSPECTION CHECKLIST (Short Version)

NOTE: This checklist does not include requirements for used oil transporters and transfer facilities, processors and re-refiners, burners, and marketers.

PROHIBITIONS

1. Is used oil being managed in a surface impoundment or waste pile? If so: Yes No N/A RMK#
Is the surface impoundment or waste pile being regulated under OAC 3745-54 to 3745-57 and 3745-205 or 3745-65 to 3745-69 and 3745-256? [3745-279-12(A)] Yes No N/A RMK#
2. Is used oil being used as a dust suppressant? [3745-279-12(B)] Yes No N/A RMK#
3. Is off-specification used oil fuel burned for energy recovery only in devices specified in 3745-279-12(C)? Yes No N/A RMK#

USED OIL GENERATOR STANDARDS

4. Does the generator mix hazardous waste with used oil only as provided in 3745-279-10(B)? [3745-279-21(A)] Yes No N/A RMK#
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 No N/A RMK#
6. Does the generator only store used oil in tanks, containers, or units subject to OAC 3745-54 to 3745-57 and 3745-205 or 3745-65 to 3745-69 and 3745-256? [3745-279-22(A)] Yes No N/A RMK#
7. Are containers and aboveground tanks used to store used oil in good condition with no visible leaks? [3745-279-22(B)] Yes No N/A RMK#
8. Are containers, above ground tanks, and fill pipes used for underground tanks clearly labeled or marked "Used Oil?" [3745-279-22(C)] Yes No N/A RMK# 8
9. Has the generator, upon detection of a release of used oil, done the following: [3745-279-22(D)]
- a. Stopped the release? Yes No N/A RMK#
- b. Contained the release? Yes No N/A RMK# 9
- c. Cleaned up and properly managed the used oil and other materials? Yes No N/A RMK# 9

d. Repaired or replaced the containers or tanks prior to returning them to service, if necessary?

Yes No N/A RMK#

10. Does the generator burn used oil in used fired space heaters? [3745-279-23] If so:

Yes No N/A RMK#

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 No N/A RMK#

b. Is the heater designed to have a maximum capacity of not more than 0.5 million BTU per hour?

Yes No N/A RMK#

c. Are the combustion gases from heater vented to the ambient air?

Yes No N/A RMK#

11. Does the generator have the used oil hauled only by transporters that have obtained U.S. EPA ID#, unless the generator qualifies for an exemption pursuant to 3745-279-24 (self transportation or tolling agreements)? [3745-279-24]

Yes No N/A RMK#

USED OIL COLLECTION CENTERS AND AGGREGATION POINTS

12. 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 No N/A RMK#

13. Is the non-DIY used oil collection center registered with Ohio EPA? [3745-279-31]

Yes No N/A RMK#

14. Is the used oil aggregation point in compliance with the generator standards in 3745-279-20 to 3745-279-24? [3745-279-32]

Yes No N/A RMK#

WASTE EVALUATION

15. Have all wastes generated at the facility been evaluated? [3745-52-11]

Yes No N/A RMK#

REMARKS

RMK# 8) The 275-gallon above ground used oil storage tank, the 5 gallon container used to drain oil filters, and one of the portable oil collectors within the shop were not properly labeled with the words "Used Oil."

RMK# 9) Observed evidence of oil used oil releases or spills around the above ground used oil storage tank. On the pavement in front of the tank observed stained pavement and the collection of an oil like sludge material. Behind the tank and fence, we observed oil stains on the ground and dead vegetation.