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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 Korleski, Director

CERTIFIED MAIL

October 16, 2008

Mr. Jesse Savage
7422 State Route 540
Bellefontaine, Ohio 43311-9520

Re: 2ND Notice of Violation, Jesse Savage property, Logan County, used oil generator and small quantity handler of universal waste batteries

Dear Mr. Savage,

On January 31, 2008 Ohio EPA conducted a complaint investigation at 7400 State Route 540 outside of Bellefontaine, Ohio which is owned and operated by you. On February 25, 2008 Ohio EPA sent a notice of violation (NOV) letter to you documenting the violations found during the complaint investigation. You have not responded to Ohio EPA's NOV and remain in violation of following rules. In order to abate these violations you must do the following **within 14 days** of receipt of this letter and call me to explain how you have abated these.

**Labeling of Used Oil Containers
OAC 3745-279-22 (C) (1)**

This rule requires that containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked with the words "Used Oil".

At the time of inspection January 31, 2008 you had not labeled or marked a tote of used oil with the words "Used Oil" as required, therefore at that time you were in violation of OAC 3745-279-22 (C)(1).

To abate this violation label or mark all used oil containers on site with the words "Used Oil". Abate this violation within 14 days of this letter and call me to explain how this violation was abated.

OAC 3745-279-22 (D) Response to releases

This regulation requires that upon detection of a release of used oil to the environment you must stop the release, contain the release, clean up the release, and repair or replace leaking containers.

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During the investigation Ohio EPA observed used oil on the ground within the area used for crushing and in the areas where cars are prepared for crushing. The used oil had not been cleaned up. Therefore at the time of inspection January 31, 2008 you were in violation of OAC 3745-279-22 (D) for failing to clean up a release of used oil.

To abate this you must remove all visibly stained oil contaminated soil in the areas used for crushing and in the areas where cars are prepared for crushing. Your removal effort should continue to a depth until all visibly stained soil has been removed. The contaminated soil must be properly disposed of. Check with your solid waste disposal contractor for proper disposal procedures. Abate this violation within 14 days of this letter and call me to explain how this violation was abated.

In the future you must prevent the release of used oil to the environment and if releases of used oil to the environment occur on your property, you must immediately cleanup the released used oil and properly dispose of the contaminated soil.

During our investigation, the following general concerns were also noted. Address these concerns by following our recommendations provided below.

General Concern 1-

During the investigation we noted that you were storing several lead acid batteries on site. These batteries were stored outside on the ground and were scattered about the property at various locations. Ohio EPA is concerned that these may become damaged by being run over, etc and then would contaminate the soil. In order to address this concern you should gather all the batteries and store these together in one location and under cover.

Address this concern within 14 days of this letter and call me to explain how you have addressed this concern.

General Concern 2-

The crushing operation is in close proximity to a residential dwelling which may be served by a private well. There is potential that spilled oil and gasoline may contaminate any nearby drinking water wells. To address this concern determine the location of wells nearby the crushing and processing operation. Move the location of the crushing or processing operation away from and down gradient of any known private wells. Your county health department may be able to assist with determining locations of nearby private wells and if they may be contaminated.

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Address this concern within 14 days of this letter and call me to explain how you have addressed this concern.

This concludes the results of our complaint investigation. Ohio EPA plans to return to the site to verify compliance with this letter. 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. If you have any questions relative to this letter please contact me at (937) 285-6082.

Sincerely,



Brian Gitzinger
District Representative
Division of Hazardous Waste Management

cc: Dinah Crawford, DHWM, SWDO
Brian Marlatt, DHWM, SWDO

BG/plh

