

**Environmental
Protection Agency**

Ted Strickland, Governor
Lee Fisher, Lt. Governor
Chris Korleski, Director

F u. 001
Enf. 001
RTC'd violation

November 19, 2010

Mr. Mike Eid
T&M Automotive
4011 Dayton-Xenia Road
Beavercreek, Ohio 45432

make new

Re: Complaint Investigation, T&M Automotive, Greene County
OHD986971992, NOV/RTC

Dear Mr. Eid,

On November 17, 2010, Ohio EPA, Division of Hazardous Waste Management, represented by me and Jeff Smith, conducted a complaint investigation at your business, T&M Automotive, located at 4011 Dayton-Xenia Road, in Beavercreek, Ohio. The complaint alleged employees have been disposing of used crankcase oil in a grassy area outside your building. A comprehensive inspection to determine compliance with *all* of Ohio's hazardous waste laws and regulations, as found under the Ohio Revised Code (ORC) and the Ohio Administrative Code (OAC) was not conducted.

During the complaint investigation, we walked around the property around your business to look for evidence of recently released used oil. **The outcome of our complaint investigation is that we found no evidence of used oil being released to the soil at the property.**

While at your business, we reviewed your current used oil management practices. We noted the following violation of Ohio EPA's hazardous waste rules or laws pertaining to used oil as a universal waste.

OAC Rule 3745-279-22, Used oil storage requirements for generators

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

During our visit, we found that the used oil storage tank was not labeled with the words "Used Oil." Also, the smaller used oil accumulation cans on wheels were not labeled.

To address this violation, while we were present, the storage tank and cans were marked with the words "Used Oil." **Labeling the tank and cans brings the business into compliance the above regulation.**



General Comment

During our inspection, you said that you have had your used oil picked up by a recycler. You also mentioned that you have sold some used oil to be burned in a space heater. You may do this as long as the used oil is "on specification used oil." "On specification" means that the used oil has been tested and demonstrated to meet specific standards for contaminants and flash point listed in Ohio rule OAC 3745-279-11. On specification used oil can be sold similarly to fuel oil, and is not regulated under the used oil rules once someone claims it is on specification. To make that claim, you need to test the used oil to demonstrate that it meets the allowable levels of contaminants. More information about the specifications can be found in the guidance document I have enclosed, "Burning Used Oil in a Space Heater – For Businesses."

To avoid having to test your used oil, you may choose to send your used oil to a used oil recycler. Ohio EPA maintains a list of companies that recycle used oil. <http://epawebapps.epa.state.oh.us/Recyclers/jsp/results.jsp> Additional information about Ohio EPA's used oil rules can be found at the website: http://www.epa.state.oh.us/dhwm/used_oil.aspx.

I have enclosed a copy of the checklist completed during the inspection. You can find Ohio's hazardous waste rules and other information on the division's web page at: <http://www.epa.ohio.gov/dhwm/>. If you have any questions, please contact me at (937) 285-6081.

Sincerely,



Laura Marshall
District Representative
Division of Hazardous Waste Management

Enclosure

cc: 'DHWM Data Entry/ Facility file

LM/ca



Burning Used Oil in a Space Heater - For Businesses

DHWM Guidance Document

DATE: July 2009

In this guidance we will explain Ohio's used oil rules as they apply to businesses that collect used oil and burn it in a space heater. This guidance does not apply to heating oil that you buy from a heating oil vendor that may be derived from used oil. It only applies to used oil that you generate yourself, collect directly from household do-it-yourselfers or collect directly from other businesses that generate used oil. You should be aware that you may be subject to other environmental regulations concerning the Division of Air Pollution Control (contact them at 614-644-2270) and spill prevention control and counter measure requirements.

Space heaters are small units that have a heat output capacity of not more than 500,000 British thermal units per hour (BTU/hr). Typically they will burn from 0.1 to 4 gallons of used oil per hour. They are usually used to heat the air in spaces for comfort in shops or warehouses. They can also be used to heat spaces such as greenhouses.

As a business owner, you can burn any used oil (that has not been mixed with hazardous waste) that you generate at any of your places of business or any used oil that you collect from household do-it-yourself used oil changers in your space heater as long as:

- ◆ The space heater has a heating capacity of 500,000 BTU/hr or less;
- ◆ The space heater is legitimately used for heating purposes such as for comfort in homes, workspaces or garages or for other heating purposes such as in a greenhouse;
- ◆ The space heater is vented to the outside;
- ◆ You comply with the used oil management standards for generators of used oil found in Ohio EPA's used oil rules (Ohio Administrative Code rules 3745-279-20 to 24, and
- ◆ You can show that the used oil from your businesses contains 1000 parts per million (ppm) total halogens or less. If it contains more than 1000 ppm total halogens, you must successfully rebut the presumption that the used oil was mixed with listed hazardous waste. (How to rebut the presumption is discussed in our guidance document entitled Used oil Burners-New Guidance for Rebuttable Presumption).



Burning Used Oil in Space Heaters

Can I burn used oil from other businesses?

You cannot burn used oil from other businesses in your space heater, unless you or the other business has information that shows that the used oil meets the specification levels found in Ohio Administrative Code (OAC) rule 3745-279-11. Usually the demonstration that the used oil meets the specification levels in OAC rule 3745-279-11 is made by analysis of a representative sample of the used oil for the constituents listed in the rule. The demonstration can also be made by obtaining copies of analyses or other information documenting that the used oil fuel meets the specification. The person who first makes the claim that the used oil meets the specification (either you or the other business owner) is considered to be a used oil fuel marketer under the used oil rules. Until someone makes the demonstration that the used oil meets the specification it is subject to the used oil regulations including: prohibitions from burning used oil in space heaters not owned by the generator of the used oil; transportation requirements; storage, transportation and notification requirements.

All used oil is presumed to be off-specification until otherwise demonstrated. Therefore you cannot mix multiple shipments and then test the used oil.

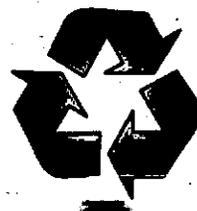
In addition to meeting the specification, the used oil you collect from other businesses must contain less than or equal to 1000 ppm total halogens. If it contains more than 1000 ppm total halogens, you must be able to show that the used oil was not mixed with listed halogenated hazardous waste (rebut the presumption).

What is the used oil specification?

Used oil that someone has shown to have constituent concentration levels below (above for flashpoint) those listed in Table 1 of OAC rule 3745-279-11 (see Table 1 below) meets the used oil specification. This used oil is often referred to as "on specification" used oil. Used oil that exceeds any of the levels in the specification rule or that has not been proven to meet the concentration levels is "off specification" used oil. When used oil is shown to meet this specification and the person making that showing complies with rules 3745-279-72, 3745-279-73, and paragraphs (B) and (C) of rule 3745-279-74 of the Administrative Code the used oil is no longer subject to Ohio's used oil rules. Until somebody shows that the used oil meets the specification we presume that it is off specification.

This means in order for you to burn used oil from another business, you or the business that generated the used oil must do all of the following:

- ◆ Determine that the used oil meets the specification through analysis of a representative sample of the used oil, obtaining copies of analysis of a representative sample of the



If you accept used oil from a business to burn in your space heater, you must make sure that these conditions are met BEFORE you take it.

If you only collect and burn used oil from households, you are not required to keep records.

Burning Used Oil in Space Heaters

used oil or using other information about the used oil that demonstrates that it meets the specification and keep copies of the analysis or other information for three years;

- ◆ Notify Ohio EPA of your used oil marketing activity and get a US EPA identification number if you don't already have one, and;
- ◆ Keep records of used oil shipments for three years that include:
 - the name of the receiving facility;
 - the quantity of used oil delivered;
 - the date of shipment or delivery; and,
 - a cross-reference to the analysis or information that demonstrates that it meets the specification.
- ◆ Determine if the used oil contains greater than 1000 ppm total halogens, and be able to rebut the presumption if it does.

**The standards for used oil that contains quantifiable amounts (>2 ppm) of polychlorinated biphenyls (PCB's) are found in 40 CFR 761:20(e).
Contact U. S. EPA for regulations concerning burning PCB-contaminated oil in your space heater.**

Table 1: Used Oil Specification

Constituent / Property	Maximum Allowable Level (total concentration)
Arsenic	5 ppm
Cadmium	2 ppm
Chromium	10 ppm
Lead	100 ppm
Flash Point	100° F minimum
Total Halogens	4,000 ppm*

*Although the used oil specification's total halogen regulatory limit is 4,000 ppm, if the total halogens exceed 1,000 ppm Ohio EPA presumes the used oil has been mixed with a hazardous waste, unless you can prove that it hasn't.

Can I burn used oil that has been mixed with other wastes?

You cannot burn hazardous waste or used oil that has been mixed with hazardous waste (from a business) in your space heater. However, if the used oil meets any of the exceptions listed below you can burn it in your space heater if it meets all of the other conditions that have been explained in this guidance. These exceptions are:

- ◆ used oil that has been mixed with household hazardous waste or conditionally exempt small quantity generator hazardous wastes;
- ◆ used oil that contains greater than 1000 PPM of total halogens if you can demonstrate that it does not contain significant concentrations of halogenated hazardous constituents;

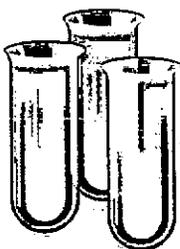
Burning Used Oil in Space Heaters

- ◆ used oil that has been mixed with hazardous waste that exhibits the characteristic of corrosivity, reactivity or TCLP toxicity and the mixture does not exhibit any of the four characteristics of hazardous waste, including ignitability; or
- ◆ used oil that has been mixed with a hazardous waste that only exhibits the characteristic of ignitability (such as low flash point mineral spirits) and the mixture does not exhibit the characteristic of ignitability. If the mixture exhibits the characteristic of corrosivity, reactivity or TCLP toxicity it can be burned in a space heater.

What other rules apply if I collect used oil from other businesses I own but I don't want to have it tested for the specification or if I collect used oil from household do-it-yourselfers?

If you collect used oil from other businesses that you own and it has not been shown that it meets the specification or it is off specification you are operating a used oil aggregation point. If you collect and store used oil from household do-it-yourselfers you are operating a do-it-yourselfer used oil collection facility. In either case you must comply with the used oil generator standards in OAC rules 3745-279-20 through 3745-279-24. You must also transport off specification used oil or used oil that has not been proven to meet the specification that you generate at your other businesses to the aggregation point in quantities less than 55 gallons at a time. It must be transported in a vehicle you own or that is owned by one of your employees. If you transport off specification used oil from your other places of business in quantities greater than 55 gallons you must comply with the used oil transporter requirements in OAC rules 3745-279-40 through 3745-279-47. There are no transportation requirements for household do-it-yourselfer used oil.

Where do I get used oil tested for the specification and the rebuttable presumption and how much will it cost?



You can get used oil tested at most environmental laboratories. Just call one on our list or one you find in your phone book and ask if they analyze used oil for the specification and rebuttable presumption. The lab should be using EPA testing methods or equivalent methods. We have limited information on the cost of analysis, however we do know that at least one laboratory has done all of the parameters including total halogens according to EPA testing methods for around \$200 per sample.

We suggest that you test for total halogens (rebuttable presumption) each time you pick up a load of used oil from businesses. You can test for total halogens by using the Quanti-Chlor kit from Chemetrics, Inc. (may not be available) or the Chlor-D-Tect 1000 or Chlor-D-Tect Q 4000 test kits from Dexsil Corporation. The test kits cost around \$5.00 each.

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

Site EPA ID No. Site Name	EPA ID Number: OHD986971992		Website: (Optional)
Site Location Information	Street Address: 4011 Dayton-Xenia Road		
Site Land Type (check only one)	City, Town, or Village: Beavercreek	State: OH	
NAICS code(s) www.census.gov/epcd/www/naics.html	County Name: Greene	Zip Code: 45432	
	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"/>	
	811111		

Facility Representative Additional names can be recorded in number 12. Only provide address information if it is different than the site address	First Name: Mike	MI:	Last Name: Eid
	Title: Owner		
	Phone Number: 937-429-0227		Phone Number Extension:
	E-Mail Address:		
	Fax Number:		Fax Number Extension:
	Street or P.O. Box:		
	City, Town or Village:		
	State:		Zip Code:

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: Leonard Charles Et Al Trustees		Date Became Owner (mm/dd/yyyy): 10/19/1993	
	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: P.O. Box 341064			
	City, Town or Village: Beavercreek		Owner Phone #:	
	State: Ohio		Country: Greene	
	Zip Code: 45434		Date Became Operator (mm/dd/yyyy):	
	Name of Site's Operator: Mike Eid			
	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: 4011 Dayton-Xenia Road			
	City, Town or Village: Beavercreek		Operator Phone #: 937-429-0227	
	State: Ohio		Country	
	Zip Code: 45432			

VIOLATIONS CITED? Yes No

TYPE OF HANDLER - MARK "X" AS APPROPRIATE

<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/Temporary Generator (generates from a short-term or one-time event and not from on-going processes). <i>Check the box for the applicable generator status and provide a comment.</i>	<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"/> 72-Hour Recycler	<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
<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 Used Oil
<input type="checkbox"/> Used Oil Fuel Marketer who first claims the Used Oil meets the specifications

Eligible Academic Entities with Laboratories: Facility has previously notified that they are opting into managing laboratory hazardous waste pursuant to OAC rules 3745-52-200 through 3745-52-216. Check the box(es) below to indicate the laboratory type.

<input type="checkbox"/> College or University
<input type="checkbox"/> Teaching hospital that is owned by or has a formal written affiliation agreement with a college or university
<input type="checkbox"/> Non-profit Institute that is owned by or has a formal written affiliation agreement with a college or university

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	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Tanks	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Containers	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Name of Inspector(s)	Name of Inspector(s)	Date of Inspection/Time (mm/dd/yyyy) (hh:mm)
Laura Marshall	Jeff Smith	11/17/2010 10:45

Comments:
complaint investigation

**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 No N/A

a. Is the surface impoundment or waste pile regulated as a hazardous waste management unit? [3745-279-12(A)] Yes No N/A

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 No N/A

3. Is off-specification used oil fuel burned for energy recovery in devices specified in 3745-279-12(C)? Yes No N/A

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 No N/A

a. Is the mixture managed as specified in 3745-279-10(B)? [3745-279-21(A)] Yes No N/A

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 No N/A

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 No N/A

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

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

9. Has the generator, upon detection of a release of used oil, done the following: [3745-279-22(D)] Yes No N/A

a. Stopped the release? Yes No N/A

b. Contained the release? Yes No N/A

c. Cleaned up and properly managed the used oil and other materials? Yes No N/A

d. Repaired or replaced the containers or tanks prior to returning them to service, if necessary? Yes No N/A

ON-SITE BURNING IN SPACE HEATER		
10.	Does the generator burn used oil in used-oil fired space heaters? [3745-279-23] If so:	
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 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 type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" 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 type="checkbox"/> N/A <input checked="" 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.



1 all new

**Environmental
Protection Agency**

For: Strickland, Governor
Lee Fisher, Lt. Governor
Dana Kemmerly, Director

November 19, 2010

Mr. Charles Leonard
c/o Beverly Kirk, Trustee
P.O. Box 341064
Beavercreek, Ohio 45434

Re: Complaint Investigation, 4011 Dayton-Xenia Road, Greene County

Dear Mr. Leonard,

On November 17, 2010, Ohio EPA, Division of Hazardous Waste Management, represented by me and Jeff Smith, conducted a complaint investigation at your property located at 4011 Dayton-Xenia Road, in Beavercreek, Ohio. We were also accompanied by Ms. Toni Carmichael of the Greene County Combined Health District. The complaint alleged employees of T&M Automotive, located at that address, have been disposing of used crankcase oil in a grassy area outside your building. After interviewing you and Mr. Eid at T&M Automotive, it became apparent that the complaint may not have been directed at T&M Automotive as much as your property in general.

During the complaint investigation, we walked around the property to look for evidence of recently released used oil. **The outcome of our complaint investigation is that we found no evidence of used oil being released to the soil at the property.**

However, during our inspection, we noticed several deteriorating 5-gallon metal lacquer thinner containers and a couple gallon jugs along the west side of the building. Several of the containers were open and contained liquid. These containers and their contents should be disposed of properly. If you have questions about how to properly dispose of these containers, please give me a call.

We also noted an open drum which appeared to contain used oil outside your shop at the south end of the building. We recommend you close the drum and secure it inside your building. Although the used oil regulations don't specifically require you to keep containers closed, it's still a good management practice for you to do this. Open drums are a problem because open containers can accumulate precipitation which could lead to an unwanted release of used oil or contaminated precipitation, open containers might get tipped over resulting in a significant spill and clean-up, and open containers could be an invitation for other individuals to put other wastes in the drum, such as other solvents. Additional information about Ohio EPA's used oil rules can be found at the website: http://www.epa.state.oh.us/dhwm/used_oil.aspx.



Mr. Charles Leonard
November 19, 2010
Page 2

You can find Ohio's hazardous waste rules and other information on the division's web page at: <http://www.epa.ohio.gov/dhwm/>. If you have any questions, please contact me at (937) 285-6081.

Sincerely,



Laura Marshall
District Representative
Division of Hazardous Waste Management

Enclosure

cc: DHWM Data Entry/ Facility file
Toni Carmichael, Greene County Combined Health District

LM/ca



COMPLAINT INVESTIGATION FORM

Date: 11/3/10
Time: 10:45 AM

Complaint Received by: Tom Onkto



COMPLAINANT

Name: anonymous
Address:
City: Zip:
County:
Phone:
Email:

SUSPECTED SOURCE

Name: TM Automotive
Address: 4611 Dayton-Xenia Road
City: Beavercreek Zip:
County: Greene
Phone:
Email:
Regulator, Material:

ER Notified?

EPA ID#

Property Type:

STATEMENT OF COMPLAINT:

Complainant alleges that he saw employees pouring used crankcase oil in the grassy area just off the pavement in the area south of the building. There are also 10 to 20 scrap tires on the property. Complainant did not want to leave his name b/c he thinks they have vandalized his car.

Does a file exist? Yes No
Does a file exist in dead files? Yes No
Is another Division possibly impacted? Division:
Should this be forwarded to another agency? Agency:

RESEARCH HYPERLINKS:

BBB	COUNTY AUDITOR'S:	
Bing Map	Brown	Hamilton
CRO	Butler	Highland
Electronic Waste Management	Champaign	Logan
Fluorescent Lamps	Clark	Miami
Google Maps	Clermont	Montgomery
Hazardous Waste Management	Clinton	Preble
Household Hazardous Waste	Darke	Shelby
RCRAinfo	Greene	Warren
Universal Waste Requirements		
Used Oil		

Assigned to: Laura Marshall Priority: M
Date assigned: 5-Nov-10 Date due: 5-Dec-10



Complaint Inspection Report

Facility: T & M Automotive
4011 Dayton-Xenia Road, Beavercreek 45432
937-429-0227

Date: November 17, 2010

Inspectors: Laura Marshall and Jeff Smith,
accompanied by Toni Carmichael, Greene County Combined Health Dist.

The business is a garage and auto body shop located at the southwest corner of the intersection of Dayton-Xenia Road and Grange Hall Road. T&M Automotive occupies the central portion of the building. One of the property owners, Mr. Charles Leonard (937-232-9275), occupies the service bay at the south end of the building. (The service bay has an address posted of 1561 (Grange Hall Rd). The whole property is held in a trust consisting of him and his brother and sister.

The complaint, received by SWDO/DHWM on November 3, 2010, stated that employees of T&M Automotive were observed pouring used crankcase oil in the grassy area just off the pavement in the area south of the building. The complaint also stated that there are also 10 to 20 scrap tires on the property. GCCHD participated in the inspection to address the scrap tire part of the complaint.

We arrived at the site at about 10:45 and introduced ourselves to Mr. Mike Eid, the owner of T&M Automotive. Mr. Eid stated that he has had the business since the 1990's. He has had up to 10 employees, but now it is just himself.

We walked around outside of the building to investigate the complaint allegations. There was no evidence of oil dumped at the south edge of the pavement at the fence line. Along the west side of the building there is a grassy area between the building and the adjacent property parking lot. There was no evidence of recent oil dumping in the grassy area -- no visible oil or sheen in the soil. There are three fuel oil tanks along the west side of the building. Mr. Leonard and Mr. Eid said they are not used. There were several 5-gallon cans and a couple gallon jugs sitting along the west wall of the building. The labels of the 5-gallon containers indicated that they had contained flammable materials. Mr. Leonard said that two containers near the south end of the building contained hardened materials and rain water. Mr. Eid said that none of the containers along the west wall of the building were his.

At the southeast corner of the building, outside of Mr. Leonard's shop, there was a 55-gallon drum with an open bung which contained a black oily liquid. The drum was approximately ½ full. There were also two empty drums outside the door to T&M Automotive.

Inside T&M Automotive, the used oil is stored in an approximately 100-gallon storage tank. It was not labeled "used oil"; however it was labeled while we were there. In the shop, the oil is first drained into movable storage cans with funnels. These were also unlabeled, but were corrected with a "used oil" label while we were there. Mr. Eid stated that he drains the oil filters into the storage cans and sends the filters for metal recycling. Mr. Eid said that he has had his used oil picked up by a company who paid him for it, and he has also given some to a person who used it to burn for heat at a farm.

In a phone conversation later that afternoon, Mr. Leonard said that he is retired, that he does not have a business in the building. We asked Mr. Leonard to secure the 55-gallon drum and move it inside out of the weather, and to properly dispose of the containers found outside along the west wall of the building. He said he would take care of it. He said he is having the trash around the property cleaned up, as well as peeling paint on the building fixed, in response to a December 1 deadline from the city.



T&M Automotive and adjacent private shop



Drum outside of shop





West wall of the building



Two of four cans at west wall of building



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