



State of Ohio Environmental Protection Agency

Northeast District Office

2110 East Aurora Rd.
Twinsburg, Ohio 44087

TELE: (330) 963-1200 FAX: (330) 487-0769
www.epa.state.oh.us

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

August 9, 2007

**RE: ATLAS RECYCLING, INC.
COMPLAINT # 6956
NOTICE OF VIOLATION**

Kimberly Check
Atlas Recycling, Inc.
PO Box 2037
Warren, Ohio 44484-0037

Dear Ms. Check:

The Ohio EPA Division of Hazardous Waste Management conducted an inspection of Atlas Recycling, Inc. (Atlas) located at 1420 Burton St., SE, Warren, OH on August 3, 2007. The purpose was to investigate a complaint and to determine if Atlas had violations of Ohio's hazardous waste and used oil laws as found in Chapter 3734 of the Ohio Revised Code (ORC) and Chapter 3745 of the Ohio Administrative Code (OAC).

This letter will document any violations and concerns found and outline what you need to do to correct them. A written response to these issues is required within 30 days.

The complaint alleged that barrels of fluids have been dumped in woods across the street from Atlas. Across the street from Atlas is a gravel parking lot and woods beyond the parking lot. No evidence of past fluid dumping was seen in this area. You stated that you do not know of any such dumping and it is the policy of Atlas to collect waste fluids and have them picked up by a waste hauler. I saw evidence of this waste collection during the inspection. Please see the attached Process, Waste, and Pollution Prevention Summary for my understanding of how the wastes are managed. You gave me a copy of an invoice showing the August 2, 2007 pickup of 300 gallons of used oil by Everclear in Austintown, OH (OHR000015792). **Please send me copies of the shipping papers used for any other waste shipments during 2007.**

The complaint also alleged that after a rain the street near Atlas fills with oily water. I understand you are working with Chris Moody of our Division of Surface Water to address similar issues. In addition, the correction actions required below (cleanup of used oil spills) should help any such problem.

The following violations were found:

1. OAC rule 3745-52-11 – Hazardous waste determination.
This rule requires that any person who generates a waste must determine if that waste is a hazardous waste. The following documents give more information regarding this:

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Identifying Your Hazardous Waste, November 2006:

<http://www.epa.state.oh.us/ocapp/sb/publications/identifyingwaste.pdf>.

Use of Generator Knowledge in Complying with OAC 3745-52-11, July 2005:

<http://www.epa.state.oh.us/dhwm/pdf/GeneratorKnowledge6.pdf>.

Atlas violated this rule by not determining whether its gasoline (and sometimes water) collected from vehicles is a hazardous waste.

Any waste with a flash point of less than 140 degrees F is a hazardous waste. **Please respond with a description of whether this waste is a hazardous waste. Include any test data used to make your determination.**

2. OAC rule 3745-279-22(C) - Used oil labels.

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

Atlas violated this rule by not labeling its used oil tank as used oil. This tank had been recently painted and the used oil label had not been replaced. **You must now label this tank and send documentation of that to me.**

3. OAC rule 3745-279-22(D) - Response to releases of used oil.

This rule requires that upon detection of a release of used oil to the environment, the generator must clean up and manage properly the released used oil and other materials.

Atlas violated this rule by having what appeared to be used oil in the soil adjacent to the concrete pad used for vehicle disassembly. I took a photograph of one such area which can be emailed to you if you wish.

This used oil and contaminated soil must now be removed and disposed of properly. Please notify me when this will be done. In addition, send me documentation, such as, a photograph showing that this has been done and a description of how the material was disposed.

The following concern was found:

1. You told me that waste fluorescent lamps generated at this location are taken by the Maintenance Department of another Atlas facility. **Please send me a description of and documentation showing what is done with these waste fluorescent lamps.**

Please send a written response to this letter within 30 days including the documentation required above.

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The following suggestion is offered:

It may be cost effective to buy a used oil burning heater to heat part of your building.

You may burn used oil generated at your business or used oil received from a household do-it-yourselfer in an on-site space heater. Your space heater cannot burn used oil at a rate exceeding 0.5 million Btu per hour and all combustion gases from your space heater must be vented to the outside. Page 3 of the following fact sheet lists these requirements:

http://www.epa.state.oh.us/dhwm/pdf/Used_Oil_Generators_Guidance.pdf.

Please note that such a heater may also be subject to regulation by Ohio EPA's Division of Air Pollution Control. For facilities located in Trumbull County, you can contact Bob Goulish at 330-963-1243 or Ed Perez at 330-963-1273 for more information.

Listed here are some of the companies that sell used oil fired equipment:

Clean Burn
Leola, PA
877-216-0359
<http://www.cleanburn.com/>

Lanair
Janesville, WI
800-753-1601
<http://www.lanair.com/home.cfm>

Omni
Spokane, WA
800-255-1363
<http://www.econoheat.com/Default.htm>

A list containing more used oil furnace manufactures can be found at:

<http://www.epa.state.oh.us/opp/recyc/uofm.html>

Ohio EPA's Office of Compliance Assistance and Pollution Prevention (OCAPP) provides compliance and pollution prevention assistance on environmental issues related to air, land, and water. They can be contacted at 800-329-7518 or <http://www.epa.state.oh.us/ocapp/ocapp.html>. In June 2006 they published a 56 page Small Business Environmental Compliance Self-Assessment Guide which can be found at: <http://www.epa.state.oh.us/ocapp/sb/publications/selfgde.pdf>.

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You can find copies of the regulations and other information on the Division of Hazardous Waste Management web page at <http://www.epa.state.oh.us/dhwm/>.

If you have any questions, please contact me at (330) 963-1217, or robert.almquist@epa.state.oh.us.

Sincerely,



Robert Almquist
Division of Hazardous Waste Management

RA:
Enclosures

cc. Natalie Oryshkewych, DHWM, NEDO

ec. Frank Popotnik, DHWM, NEDO
Harry Sarvis, DHWM, CO
Chris Moody, DSW, NEDO
Bob Goulish, DAPC, NEDO

Notice:

Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve your facility from its obligation to comply with all applicable regulations.

Ohio Environmental Protection Agency
RCRA SUBTITLE C SITE
IDENTIFICATION/VERIFICATION FORM

For Ohio EPA use only

E-mail this completed form to
tammy.mcconnell@epa.state.oh.us or mail it to Tammy
McConnell, Central Office

2. Site EPA ID No.	EPA ID Number: OHR000143495								
3. Site Name	Name: Atlas Recycling, Inc.		Website: atlasrecyclinginc.com (Optional)						
4. Site Location Information	Street Address: 1420 Burton Street, SE								
	City, Town, or Village: Warren		State: OH						
	County Name: Trumbull		Zip Code: 44484						
5. Site Land Type (check only one)	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"/>	
6. NAICS code(s) www.census.gov/epcd/www/naics.html									
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: Kimberly		MI:	Last Name: Check					
	Phone Number: 330-399-1520			Phone Number Extension:					
	E-Mail Address:								
	Fax Number: 330-399-4448				Fax Number Extension:				
	Street or P.O. Box: PO Box 2037								
	City, Town or Village: Warren			State: OH		Country:		Zip Code: 44484-0037	
	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		Name of Site's Legal Owner: Atlas Auto Crushers, Inc.			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: same									
City, Town or Village:				Owner Phone #:					
State:			Country:		Zip Code:				
Name of Site's Operator: same				Date Became Operator (mm/dd/yyyy):					
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:				Operator Phone #:					
State:			Country:		Zip Code:				
9. Violations Cited?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No								
10A. Type of Regulated Waste Activity (Mark "X" in all of the appropriate boxes)									
<input type="checkbox"/> Not Regulated				<input type="checkbox"/> Conditionally Exempt Small Quantity Generator					
<input checked="" type="checkbox"/> UNKNOWN: Cited for violation of 3745-52-11				<input type="checkbox"/> United States Importer of Hazardous Waste					
<input type="checkbox"/> Large Quantity Generator (LQG)				<input type="checkbox"/> Mixed Waste (Hazardous and Radioactive) Generator					
<input type="checkbox"/> Small Quantity Generator (SQG)									
<input type="checkbox"/> Hazardous Waste Transporter				<input type="checkbox"/> Exempt Boiler and/or Industrial Furnace					
<input type="checkbox"/> Treater, Storer or Disposer of Hazardous Waste				<input type="checkbox"/> Small Quantity On-Site Burner Exemption					
<input type="checkbox"/> Recycler of Hazardous Waste				<input type="checkbox"/> Smelting, Melting, Refining Furnace Exemption					
<input type="checkbox"/> Underground Injection Control Facility									

10B. 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"/> Large Quantity Handler of Universal Waste (accumulates 5,000 kg. or more)	
<input type="checkbox"/> Destination Facility for Universal Waste			
Check all boxes below that apply for each of the three types of facilities above		10C. Used Oil Activities (Indicate Type(s) of Activity(ies))	
	Managed	<input checked="" type="checkbox"/> Used Oil Generator	<input type="checkbox"/> Off-Specification Used Oil Burner
Batteries	<input checked="" type="checkbox"/>	<input type="checkbox"/> Used Oil Transporter	<input type="checkbox"/> Used Oil Fuel Marketer Who Directs Shipment of Off-Spec. Oil
Pesticides	<input type="checkbox"/>	<input type="checkbox"/> Used Oil Transfer Facility	<input type="checkbox"/> Used Oil Fuel Marketer to Off-Specification Used Oil Burner
Mercury containing equipment	<input checked="" type="checkbox"/>	<input type="checkbox"/> Used Oil Processor	
Lamps	<input checked="" type="checkbox"/>	<input type="checkbox"/> Used Oil Re-refiner	
11. 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.			
12. 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	Additional Facility Representatives:
Tanks	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Other Comments: complaint 6956
Containers	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
13. Name of Inspector(s)		Name of Inspector(s)	Date of Inspection/Time (mm/dd/yyyy) (hh:mm)
Robert Almquist			8/3/2007
14. 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)

Process, Waste, and Pollution Prevention Summary for:

Atlas Recycling, 8-3 -07 inspection

#	Process generating the waste	Waste details	On-site management	Off-site management	Current pollution prevention	Possible pollution prevention
1	Disassembly of vehicles	Used oil, 300 gallons shipped on 8-2-07	Collected in buckets during disassembly and then poured into used oil tank by oil/water separator	Everclear, Austintown, OH (OHR000015792)		Consider buying a used oil fired space heater. A list of manufacturers of these can be found at: http://www.epa.state.oh.us/opp/recyc/uofm.html
2	Hose oil skimmer at oil/water separator	Same as #1 above	Skimmer piped into used oil tank	Same #1		Same as #1
3	Disassembly of vehicles	Gasoline and sometimes water from gas tanks	Stored in drums outside at disassembly rack. One drum stores good gas that employees will use.	Has been picked up for reuse. Now will be picked up by Everclear	Use by employees	
4	Disassembly of vehicles	Antifreeze	Stored in drums and used in equipment.		Used in equipment	
5	Disassembly of vehicles	Mercury switches	Collected in bucket at disassembly rack.	Taken to Youngstown Iron to be sent to ELVS (end of life vehicle solutions) for recycling	Removing switches so they can be recycled and reducing mercury air pollution at scrap shredder.	

USED OIL INSPECTION CHECKLIST (Short Version)

Atlas Recycling, 8-3-07inspection

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)? [2745-279-21(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#
No test data seen
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#
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#
- c. Cleaned up and properly managed the used oil and other materials? Yes ___ No N/A ___RMK#
- 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#

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REMARKS

**CONDITIONALLY EXEMPT SMALL QUANTITY GENERATOR REQUIREMENTS
COMPLETE AND ATTACH A PROCESS, WASTE, P2 SUMMARY SHEET**

CESQG: ≤100Kg. (Approximately 25-30 gallons) of waste in a calendar month or < 1 Kg. of acutely hazardous waste.

SQG: Between 100 and 1,000 Kg. (About 25 to under 300 gallons) of waste in a calendar month.

LQG: ≥1,000 Kg. (~300 gallons) of waste in a calendar month or ≥1 Kg. of acutely hazardous waste in a calendar month.

NOTE: To convert from gallons to pounds: Amount in gallons x Specific Gravity x 8.345 = Amounts in pounds.

Safety Equipment Used: hard hat, safety glasses, steel toed boots

WASTE EVALUATION

1. Have all wastes generated at the facility been adequately evaluated? [3745-52-11] Yes No N/A

GENERATOR CLASSIFICATION

2. Does the generator produce <100 kg. of hazardous waste per month? [conditionally exempt small quantity generator ("CESQG")] Yes No N/A

NOTE: If quantities of hazardous waste accumulated on-site at any one time exceed 1,000 Kg. - or the generator produces between 100 and 1,000 Kg. of hazardous waste per month, it is operating as a Small Quantity Generator ("SQG"). If so, complete the Small Quantity Generator Requirements checklist.

OFF-SITE SHIPMENT OF HAZARDOUS WASTE

3. Does the CESQG ensure delivery of hazardous waste(s) to an off-site permitted TSD? [3734.02(F)] Yes No N/A

TREATMENT OF HAZARDOUS WASTE

- a. Container that meets 3745-66-70 to 3745-66-77? Yes No N/A
- b. Tank that meets 3745-66-90 to 3745-66-101 except 3745-66-97(C)? Yes No N/A
- c. Drip pads that meet 3745-69-40 to 3745-69-45? Yes No N/A
- d. Containment building that meets 3745-256-100 to 3745-256-102? Yes No N/A

NOTE: Complete appropriate checklist for each unit.

NOTE: If the CESQG conducts treatment they are subject to the LQG requirements.

NOTE: If waste is treated to meet LDRs, use LDR checklist.

REMARKS