Environmental
Protection Agency

Governor
Lt. Governor
Director

August 29, 2011

RE: AUTO SALVATION LLC
550 OHIO AVENUE, RAVENNA
OHR 000 162 891
NOTICE OF VIOLATION

CERTIFIED MAIL

Al Brunner
Auto Salvation LLC
550 Ohio Ave.
Ravenna, OH 44266

Dear Mr. Brunner:

On August 16, 2011, Robert Almquist and Jarnal Singh of the Ohio Environmental Protection Agency (Ohio EPA) conducted a follow-up inspection of the Auto Salvation yard located at 550 Ohio Avenue, in Ravenna, Ohio. The follow-up inspection was a result of our January 7, 2011 inspection during which time a thorough inspection of the facility could not be conducted because the ground was covered in snow. We met with and were accompanied on this inspection by you (Al Brunner) and in part by Art Schroder. It was noted that although some progress had been made in removing scrap tires from around the property perimeter, some tires remained in the dense vegetation along the eastern property line. A large tire pile (approx. 30x40x6ft high) was present in the center of the yard and was determined to be in compliance with the scrap tire storage requirements contained in OAC 3745-27-60, with the exception of mosquitoes control requirements.

Scrap tires that remain in the tree line along the eastern property line, remain in violation of the scrap tire storage requirements.

As you are aware, Ohio Administrative Code (OAC) 3745-27-61(A)(2)(c) permits businesses that remove tires from motor vehicles in the ordinary course of business to have a single scrap tire storage area that occupies no more than 2500 square feet. Thus, scrap tires located on your property that are not stored within a single 2500 square feet basal area (primarily those in the tree line along the eastern property line) remain in violation of:

i) OAC 3745-27-60(B) which states in part, "The storage of scrap tires in any amount outside or inside a trailer, vehicle, or building shall be deemed a nuisance, a hazard to public health or safety, or fire hazard unless the tires are stored in accordance with..." the standards contained in OAC 3745-27-60(B):

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Twinsburg, OH 44087-1924

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ii) Ohio Revised Code (ORC) Section 3734.03 which states in part, "No person shall dispose of solid wastes by open burning or open dumping," and

iii) OAC 3745-27-05(C) which states "no person shall conduct, permit or allow open dumping."

Scrap tires which are not stored in compliance with OAC 3745-27-60(B) and 3745-27-61(A)(2)(c) i.e. those which are not stored within a 2500 square feet basal area pile are considered to be open dumped and are a nuisance, a hazard to public health and safety and a fire hazard. In order to correct the above referenced violations, scrap tires that are dumped along the property perimeter, and those scattered around the site, must either be placed within the allowed 2500 square feet (maximum 6 feet high) pile or they must be removed from the property by a registered scrap tire transporter.

In addition to the above requirements, OAC 3745-27-60(C) requires that scrap tires be kept in a manner that prevents mosquitoes from living or breeding in them. Scrap tires must either be kept dry (by covering etc.) or they must be treated with mosquito control (pesticide or larvicide etc). OAC 3745-27-60(C) states, "Anyone storing scrap tires shall maintain mosquito control as follows:

(1) One or more of the following shall be done to control mosquitoes:

(a) Remove liquids from scrap tires within 24 hours of accepting the scrap tires.
(b) Store scrap tires such that water does not accumulate in scrap tires or containers. Tires shall be kept free of water at all times.
(c) Within 24 hours of accepting scrap tires containing liquid, arrange for the application of a pesticide or larvicide, which is registered for use as mosquito control by the Ohio department of agriculture.

(2) Maintain mosquito control by keeping all tires dry or by continuing applications of a pesticide or larvicide to all scrap tires stored outdoors at no greater than 30 day intervals or as recommended by the manufacturer or formulator.

(3) Maintain mosquito control records at the premises indicating the name, type, amount used per tire, and EPA registration number of the pesticide or larvicide, the date and time of the application, and the name of the person who applied the pesticide or larvicide. The property owner or the owner or operator of the premises shall make the mosquito control records

available for inspection by the director or the health commissioner during normal operating hours. The owner or operator shall retain copies of mosquito control records for a minimum period of three years."

Mosquito larvae were observed in tires stored at the facility. No mosquito control application records were available at the facility. You are therefore in violation of OAC 3745-27-60(C) for not keeping the scrap tires either dry (by covering etc.) or for not treating them with mosquito control (pesticide or larvicide etc.), and for not maintaining mosquito control records at the facility.

OAC 3745-27-60(D) requires that, If upon inspection and written notification, Ohio EPA or the approved health district discover the existence of either one or both of the following:

(1) Mosquitoes at the premises, the owner or operator shall apply within 24 hours or the next business day an adulticide which is registered for use for mosquito control by the Ohio Department of Agriculture. The application shall be according to the manufacturer's or formulator's recommendations. Records shall be kept at the premises indicating the trade name of the adulticide, the date and time of the application, and he name of the person who applied the adulticide.

(2) Mosquito larvae at the premises, the owner or operator shall apply within 24 hours or the next business day a larvicide which is registered for use for mosquito control by the Ohio Department of Agriculture. The application shall be according to the manufacturer's or formulator's recommendations. Records shall be kept at the premises indicating the trade name of the larvicide, the date and time of the application, and the name of the person who applied the larvicide.

Per OAC 3745-27-60(D), you were asked to apply mosquito control to the scrap tires at the facility within 24 hours of our visit. You mailed to Ohio EPA a copy of a purchase receipt for a mosquito pesticide to Ohio EPA on August 17, 2011. However, the receipt was unreadable. Please ensure that the above records are maintained at the facility for inspection by Ohio EPA.

Also observed during this inspection was an area measuring approximately 12x12 feet that contained the remains of a burned structure (house?). Charred fragments of lumber, shingles and glass were observed. You indicated that this material was just on the surface of the ground and that no material had been buried. This debris is a solid waste and is considered to be open dumped and in violation of OAC 3745-27-05 and

ORC 3734.03. This debris must be scooped up and disposed of at a licensed solid waste disposal facility.

The following used oil violations were found:

1. **OAC rule 3745-279-22(C) - Used oil labels.**
   This rule requires containers and aboveground tanks for used oil to be labeled or marked clearly with the words "Used Oil."

   Auto Salvation violated this rule by having a tote of used oil that was not labeled as used oil. I put a used oil sticker on this. I suggest you paint it with the words used oil because it appears the sticker we put on in January had fallen off. Please respond with documentation of how you will keep this tote properly labeled.

2. **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.

   Auto Salvation violated this rule by having some used oil on the ground in front of the shop door and one small area in the yard which I showed you. This contaminated soil/gravel must now be removed and disposed of properly. If it is only contaminated with used oil, then it may be disposed of as a solid waste. Send me a photograph showing that this has been done.

On the side of the shop we saw a plastic container with about 15 gallons of a dark liquid in it. You said you will put this by the used oil tote and see if the used oil hauler can dispose of this. For any waste you generate, you are required to determine if it is a hazardous waste. We also saw a 55 gallon metal drum near the concrete pad in the yard which had some liquid in it. You said this is also a waste and will have it properly disposed. Please send me a description of how these wastes have been properly disposed.

Please submit a written response within 15 days of your receipt of this letter, identifying what actions have been or are being taken to correct the above cited violations. Failure to correct these violations may result in enforcement action being taken against you by this Agency.

Nothing in this letter shall be construed to authorize any waiver from the requirements of any applicable state or federal laws or regulations. This letter shall not be interpreted to release the Entity from responsibility under Chapters 3704, 3714, 3734, or 6111 of the Ohio Revised Code or under the Federal Clean Water or Comprehensive Environmental Response, Compensation, and Liability Acts for remedying conditions resulting from any release of contaminants to the environment.

Sincerely,

Jarnal Singh, RS.
Environmental Specialist
Division of Materials and Waste Management

Robert Almquist
Division of Materials and Waste Management

JS/RA/cl

ec: Frank Popotnik, DMWM, NEDO
Jeff Mayhugh, DMWM, CO
Natalie Oryshkewych, DMWM, NEDO
Lynn Sowers, DMWM, NEDO
Phil Rhodes, DSW, NEDO

cc: Marlene Kinney, DMWM, 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.