



State of Ohio Environmental Protection Agency

Northeast District Office

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

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

October 5, 2009

Terry Tomer
B & B Recycling
Owner/Operator
4794 Cummings Road
Ravenna Township, OH 44266

**RE: B & B RECYCLING, PORTAGE COUNTY, RCRA / NON-NOTIFIER, COMPLAINT #6962
SECOND NOTICE OF VIOLATION**

Dear Mr. Tomer:

On January 5, 2009, Ohio EPA's Division of Hazardous Waste Management (DHWM) conducted a complaint investigation of the B & B Recycling facility (B & B) located at 4794 Cummings Road, in Ravenna Township. B & B is a scrap metal recycling yard and a generator of used oil and spent lead acid batteries.

The purpose of this inspection was to investigate a complaint regarding possible contaminated run-off from the facility and to determine B & B's compliance with Ohio's hazardous waste laws and regulations as found under the Ohio Revised Code and Ohio Administrative Code ("ORC" and "OAC" respectively). B & B was represented by you while Ohio EPA was represented by me. Ohio EPA's inspection included an inspection of the B & B facility and a review of written documentation.

On January 26, 2009, Ohio EPA sent B & B a Notice of Violation (NOV) letter citing violations and concerns observed at the time of the January 5, 2009 inspection. When the facility did not respond to Ohio EPA's NOV letter, Ohio EPA sent B & B a second (NOV) letter asking the facility to respond within fifteen (15) days. The April 22, 2009 certified letter was signed for on April 23, 2009 by Nicole Bloom. As of October 2, 2009, Ohio EPA has not received a response from B & B demonstrating the violations have been abated and the concerns have been addressed.

Failure to respond to Ohio EPA will result in the facility being referred Ohio EPA's Compliance Assurance Section for escalated enforcement.

Based upon the January 5, 2009 inspection, Ohio EPA has determined that B & B remains in violation of the following state hazardous waste regulations:

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

At the time of this inspection, Ohio EPA observed at least one fifty-five gallon container of used oil which was not labeled as "Used Oil". Upon observation of this violation, Ohio EPA provided you with Used Oil labels and instructed you to label the containers.

To demonstrate abatement of this violation, B & B must submit to this office documentation in the form of a photograph demonstrating that the container(s) of used oil have been labeled with the words "Used Oil".

2. ***OAC Rule 279-22(D) Response to releases of used oil:*** 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 and which has occurred after October 20, 1998, a generator must perform the following cleanup steps:

- (1) Stop the release;
- (2) Contain the released used oil;
- (3) Clean up and manage properly the released used oil and other materials; and
- (4) If necessary, repair or replace any leaking used oil storage containers or tanks prior to returning them to service.

At the time of this inspection, Ohio EPA observed significant staining under and around the aluminum can crusher located directly in front of the office and near the front of the facility. You stated the used oil release was the result of a broken hydraulic line.

To demonstrate compliance, B & B must submit to this office documentation in the form of a brief narrative and photograph demonstrating that the release of used oil has been stopped and cleaned up to a visual standard (with no staining remaining).

Ohio EPA has the following concerns which must be addressed:

1. B & B generates spent lead acid batteries from its scrap metal activities involving motor vehicles. At the time of this inspection, Ohio EPA observed at least three separate piles of spent batteries, some of which were in poor condition. B & B stated that spent lead acid batteries are collected and sent to PenMa Company where they are then forwarded to Exide Battery for recycling. B & B further stated that spent lead acid batteries are collected and managed indoors in Gaylord boxes until shipped off site for recycling. At Ohio EPA's instructions, scrap yard employees collected over thirty lead acid batteries from the yard and placed them into Gaylord boxes for recycling. Ohio EPA reminds B & B that lead acid batteries cannot be disposed and must be collected for recycling. B & B must take greater care in the collection and management of spent lead acid batteries generated by the facility.

B & B must submit to this office a brief narrative describing how the facility will manage spent lead acid batteries in the future to minimize the risk of breakage or releases to the environment. Ohio EPA provided you with guidance regarding the proper management of spent lead acid batteries at the time of this inspection.

2. The purpose of Ohio EPA's inspection was to investigate a complaint regarding possible contaminated run-off from the facility. B & B operates as a scrap metal recycling yard and is subject to storm water regulations. However, at the time of the writing of this letter, Ohio EPA's Division of Surface Water (DSW) has no record of a storm water permit for B & B Recycling. Please contact Kelvin Rogers at Ohio EPA's Northeast District Office at (330) 963-1117 for information on storm water regulations and how to apply for a permit.

Please submit to this office all requested information and documentation to my attention **within fifteen (15) days** of receipt of this letter demonstrating that all the above violations and concerns have been addressed.

The Ohio EPA strongly encourages pollution prevention as the preferred approach for waste management. The first priority of pollution prevention is to eliminate the generation of wastes and pollutants at the source (*i.e.* source reduction). For those wastes and pollutants that are generated, the second is to recycle or reuse them in an environmentally sound manner. You can benefit economically, help preserve the environment and improve your public image by implementing pollution prevention programs. The Office of Compliance Assistance and Pollution Prevention provides compliance and pollution prevention assistance on environmental issues related to air, land and water. Their web site is: <http://www.epa.ohio.gov/ocapp>.

The Division of Hazardous Waste Management has created an electronic news service to provide you with quick and timely updates on events and news related to hazardous waste activities in Ohio. If you have not already, we encourage you to sign-up for this free service. You can find more information at the following Web link: <http://www.epa.ohio.gov/dhwm>.

Failure to list specific deficiencies in this communication does not relieve B & B from the responsibility of complying with all applicable hazardous waste regulations. This letter does not relieve B & B from liability for any past or present violations of the state's hazardous waste laws.

Should you have any questions, please feel free to call me at (330) 963-1181.

Sincerely,



Suzanne Prusnek
Environmental Specialist
Division of Hazardous Waste Management

SP:ddw

cc: Natalie Oryshkewych, DHWM, NEDO
Kelvin Rogers, DSW, NEDO
ec: Frank Popotnik, DHWM, NEDO
Harry Sarvis, DHWM, CO