



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 Korleski, Director

April 1, 2008

RE: CLEVELAND DIVISION OF MOTOR
VEHICLE MAINTENANCE
NOTICE OF VIOLATION

Derek Smith
Cleveland Division of Motor Vehicle Maintenance
5600 Carnegie Ave.
Cleveland, Ohio 44103

OHR 000 152 785

Dear Mr. Smith:

The Ohio EPA Division of Hazardous Waste Management conducted an inspection of Cleveland Division of Motor Vehicle Maintenance located at 5600 Carnegie Ave., Cleveland, Ohio on March 21, 2008. The purpose was to determine if this facility 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.

Please see the attached Process, Waste, and Pollution Prevention Summary for my understanding of how the various wastes are generated and managed.

The following violation was found:

1. OAC rule 3745-279-22(C) - Used oil labels.
This rule requires containers and above-ground tanks used to store used oil at generator facilities to be labeled or marked clearly with the words "Used Oil."

This facility violated this rule by having 3 tanks of used oil that were not labeled as used oil. **You must now properly label these and send documentation of that to me.**

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

Your parts washers have a filter for the cleaning solvent. This is a great setup as it will extend the useful life of the solvent and greatly reduce the amount of waste generated from these parts washers. At some point the filters will no longer be useable and will become a waste. OAC 3745-52-11 requires the generator (City of Cleveland in this case) to determine whether or not any wastes are hazardous wastes. The following documents, the first of which is enclosed, give more information on 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>

ZEP Manufacturing has indicated to me that they are available to help with this determination as am I.

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>.

The Division of Hazardous Waste Management has created an e-mail service to provide updates on events and news related to hazardous waste activities in Ohio. You can find more information and sign up at: <http://www.epa.state.oh.us/dhwm/listserv.html>.

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 e-mail at robert.almquist@epa.state.oh.us.

Sincerely,



Robert Almquist
Division of Hazardous Waste Management

RA:cl
Enclosure

cc: Natalie Oryshkewych, DHWM, NEDO
Tony Weiskopf, Motor Vehicle Maintenance
Bill Gibb, ZEP Manufacturing

ec: Frank Popotnik, DHWM, NEDO
Harry Sarvis, DHWM, CO
Jeffrey Brown, Assistant Commissioner, Motor Vehicle Maintenance

<p>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.</p>

Process, Waste, and Pollution Prevention Summary for:						
Cleveland Division of Motor Vehicle Maintenance, 5600 Carnegie, 3-21-07 inspection						
#	Process generating the waste	Waste details	On-site management	Off-site management	Current pollution prevention	Possible pollution prevention
1	Cleaning of parts required for maintenance of salt trucks, garbage trucks, and street sweepers	Filter bags used to filter the parts washing solvent		Will be picked up by ZEP. Per ZEP none have yet been picked up.	Filtering their solvent to extend its useful life.	
2	Oil changes on salt trucks, garbage trucks, and street sweepers	Used oil	Pumped to three storage tanks located inside	Last shipment was 300 gallons to Clean Harbors, Cleveland on 12-2-07		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
3	Oil changes on salt trucks, garbage trucks, and street sweepers	Waste oil filters	Drain them	Sent to another City of Cleveland site to be crushed		
4	Lighting	lamps		Lamps are changed and waste lamps		

				are taken by Division of Property Management		
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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
McCConnell, Central Office

2. Site EPA ID No.	EPA ID Number:								
3. Site Name	Name: Cleveland Division of Motor Vehicle				Website: (Optional)				
4. Site Location Information	Street Address: 5600 Carnegie Ave.								
	City, Town, or Village: Cleveland				State: OH				
	County Name: Cuyahoga				Zip Code: 44103				
5. Site Land Type (check only one)	Private <input type="checkbox"/>	County <input type="checkbox"/>	District <input type="checkbox"/>	Federal <input type="checkbox"/>	Indian <input type="checkbox"/>	Municipal <input checked="" 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: Derek			MI:	Last Name: Smith				
	Phone Number: 216-420-8130				Phone Number Extension:				
	E-Mail Address:								
	Fax Number: 216-420-8133				Fax Number Extension:				
	Street or P.O. Box: 4150 E 49 th St.								
	City, Town or Village: Cleveland				State: OH				
					Country:	Zip Code: 44105			
	Name of Site's Legal Owner: City of Cleveland				Date Became Owner (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:				Owner Phone #:					
State:				Country:		Zip Code:			
Name of Site's Operator:				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 checked="" type="checkbox"/> Conditionally Exempt Small Quantity Generator					
<input 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))
 Small Quantity Handler of Universal Waste Large Quantity Handler of Universal Waste
 Destination Facility for Universal Waste (accumulates 5,000 kg. or more)

Check all boxes below that apply for each of the three types of facilities above

	Managed	10C. Used Oil Activities (Indicate Type(s) of Activity)	
Batteries	<input type="checkbox"/>	<input checked="" type="checkbox"/> Used Oil Generator	<input type="checkbox"/> Off-Specification Used Oil Burner
Pesticides	<input type="checkbox"/>	<input type="checkbox"/> Used Oil Transporter	<input type="checkbox"/> Used Oil Fuel Marketer Who Directs Shipment of Off-Spec. Oil
Mercury containing equipment	<input type="checkbox"/>	<input type="checkbox"/> Used Oil Transfer Facility	<input type="checkbox"/> Used Oil Fuel Marketer to Off-Specification Used Oil Burner
Lamps	<input type="checkbox"/>	<input type="checkbox"/> Used Oil Processor	
		<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, D002, 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 RCRA info 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 Yes No Additional Facility Representatives: _____
 Tanks Yes No Other Comments: _____
 Containers Yes No

13. Name of Inspector(s) _____ Name of Inspector(s) _____ Date of Inspection (mm/dd/yyyy) (hh:mm) _____
 Robert Almquist 3/21/2008

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 persons 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)

**USED OIL INSPECTION CHECKLIST
GENERATORS, COLLECTION CENTERS AND AGGREGATION POINTS**

NOTE: 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.

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
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)]

- 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: Yes No N/A
 - 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
 - b. Is the heater designed to have a maximum capacity of not more than 0.5 million BTU per hour? Yes No N/A
 - c. Are the combustion gases from heater vented to the ambient air? Yes No N/A

GENERATOR TRANSPORTATION

- 11. If the generator self-transport used oil to an approved collection site or to an aggregation point owned by the generator: [3745-279-24] Yes No N/A
 - a. Does the generator transport used oil in a vehicle owned by the generator or an employee of the generator?[3745-279-24] Yes No N/A
 - b. Does the generator transport more than 55 gallons of used oil at any time?[3745-279-24] Yes No N/A

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

- 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
- 13. Is the non-DIY used oil collection center registered with Ohio EPA? [3745-279-31] Yes No N/A
- 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

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.

Keyword: UsedOilChecklistforGenerators.Oct.2007.doc