



**Environmental  
Protection Agency**

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

June 9, 2010

Mr. Earl Holley  
Earl's Automotive Repair  
5185 Fowler Avenue  
Cleveland, OH 44127

**RE: EARL'S AUTOMOTIVE REPAIR, AKA J & E AUTO REPAIR, COMPLAINT # 7321**

Dear Mr. Holley:

On May 27, 2010, I conducted a complaint inspection at Earl's Automotive Repair (aka J & E Auto Repair) on behalf of the Ohio Environmental Protection Agency (EPA). I was accompanied by Ms. Sherry Slone, Division of Hazardous Waste Management (DHWM). The complaint received by the Ohio EPA on May 10, 2010, alleged improper disposal of automotive fluids on the floor inside the building where you conduct your automotive repair; the fluids then draining into a storm drain. The complainant also alleged oil stains were observed on the ground outside the facility.

When we met at your business, Earl's Automotive Repair located at 5185 Fowler Ave., you stated you had been doing business at this location for close to one year. However, you also informed us that you have not conducted business out of the building for the past two months. According to you, a stamping plant had been in operation at this location prior to your occupancy.

Ms. Slone and I conducted an inspection to determine the validity of the complaint. Although we found no evidence of the allegations, we did observe a violation of Ohio hazardous waste laws and regulations found in Chapters 3734 of the Ohio Revised Code (ORC) and 3745 of the Ohio Administrative Code (OAC). In addition to the violation listed below, there were several concerns that are also listed below.

**The requests listed in this letter must be responded to within 30 days of the date of this letter.**

**VIOLATIONS**

1. OAC rule 3745-279-22 (C). Used oil container labeling. Section (1) of this rule states, "Containers....used to store used oil at generator facilities must be labeled or marked clearly with the words, "Used Oil".

We observed two containers of used oil. The drums, fifty five and eighty five gallons, were not identified with the words, "Used Oil". We left several "Used Oil" labels for your use; however, the containers may be identified by writing the words "Used Oil" in clearly visible signage. Please **submit a photograph of the containers with the label, and/or words, "Used Oil" visible.**

Or, if the containers were removed, **provide documentation regarding the transportation of the used oil from your building, the destination facility, and the final disposition of the used oil.** For future reference, I have included an Ohio EPA guidance document, The Regulation of Used Oil: An Overview for Ohio Businesses Who Generate Used Oil.

**CONCERNS**

A. We observed two sumps in the building that were filled with a viscous liquid. You stated they were blind sumps and that the liquid was present when you moved into the building. You also informed us that the owner of the building, Mr. Charles Homolka, is aware of the situation. This is a concern as the chemical makeup and characteristics of the material are unknown. If the liquid were to exhibit any hazardous waste characteristics, e.g., flammability/ignitability, corrosivity, reactivity, or toxicity, or contain chemicals identified as listed hazardous waste, this would be a form of illegal storage of hazardous waste. Please discuss with the owner of the building and **provide a characterization of the material in the sumps and submit for my review.**

B. Two parts washers were observed containing a small amount of solvent; you stated you have not emptied either unit in the time you have been in operation at 5185 Fowler Ave. When, and if, the parts washers are emptied, you, as the generator, are required to evaluate the characteristics of the waste generated and dispose of it properly. If the waste is characterized as a hazardous waste, it must be managed in accordance with Ohio hazardous waste laws and regulations. I have included a list of hazardous waste disposal facilities for your consideration. I have also included a document, Waste Min Opportunities for Small Aqueous Parts Washers, discussing the applicability of using aqueous parts washers.

C. We observed over fifty (50) scrap tires scattered throughout the building. You stated your intention was to transfer the tires to a junk yard. It was suggested you request a receipt for the tires when you dispose of them. I have included for your review an Ohio EPA guidance document entitled, How Do Ohio's Scrap Tire Rules Affect Generators of Scrap Tires.

D. You informed us that any used antifreeze generated was taken to a local Auto Zone Store; used oil filters are drained, crushed, and taken to Ferrous Metals or PCS Metals for scrap metal recycling; aerosol cans are emptied (punctured when necessary) and included with scrap metal for recycling; waste car (lead/acid) batteries are taken to A & B Auto Recycling on 55<sup>th</sup> Street in Cleveland; any gasoline removed from a vehicle is placed in a five gallon container and then either put back into the vehicle or given to the vehicle owner; fluorescent bulbs have not been replaced since your occupancy at 5185 Fowler Ave.

The practices/activities described in D. are acceptable with respect to Ohio hazardous waste laws and regulations. I have included for your review and reference, an Ohio EPA guidance document with information regarding waste fluorescent bulbs, Fluorescent Lamps: What You Should Know, dated January 2007.

**We advised you to obtain receipts to document how the various materials described above were disposed of or managed.** For example, the car batteries being reclaimed/recycled, the scrap tires taken to a junk yard, and the used oil filters taken to a scrap metal dealer.

The Division of Hazardous Waste Management publishes a quarterly newsletter, The Notifier, which contains topical hazardous waste information as well as answers to 'frequently asked questions'. The Notifier can be accessed via the Ohio EPA, Division of Hazardous Waste Management website at, <http://epa.ohio.gov/dhwm/newsletter.aspx>; to gain access to the Ohio EPA website, the link is <http://epa.ohio.gov>.

In addition, Ohio EPA has available for any business in Ohio, the Office of Compliance Assistance and Pollution Prevention (OCAPP). The office is a one-stop location for answers and information about environmental regulations, compliance concerns, and pollution prevention.

EARL'S AUTOMOTIVE REPAIR  
JUNE 9, 2010  
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All services of the office are free. OCAPP is an independent, non-regulatory office within the Ohio EPA; information shared with OCAPP will not be shared with Ohio EPA inspection and enforcement staff. To contact OCAPP, you may call (800) 329-7518 or visit the website at [www.epa.ohio.gov/ocapp](http://www.epa.ohio.gov/ocapp).

**Documents included with this letter:**

1. Fluorescent Lamps: What You Should Know, dated January 2007;
2. Hazardous waste disposers and recyclers;
3. The Regulation of Used Oil: An Overview for Ohio Businesses Who Generate Used Oil;
4. How Do Ohio's Scrap Tire Rules Affect Generators of Scrap Tires;
5. Waste Min Opportunities for Small Aqueous Parts Washers.

Thank you for allowing Ms. Slone and me to inspect your property and building. Investigation of the property revealed the allegation of releasing automotive fluids on the floor of the building and outside to be unfounded. There was no evidence of oily substances or any other stains in the building and the stains outside on the street showed no evidence of originating from your business, but rather, it appeared the stains were from vehicles that had been parked along the street.

To reiterate, **in order to return to compliance** with respect to the violation listed above, you must submit the information requested **within 30 days of the date of this letter**. If you have any questions, you may reach me at Ohio EPA, Northeast District Office, (330) 963-1279, or you may call my supervisor, Mr. Frank Popotnik at (330)963-1198.

Sincerely,



*for* Patricia Natali  
Environmental Specialist  
Division of Hazardous Waste Management

PN:ddw

Enclosure

ec: Frank Popotnik, DHWM, NEDO  
Harry Sarvis, DHWM, CO  
Natalie Oryshkewych, DHWM, NEDO  
Ed Damato, DHWM, NEDO  
cc: Mr. Charles Homolka, Auto Truck Electric

Disclaimer: Failure to list specific deficiencies in this communication does not relieve Earl's Automotive Repair from the responsibility of complying with all applicable Ohio EPA laws and regulations. Please be advised that present or past instances of non-compliance can continue as subjects of pending or future enforcement actions.

*Emailed to Paula 8/6/10*

<input type="checkbox"/> Send to Central Office	<b>Ohio Environmental Protection Agency</b> <b>RCRA SUBTITLE C SITE</b> <b>IDENTIFICATION/VERIFICATION FORM</b>	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](mailto:paula.canter@epa.state.oh.us).

<b>Site EPA ID No.</b>	EPA ID Number: <b>OH R 000160 7B</b>	
<b>Site Name</b>	Name: <b>Earl's Automotive Repair</b>	Website: (Optional)
<b>Site Location Information</b>	Street Address: <b>5185 Fowler Avenue</b>	
	City, Town, or Village: <b>Cleveland</b>	State: <b>OH</b>
	County Name:	Zip Code: <b>44127</b>
<b>Site Land Type</b> (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"/>	
<b>NAICS code(s)</b> <a href="http://www.census.gov/epcd/www/naics.html">www.census.gov/epcd/www/naics.html</a>		

<b>Facility Representative</b>  Additional names can be recorded in number 12  Only provide address information if it is different than the site address	First Name: <b>Earl</b>	MI:	Last Name: <b>Holley</b>
	Title: <b>Company owner</b>		
	Phone Number: <b>216.323.2876-cell</b>		Phone Number Extension:
	E-Mail Address:		
	Fax Number:		Fax Number Extension:
	Street or P.O. Box: <b>5185 Fowler Ave.</b>		
	City, Town or Village: <b>Cleveland</b>		Zip Code: <b>44127</b>
	State: <b>OH</b>		

<b>Legal Owner And Operator of the Site.</b> List Additional Owners and/or Operators in the Comment Section or on another copy of this form page	Name of Site's Legal Owner: <b>Charles Homolka</b>		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: <b>5210 Track Ave.</b>		Owner Phone #: <b>216.441.1300</b>				
	City, Town or Village: <b>Cleveland</b>		Country: <b>USA</b>		Zip Code: <b>44127</b>		
	State: <b>OH</b>		Date Became Operator (mm/dd/yyyy): <b>2009</b>				
	Name of Site's Operator: <b>Earl Holley</b>		Operator Type:				
	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: <b>5185 Fowler Ave.</b>		Operator Phone #: <b>216.323.2876-cell</b>				
	City, Town or Village: <b>Cleveland</b>		Country: <b>USA</b>		Zip Code: <b>44127</b>		
	State: <b>OH</b>						

**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 Generator (generates from a short-term or one-time event and not from on-going processes). Check the box for the applicable generator status and provide a comment.	<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"/> 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<br>(accumulates 5,000 kg. or more) |                                                                   |

**CHECK ALL BOXES BELOW THAT APPLY FOR THE TYPES OF UNIVERSAL WASTE THE FACILITY MANAGES**

- Batteries
- Pesticides
- Mercury containing equipment
- Lamps

**USED OIL ACTIVITIES (INDICATE TYPE(S) OF ACTIVITY(S))**

- Used Oil Generator
- Used Oil Transporter
- Used Oil Transfer Facility
- Used Oil Processor
- Used Oil Re-refiner
- Off-Specification Used Oil Burner
- Used Oil Fuel Marketer who directs shipment of Off-Spec Used Oil
- Used Oil Fuel Marketer who first claims the Used Oil meets the specifications

**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 RCRA info 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 | Additional Facility Representatives: |
| Tanks      | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |                                      |
| Containers | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |                                      |

Name of Inspector(s)  
**Patricia Natali**

Name of Inspector(s)  
**Sherry Slone**

Date of Inspection/Time  
(mm/dd/yyyy) (hr:mm)  
**5/27/10 13:17**

**Comments:**

**Mr. Holley has been evicted and has until 8/10/10 to vacate premises.**