



**Environmental
Protection Agency**

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

CERTIFIED MAIL

August 4, 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,
SECOND NOV**

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 (DHW). During the inspection we observed one violation and several concerns which were relayed to you in a notice of violation (NOV) dated June 9, 2010. To date, Earl's Automotive Repair has failed to respond to the June 9, 2010 NOV letter and remains in violation of the following:

VIOLATIONS

1. OAC rule 3745-279-22 (C)(1). Used oil container labeling. "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. I had included an Ohio EPA guidance document, "The Regulation of Used Oil: An Overview for Ohio Businesses Who Generate Used Oil" with the first NOV for your review. This guidance document outlines the rules and requirements applicable to hazardous waste generators in Ohio who generate used oil. What actions have you taken regarding this violation?

CONCERNS THAT REQUIRE ACTION

- 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.

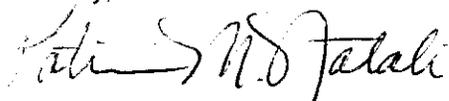
This is a concern as the chemical makeup and characteristics of the material are unknown. If the liquid were to exhibit any hazardous waste characteristics, e.g., flammability/ignitability, corrosivity, reactivity, or toxicity, or contain chemicals identified as listed hazardous waste, this would be 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. I am waiting for information regarding the liquid in the sumps.

- 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. Have either of the parts washers been emptied since our initial inspection?
- 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. What action has been taken regarding the removal of the scrap tires?

In order to return to compliance with Ohio's hazardous waste laws as found in Chapter 3734. of the Ohio Revised Code and Chapter 3745. of the Ohio Administrative Code, Earl's Automotive Repair must provide photographic documentation and the information requested within 15 days of the date of this second notice of violation. Failure to do so will result in escalated enforcement action and potential penalties.

If you have any questions, you may reach me at (330) 963-1279, or you may call my supervisor, Mr. Frank Popotnik at (330)963-1198.

Sincerely,



Patricia Natali
Environmental Specialist
Division of Hazardous Waste Management

PN:ddw

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

Notice: 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.