



**Environmental
Protection Agency**

1670 East Broad Street, Governor
1700 Riverside, Lt. Governor
3900 State Road, Director

August 16, 2010

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

RE: EARL'S AUTOMOTIVE REPAIR, AKA J & E AUTO REPAIR, OHR000160713, CUYAHOGA COUNTY, COMPLAINT # 7321, RETURN TO COMPLIANCE

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). 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.

Although it appeared the allegations were unfounded, we did observe a violation of hazardous waste rule 3745-279-22 of the Ohio Administrative Code (OAC). A notice of violation (NOV), dated June 9, 2010, advised you of the violation and a second NOV letter, dated August 4, 2010 served as a follow up. I received a call from you on August 6, 2010 and set up a meeting at your establishment for Monday, August 9th. During our meeting, you explained that Earl's Automotive Repair would no longer be operating out of the Fowler Avenue location and you were in the process of litigation with your landlord.

Based on the inspection at your facility on August 9, 2010, it appears that you have abated the used oil violation listed below discovered during the May 27, 2010 inspection.

Letter Citation #	Rule Citation
1. (C)	OAC Rule 3745-279-22, Used Oil

On July 2, 2010, Safety Kleen removed the oil from the two containers that were observed during the May 27th inspection. This was documented via the Safety Kleen receipt dated 7/2/10 for J & E Auto Repair, Customer #10020807. The empty containers were still in the building on August 9th.

In addition to the violation, there were several areas of concern outlined in the NOV's; these are listed below and include the resolution or future action.

GENERAL COMMENTS

- A. We observed two sumps in the building filled with a viscous liquid. You stated they were blind sumps and that the liquid was present when you moved into the building.

On May 15th, 2010 an inspection was conducted by investigators with the Water Quality and Industrial Surveillance of the Northeast Ohio Regional Sewer District. After inspecting your facility, they met with the building owner, Charles Homolka. He informed the Water Quality and Industrial Surveillance investigators that he would clean the drains and properly dispose of the oil. **No further action from you is required at this time.**

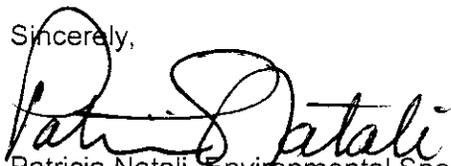
- B. Two parts washers were observed in your building on May 27 and again on August 9, 2010. You stated they have not been emptied in the time that you have been operating at the 5185 Fowler Avenue location.

The discarded solvent from these may be a characteristic (ignitable) hazardous waste. You stated during our meeting on August 9th that your intention is to recycle the solvent at Auto Zone. If you do not recycle the discarded solvent, you must determine if the solvent is a hazardous waste and, if so, dispose of it in accordance with Ohio hazardous waste laws and regulations. This would involve pre-transport requirements, transport by a licensed, hazardous waste transporter, and disposal at a permitted hazardous waste commercial facility. If you decide to manage the discarded solvent as a hazardous waste, you may contact me for more information. **Please send me documentation with regard to the disposition of the waste solvent within the next thirty days.**

- C. During the May 27th inspection, over fifty (50) scrap tires were observed throughout the building. I again observed the tires at Earl's Automotive on August 9, 2010. You stated your intention is to transfer the tires to a junk yard. If you have questions with regard to the scrap tires, you can contact Colin Johnson (Program Manager) at (216) 201-2001 x 1212 or Dane Tussel at (216) 201-2001 x 1247 both with the Cuyahoga County Cuyahoga County Board of Health. By way of electronic copy, I will be notifying Colum McKenna with our Division of Solid Waste for their appropriate follow-up. **Please send me documentation with regard to the disposition of the scrap tires within the next thirty days.**

Thank you for your cooperation with my inspection of Earl's Automotive Repair. Do not hesitate to contact me, (330) 963-1279, if you have any questions with regard to this letter or the contents of this letter

Sincerely,


Patricia Natali, Environmental Specialist
Division of Hazardous Waste Management

PN:ddw

cc: Marlene Kinney, DHWM, NEDO
Colin Johnson, Cuyahoga County Cuyahoga County Board of Health
Charles Homolka, Auto Truck Electric
ec: Natalie Oryshkewych, DHWM, NEDO
Frank Popotnik, DHWM, NEDO
Harry Sarvis, DHWM, CO
Colum McKenna, DSIWM, NEDO

NOTICE: Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve your company from having to comply with applicable regulations.