



**Environmental  
Protection Agency**

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

July 8, 2010

Mr. Richard Egy  
Egy's Mower & Chain Saw Service  
545 Hall Road  
Elyria, OH 44035

**RE: EGY'S MOWER & CHAIN SAW SERVICE, NON-NOTIFIER, LORAIN COUNTY,  
COMPLAINT #7344, NOTICE OF VIOLATION**

Dear Mr. Egy:

On June 30, 2010, Ohio Environmental Protection Agency (EPA), represented by Bill Lutz and me, investigated a complaint at Egy's Mower & Chain Saw Service (Egy's) in Elyria, Ohio. The complaint received by the Ohio EPA on June 25, 2010, alleged an unknown amount of oil leaking from ten drums located behind the building and along the river (West Branch of the Black River) as well as other, unknown material being released. Mr. Lutz and I conducted the inspection to determine if the complaint was founded. This letter will explain the validity of the complaint, violations found, what you need to do to correct the violations, other general concerns, and what you need to do to respond to those concerns.

You accompanied us during the inspection and, for the most part, were able to identify the contents of containers observed scattered about the property; the majority contained used oil. You stated Egy's generates approximately 10 to 15 gallons of used oil per month during lawn mowing season which equates to approximately 100 gallons (two 55 gallon containers) each year. You said you occasionally burn the oil in an on-site burner; however, the burner was not installed for heating purposes. The river runs along the west side or back of your property.

Although we found no evidence of oil or any other material leaking into the river, we did observe leaking drums and evidence of spilled oil on your property. Consequently, the complaint was partially validated. We observed violations of Ohio hazardous waste regulations found in Chapters 3745. of the Ohio Administrative Code (OAC). The following violations and concerns were noted; to correct them, you must send me the requested information within 30 days of the date of this letter or submit in writing prior to the 30 days why you cannot meet the deadline and a proposed timeline for completion of the requests outlined in this notice of violation (NOV).

**VIOLATIONS**

**1. Waste Evaluation/OAC rule 3745-52-11**

We observed four containers, three 55 gallon drums and one five gallon pail, west of your building along the perimeter of the property and approximately 25 feet from the river (Pictures #002, 005, 006, and 007). You stated you did not know the contents of these containers.

We found one drum with a product label describing the contents as gasoline (this drum was empty); one drum, rusty, closed, with no label, contained an unknown liquid; an unlabeled, closed five gallon plastic pail contained what appeared to be a water based liquid in it. The fourth container, a 55 gallon drum that was rusty and not labeled was on its side in the grass and weeds. When it was turned over, a puncture was observed and what appeared to be oil spilled from the side. We did not observe any oil on the ground or any stained soil in the vicinity of these four containers. We did not observe any evidence of oil or stained soil along the west side of your property in the vicinity of the river.

- If you have not done so, Egy's must immediately stop the release of liquid from the punctured drum, transfer the contents to a container that is compatible and in good condition, capable of being closed.
- You must then evaluate the waste in these containers and manage it accordingly. The first step is to characterize the waste in accordance with OAC rule 3745-52-11, Hazardous Waste Determination. I have included several fact sheets regarding the evaluation of waste generated. The determination can be made based on generator knowledge, material data safety sheets (MSDS), or laboratory analytical.

Once you have determined if the waste in the containers is hazardous or non-hazardous, submit your findings to me in your response to this notice of violation. If you are not certain how to proceed, do not hesitate to contact me, either by phone (330) 963-1279 or by e-mail, [patricia.natali@epa.state.oh.us](mailto:patricia.natali@epa.state.oh.us).

## 2. **Used Oil Storage Requirements for Generators - OAC rule 3745-279-22**

### a. **Used Oil – Condition of units OAC rule 3745-279-22 (B)**

Containers used to store used oil at generator facilities must be: (1) in good condition (no severe rusting, apparent structural defects, or deterioration); and (2) not leaking (no visible leaks).

Containers of used oil were observed in several areas outside your building. One location included six drums (Picture #008) to the north and west of the building. One had oil pooled on the top, running down the side, and staining the gravel at its base (Picture #011) and two of the six drums were open (the bungs were out).

- Egy's must transfer all used oil into containers that are in good condition and not leaking.
- **Please submit photographs of the used oil containers that are in good condition, i.e., not rusty, deteriorated, or leaking.**

### b. **Used Oil - Container Labeling - OAC rule 3745-279-22 (C)**

In accordance with **OAC rule 3745-279-22 (C)**, all containers of used oil must be labeled or clearly marked with the words, "Used Oil".

None of the containers of used oil described above had 'Used Oil' labels affixed to them. In addition, none of the containers of used oil observed anywhere on site had labels on them. Pictures #014 and #015 show a container of used oil under a semi-truck located to the west of the building and near the perimeter of the property; picture #023 shows an individual container; picture #017 shows one 55 gallon poly drum and three, five-gallon pails of used oil on the west side of the building.

- You must complete a thorough inspection of your property and locate all containers (all types and sizes) of used oil and label or clearly mark them with the words, "Used Oil". We suggested you gather all the used oil containers, inspect to ensure the containers are in good condition, i.e., none with severe rusting, no deterioration and no leaking, and stage them within one specific area, in containment if possible.
- Please submit photograph(s) of the containers documenting (showing) each is labeled or clearly marked with the words "Used Oil", and closed.

**c. Used Oil - Releases - OAC3745-279-22(D)**

In accordance with **OAC rule 3745-279-22(D)**, upon detection of a release of used oil to the environment....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 containers prior to...using them for used oil storage.

We observed evidence of used oil releases under and around the drums located to the north and west of the building (Picture #008) The immediate area of ground/gravel (approximately ten feet by eight feet) was stained from spilled oil. Egy's must clean up all used oil contaminated soil and gravel. That is, excavate until there is no visible evidence of the release. If you are certain the stained soil is a result of used oil spillage **only**, the clean up residue can be managed as a solid waste and sent off-site with your trash. If the soil was contaminated from other sources, i.e., hazardous waste constituents such as ignitable solvents or liquid from a lead acid battery, the clean up residue should be evaluated with respect to hazardous waste rules to determine if the waste is hazardous or non-hazardous. If you have any questions with regard to characterizing this waste, do not hesitate to contact me.

- Egy's must stop any releases that have not yet been stopped and clean up the released used oil and all clean up materials (soil, gravel, etc.) to the point there is no visible evidence of the release.

- Egy's must determine if the spilled used oil and clean up materials are hazardous or non-hazardous waste and provide this information to me in writing.
- Egy's must report how the waste was managed, i.e., as a hazardous or non-hazardous waste and provide documentation of the disposal.
- **Please submit photographs documenting the clean up of the areas of stained soil and explain how the clean up residue was managed.**

## CONCERNS

1. When asked about management practices with regard to used oil filters, you informed us the filters were thrown in the trash. Under Ohio's used oil regulations, you do not need to handle used oil filters as hazardous waste unless the filters are tern-plated (include a lead and tin alloy). You must determine if the waste oil filters are tern-plated or not and convey that information to me as soon as possible.

An appropriate method for disposing of non-hazardous filters (which are non-tern) is to hot drain them and recycle with scrap metal collected at your business. I have included a guidance document in this letter that outlines proper management of used oil filters.

- You must send me information with regard to the characteristics of the oil filters, i.e., are they hazardous waste (tern-plated) or non-hazardous waste.
2. You must stop burning used oil in your on-site burner since it is not providing heat energy to your building. You should be aware that by burning your used oil, you may be subject to other environmental regulations concerning the Division of Air Pollution Control (contact them at 614-644-2270). You may also contact the Ohio EPA Office of Compliance Assistance and Pollution Prevention at (800)329-7518 for guidance with this matter. I have provided several guidance documents in this letter regarding used oil including one about burning used oil in space heaters for businesses.
  3. We observed over fifty (50) scrap tires scattered throughout the property (Pictures #014, #017, and #019). You stated you had no plan for the disposal of the tires. I have included for your review an Ohio EPA guidance document entitled, How Do Ohio's Scrap Tire Rules Affect Generators of Scrap Tires as well as a list of facilities that will accept scrap tires. I strongly suggest you request a receipt for the tires and maintain these records for a period of three years.
  4. We observed lead-acid batteries in a crate on the south side of the building (Picture #019). You informed us that Pen Ma Battery located in Ashland, OH picks up the batteries on a two week schedule; however, you could not find any receipts or documentation of the pick-ups. Also, the batteries, thrown in the crate and mixed with tires, were stacked behind a pallet, a tire, and parts from a lawn mower. It would be difficult for Pen Ma to pick up the batteries and also for you or your employees to observe if any of the batteries were leaking. To eliminate the potential for leakage to the ground, you should store used batteries on a concrete base or in a containment vessel.

If you continue to store batteries in the crate, periodic inspection for leakage could prevent contamination of the ground and the required clean up. **The concern is leakage of the battery contents onto the ground and how the batteries are being managed.**

Discarded batteries can be managed as universal waste (UW) batteries under OAC rule 3745-273 or under OAC rule 3745-266-80. If the batteries are managed as UW, the requirements include: (1) labeling that includes the words "Universal Waste Battery(ies)"; (2) tracking the accumulation time for the UW; (3) container criteria, the container remains closed unless you are adding to or removing from, the container is structurally sound, the container is compatible with the UW, and the container lacks evidence of leaks, spillage, or damage that could cause leakage; and (4) UW may be stored on-site for up to one year from the time it was generated. I have included for your review, an Ohio EPA guidance document describing universal waste.

- You must send me receipts or documentation of your battery recycling/reclamation activities, and explain whether you are managing your waste batteries as universal waste or as discarded batteries under OAC rule 3745-266-80.

5. Universal waste – lamp. I have included a fact sheet on universal waste and on the management of lamps. Although we did not discuss this during the investigation, you are required to manage your used lamps/bulbs as either universal waste or as a hazardous waste unless you have characterized them as non-hazardous waste. This determination should be documented and all records maintained as to how the lamps/bulbs are being managed and disposed.

During the inspection, we advised you to obtain receipts for all transactions such as transporting off-site your used oil, universal waste fluorescent bulbs, and universal waste batteries, in order to document how the various materials generated by Egy's were disposed of or managed. For example, the lead-acid batteries being reclaimed or recycled, the disposition of the scrap tires, the management of used lamps/bulbs, and the used oil being recycled or reclaimed.

#### **Information included in this letter:**

- How do I know that I've adequately evaluated my waste?
- Let no Waste Determination be done haphazardly;
- Hazardous waste determination;
- Frequently asked questions: Waste Evaluation;
- Drum reconditioners and recyclers;
- Guidance Document: Lead Acid Batteries must be recycled;
- Battery Recyclers/Brokers and Disposal Facilities;
- The Regulation of Used Oil: An Overview for Ohio Businesses Who Generate Used Oil;
- Burning Used Oil in a Space Heater – For Business;
- OAC rule 3745-279-24 Off-site shipments of used oil by generators;
- OAC rule 3745-279-24 Used oil storage requirements for generators;
- Registered Used Oil Collection Centers;
- Used Oil Recyclers;
- Used Oil Furnace Manufactures;
- Managing Used Oil Filters...

- Universal Waste
- Universal Waste Rules for Handlers of lamps;
- Environmental Compliance Guide for Motor Vehicle Salvage Yards: Scrap Tires;
- How Do Ohio's Scrap Tire Rules Affect Generators of Scrap Tires;
- Scrap Tire recyclers.

**Websites of Interest:**

Ohio EPA's Office of Compliance Assistance and Pollution Prevention (OCAPP) provides compliance and pollution prevention assistance on environmental issues (including sources of funding) related to air, land, and water: <http://www.epa.ohio.gov/ocapp>

ENERGY STAR is a government-backed program helping businesses and individuals protect the environment through superior energy efficiency. Their website is at: <http://www.energystar.gov/>

The Clean Air Resource Center offers help in understanding EPA air quality requirements. In addition, if your business is required to purchase new equipment, they can offer better-cost financing with special tax incentives. Their phone number is 800-225-5051 and website is: <http://www.ohioairquality.org/>

You can find copies of the regulations and other information on the Division of Hazardous Waste Management web page at <http://epa.ohio.gov/dhwm>.

Thank you for your cooperation with our inspection of EGY's Mower & Chain Saw Service. Do not hesitate to contact me, (330) 963-1279, if you have any questions with regard to the violations and/or concerns listed in this letter. Please address each of the above violations immediately and submit the requested documentation of compliance within thirty days of the date of this letter.

Sincerely,



Patricia Natali

Environmental Specialist

Division of Hazardous Waste Management

PN:ddw

Enclosure

ec: Natalie Oryshkewych, DHWM, NEDO  
Frank Popotnik, DHWM, NEDO  
Harry Sarvis, DHWM, CO  
Bill Lutz, DHWM, NEDO  
Kurt Princic, DSIWM, NEDO

**NOTICE: Failure to list specific deficiencies in this communication does not relieve EGY's Mower & Chain Saw Service 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.**

Send to Central Office <input checked="" type="checkbox"/>	<b>Ohio Environmental Protection Agency</b> <b>RCRA SUBTITLE C SITE</b> <b>IDENTIFICATION/VERIFICATION FORM</b>		For Ohio EPA use only
Completed verification forms required to be submitted to CO should be e-mailed to <a href="mailto:paula.canter@epa.state.oh.us">paula.canter@epa.state.oh.us</a> .			
<b>Site EPA ID No.</b> <b>Site Name</b>  <b>Site Location Information</b>  <b>Site Land Type</b> (check only one) <b>NAICS code(s)</b> <a href="http://www.census.gov/epcd/www/naics.html">www.census.gov/epcd/www/naics.html</a>	EPA ID Number:  Name: <b>Egy's Mower &amp; Chain Saw Service</b>  Street Address: <b>545 Hall Road</b> City, Town, or Village: <b>Elyria</b> County Name: <b>Lorain</b> 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"/>		Website: <b>egysservice@egy-service.com</b> (Optional)  State: <b>OH</b> Zip Code: <b>44035</b>
<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>Richard</b> MI: Last Name: <b>Egy</b> Title: <b>Owner</b> Phone Number: <b>440-323-6998</b> Phone Number Extension: E-Mail Address: Fax Number: <b>440-232-7006</b> Fax Number Extension: Street or P.O. Box: <b>same</b> City, Town or Village: State: Zip Code:		
<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>Richard Egy</b> Owner Type: Private <input checked="" type="checkbox"/> County <input type="checkbox"/> District <input type="checkbox"/> Street or P.O. Box: <b>545 Hall Road</b> City, Town or Village: <b>Elyria</b> State: <b>OH</b> Name of Site's Operator: <b>same</b> Operator Type: Private <input type="checkbox"/> County <input type="checkbox"/> District <input type="checkbox"/> Street or P.O. Box: City, Town or Village: State:		Date Became Owner (mm/dd/yyyy): Federal <input type="checkbox"/> Indian <input type="checkbox"/> Municipal <input type="checkbox"/> State <input type="checkbox"/> Other <input type="checkbox"/> Owner Phone #: <b>440-323-6998</b> Country: <b>USA</b> Zip Code: <b>44035</b> Date Became Operator (mm/dd/yyyy): Federal <input type="checkbox"/> Indian <input type="checkbox"/> Municipal <input type="checkbox"/> State <input type="checkbox"/> Other <input type="checkbox"/> Operator Phone #: Country Zip Code:
<b>VIOLATIONS CITED?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
<b>TYPE OF HANDLER - MARK "X" AS APPROPRIATE</b>			
<input type="checkbox"/> Not a HW Generator	<input type="checkbox"/> UNKNOWN: Cited for violation of 3745-52-11 <input type="checkbox"/> Short-Term Generator (generates from a short-term or one-time event and not from on-going processes). <i>Check the box for the applicable generator status and provide a comment.</i>		<input type="checkbox"/> Large Quantity Generator (LQG) <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 checked="" 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 (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 RCRAInfo 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       Yes     No      Additional Facility Representatives:  
Tanks             Yes     No  
Containers       Yes     No

Name of Inspector(s) <b>Patricia Natali</b>	Name of Inspector(s) <b>Bill Lutz</b>	Date of Inspection/Time (mm/dd/yyyy) (hh:mm) <b>6/30/10 2:10 p.m.</b>
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**Comments:**  
The inspection was in response to a complaint received 6/25/10 that used oil was being released into the west branch of the Black River as a result of leaking oil drums. The complaint (#7344) received in the NEDO, was partially valid as we found leaking used oil drums, used oil stained ground, and no labels on any of the containers. We did not observe any release to the river. A CEI was not conducted at the time of the investigation. A notice of violation dated 6/8/10 was sent.