



**Environmental
Protection Agency**

Tom Strickland, Governor
Richard Cordusio, Lt. Governor
John P. Bland, Director

August 4, 2010

Nicola Paolucci
2790 State Route 46
Ashtabula, OH 44047

**RE: PAOLUCCI SITE/BRIAN'S AUTO REPAIR, ASHTABULA COUNTY, COMPLAINT
#7329, NOTICE OF VIOLATION**

Dear Mr. Paolucci:

On June 29, 2010, the Ohio EPA, represented by Ed D'Amato, conducted a complaint inspection at your property located at 2821 State Route 46. The complaint alleged improper management of used oil in an underground cinder block tank/catch basin located adjacent to Brian's Auto Repair. The tank/catch basin is designed to catch liquids from the floor drains in the auto shop.

No mismanagement of used oil by Brian's Auto Repair was observed at the time of the inspection. You explained that a previous tenant, which occupied the site prior to Brian's Auto Repair (12 or more years ago), may have allowed used oil to enter the tank/catch basin. Staining of the concrete block walls of the tank/catch basin by what appeared to be used oil, was observed.

At the time of the inspection, I explained to you that I would defer to Ohio EPA's Division of Surface Water to address the tank/catch basin and the apparent release of used oil. However, after telephone conversations I had with Kathy Bender of KRB Engineering and David Payne (an acquaintance of yours, as I understand it), it has been decided that the best way to address this is through the used oil rules found in Chapter 3745-279 of the Ohio Administrative Code (OAC). As the owner of the property, you have joint responsibility for compliance with Ohio EPA rules along with your tenants.

The following violation was found. In order to correct the violation, you must do the following and submit all requested documentation within **30-days** of the date of this letter:

**1. Response to Releases of Used Oil
OAC 3745-279-22(D)**

Releases of used oil must be cleaned up.

To correct this violation, the tank/catch basin must be removed and used oil must be cleaned up to the visual extent of contamination. You must respond to this letter, in writing, and submit photographs to this office showing this has been done. The concrete block and any soil contaminated with used oil may be disposed with your solid waste (regular trash).

PAOLUCCI SITE
AUGUST 4, 2010
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Failure to list specific deficiencies in this communication does not relieve Nicola Paolucci 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.

Please feel free to contact me at (330) 963-1170 if you have any questions about the inspection or this letter.

Sincerely,



Edward J. D'Amato
Environmental Specialist
Division of Hazardous Waste Management

EJD:ddw

cc: David Payne
ec: Harry Sarvis, DHWM, CO
Natalie Oryshkewych, DHWM, NEDO
Frank Popotnik, DHWM, NEDO
John Schmidt, DSW, NEDO

Send to Central Office <input type="checkbox"/>	Ohio Environmental Protection Agency RCRA SUBTITLE C SITE IDENTIFICATION/VERIFICATION FORM	For Ohio EPA use only
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Completed verification forms required to be submitted to CO should be e-mailed to kristina.durnell@epa.state.oh.us.

Site EPA ID No. Site Name	EPA ID Number: Name: Nicola Paolucci	Website: (Optional)
Site Location Information	Street Address: 2821 State Route 46	
Site Land Type (check only one)	City, Town, or Village: Ashtabula	State: OH
NAICS code(s) www.census.gov/epcd/www/winaics.html	County Name: Ashtabula	Zip Code: 44047
	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"/>

Facility Representative Additional names can be recorded in number 12 Only provide address information if it is different than the site address	First Name: Nicola	MI:	Last Name: Paolucci
	Phone Number: unknown		Phone Number Extension:
	E-Mail Address: none		
	Fax Number: unknown		Fax Number Extension:
	Street or P.O. Box: 2790 State Route 46		
	City, Town or Village: Ashtabula Jefferson		
	State: OH	Zip Code: 44047	

Legal Owner And Operator of the Site. List Additional Owners and/or Operators in the Comment Section or on another copy of this form page	Name of Site's Legal Owner: Nicola Paolucci	Date Became Owner (mm/dd/yyyy):
	Owner Type: <input checked="" type="checkbox"/> Private	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: 2790 State Route 46	
	City, Town or Village: Ashtabula Jefferson	
	State: OH	Zip Code: 44047
	Name of Site's Operator: Brian's Auto Repair	
	Operator Type: <input checked="" type="checkbox"/> Private	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: 2821 State Route 46	
	City, Town or Village: Ashtabula Jefferson	
	State: OH	Zip Code:
	Owner Phone #: unknown	
	Date Became Operator (mm/dd/yyyy):	
	Operator Phone #: (440) 992-9665	
	Country:	

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"/> 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"/> Recycler of Hazardous Waste	<input type="checkbox"/> Exempt Boiler and/or Industrial Furnace
<input type="checkbox"/> Underground Injection Control Facility	<input type="checkbox"/> Small Quantity On-Site Burner Exemption
<input type="checkbox"/> Hazardous Waste Transporter	<input type="checkbox"/> Smelting, Melting, Refining Furnace Exemption
<input type="checkbox"/> Treater, Storer or Disposer of Hazardous Waste	

UNIVERSAL WASTE ACTIVITIES (INDICATE TYPES OF UNIVERSAL WASTE MANAGED)

(CHECK ALL BOXES THAT APPLY)

- Small Quantity Handler of Universal Waste Destination Facility for Universal Waste
 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. Oil
 Used Oil Fuel Marketer to Off-Specification Used Oil Burner

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)
Ed D'Amato

Name of Inspector(s)

Date of Inspection/Time
(mm/dd/yyyy) (hh:mm)
8/13/2010 1:00 pm

Comments:

PHASE 0 AD-HOC BARCODE SHEET
11/3/2011 11:38 AM

Department:



DMWM

Locked to DMWM

Subdepartment:



DMWM-Hazardous Waste

Office Location:



NEDO

Locked to NEDO

Media:



LAND

Locked to LAND

Doc Type:



RTC

Doc Subtype:



<NONE>

Program:



<NONE>

County:



04 - ASHTABULA

(Auto Load)

<NONE>

(Override)

Facility ID:



OHR000161224

Facility Name:



NICOLA PAOLUCCI

(Auto Load) input is 15 characters long.

(Override) input is 0 characters long.



8/19/2010

Record ID:



**Environmental
Protection Agency**

_____, Governor
_____, Lt. Governor
_____, Director

August 19, 2010

Nicola Paolucci
2790 State Route 46
Ashtabula, OH 44047

**RE: PAOLUCCI SITE/BRIAN'S AUTO REPAIR, ASHTABULA COUNTY, COMPLAINT
#7329, RETURN TO COMPLIANCE**

Dear Mr. Paolucci:

On August 13, David L. Payne responded, on your behalf, to Ohio EPA's August 4, 2010 Notice of Violation (NOV).

The documentation included a letter and photographs showing that the concrete block tank/catch basin located on your property at 2821 State Route 46 in Ashtabula County has been removed and that no oil contaminated soil was in pit prior to backfilling.

Ohio EPA has reviewed the documentation and determined that it is sufficient to correct the violation cited in the NOV:

**1. Response to Releases of Used Oil
OAC 3745-279-22(D)**

No response to this letter is required.

Please feel free to contact me at (330) 963-1170 if you have any questions.

Failure to list specific deficiencies in this communication does not relieve Nicola Paolucci 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.

Sincerely,


Edward J. D'Amato
Environmental Specialist
Division of Hazardous Waste Management

EJD:ddw

cc: David Payne, Designs of Distinction
Kathy Bender, KRB Engineering
ec: Harry Sarvis, DHWM, CO
Natalie Oryshkewych, DHWM, NEDO
Frank Popotnik, DHWM, NEDO
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