



State of Ohio Environmental Protection Agency

Northeast District Office

2110 East Aurora Rd.  
Twinsburg, Ohio 44087

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www.epa.state.oh.us

Ted Strickland, Governor  
Lee Fisher, Lieutenant Governor  
Chris Korleski, Director

October 22, 2007

RE: WALLACE LINCOLN MERCURY  
NON-NOTIFIER  
SUMMIT COUNTY  
COMPLAINT # 6969  
2<sup>nd</sup> NOTICE OF VIOLATION

Lee Wallace  
Wallace Lincoln Mercury  
556 Fourth St. NW  
Barberton, OH 44203

**CERTIFIED MAIL**

Dear Mr. Wallace:

On August 14 2007, Ohio EPA, issued a Notice of Violation (NOV) following an August 8, 2007 complaint inspection at your company.

You have failed to respond to the NOV. To abate the violations you must you must do the following and submit all requested information **within 15-days** of the date of this letter:

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

*Upon the detection of a release of used oil to the environment, a generator shall...clean up and manage properly the released used oil...*

Used oil releases were found in the area around the used oil tank. To abate this violation, you must excavate the used oil contaminated soil to the visual extent of contamination. You must photograph the area to show that it has been excavated and photograph the used oil contaminated soil after it has been placed in a dumpster, roll-off box or other container. You must submit the photographs to this office. You must also submit copies of the disposal documentation showing that the material has been properly disposed.

**2. Hazardous Waste Determination  
OAC 3745-52-11**

*Any person who generates a waste in the state of Ohio...shall determine if the waste is a listed hazardous waste...*

You explained that you have been disposing of spent fluorescent and other lamps with your solid waste. Due to mercury content, some spent lamps are considered hazardous waste. If the spent lamps are sent for recycling instead of disposal, they would be exempt from the hazardous waste management requirements.

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To abate this violation, you must evaluate all of the lamps that are currently in use at Wallace Lincoln Mercury and determine whether or not they would be considered hazardous waste when disposed. You must notify this office, in writing, of the results of your evaluation. You must also develop and implement a procedure for managing spent lamps. You must notify this office, in writing, of what that procedure will be.

During the inspection, you were provided with a copy of Ohio EPA's Fluorescent Lamp Fact Sheet and a list of fluorescent lamp recyclers.

Failure to list specific deficiencies in this communication does not relieve Wallace Lincoln Mercury 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

ec: Frank Popotnik, DHWM, NEDO  
Shirley Phillips, DHWM, NEDO