



State of Ohio Environmental Protection Agency

Northeast District Office

2110 East Aurora Rd.
Twinsburg, Ohio 44087

TELE: (330) 963-1200 FAX: (330) 487-0769
www.epa.state.oh.us

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

August 14, 2007

RE: WALLACE LINCOLN MERCURY
NON-NOTIFIER
SUMMIT COUNTY
COMPLAINT # 6969
NOTICE OF VIOLATION

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

Dear Mr. Wallace:

On August 8, 2007, the Ohio EPA, represented by Ed D'Amato and Shirley Phillips, conducted a complaint inspection at Wallace Lincoln Mercury. The complaint alleged that used oil had been released from a used oil tank at the facility. Bob Bowser represented Wallace Lincoln Mercury during the inspection.

The allegations in the complaint were found to be true.

Wallace Lincoln Mercury was found to be in violation of the following provisions of the Ohio Administrative Code. To abate the violations, you must do the following and submit all requested information *within 30-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...

WALLACE LINCOLN MERCURY
AUGUST 14, 2007
PAGE - 2 -

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.

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.

Enclosed is a copy of the checklist used for the inspection.

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

Enclosure

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

USED OIL INSPECTION CHECKLIST (Short Version)

Company: Wallace Lincoln Mercury EPA I.D.: _____

Street: 556 4th St NW City: Barberton

County: ~~Barberton~~ Summit State: Ohio Zip: _____

Mailing Address: _____
(IF DIFFERENT FROM ABOVE)

Telephone: _____ Fax: _____

Owner/Operator: _____
(IF DIFFERENT FROM ABOVE)

Street: _____

City: _____ State: _____ Zip: _____

Inspection Date(s): 3/3/07 Time(s): _____

Inspection announced? Yes _____ No If so, how much advance notice given? _____

	<u>Name</u>	<u>Affiliation</u>	<u>Telephone</u>
Inspectors:	<u>Ed D'Amato</u>	<u>OEPA</u>	<u>(330) 963-1200</u>

	<u>Shirley Phillips</u>	<u>OEPA</u>	<u>11</u>
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Facility Rep(s):	<u>Robert Bowser</u>	<u>330-753-6601</u>
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USED OIL MANAGEMENT ACTIVITY

<input checked="" type="checkbox"/> Generator/Collection Center/Aggregation	_____ Marketer
_____ Transporter/Transfer Facility	_____ Off-Spec Burner
_____ Processor/Re-Refiner	_____ Other (specify)
_____ No Generation	

NOTE: *This checklist does not include requirements for used oil transporters and transfer facilities, processors and re-refiners, burners, and marketers.*

PROHIBITIONS

- 1. Is used oil being managed in a surface impoundment or waste pile? If so: Yes ___ No N/A ___ RMK# ___
Is the surface impoundment or waste pile being regulated under OAC 3745-54 to 3745-57 or 3745-65 to 3745-69? [3745-279-12(A)] Yes ___ No N/A RMK# ___
- 2. Is used oil being used as a dust suppressant? [3745-279-12(B)] Yes No N/A ___ RMK# ___
- 3. Is off-specification used oil fuel burned for energy recovery only in devices specified in 3745-279-12(C)? Yes ___ No N/A RMK# ___

USED OIL GENERATOR STANDARDS

- 4. Does the generator mix hazardous waste with used oil only as provided in 3745-279-10(B)? [2745-279-21(A)] Yes ___ No N/A RMK# ___
- 5. Does the generator of a used oil containing greater than 1,000 ppm total halogens manage the used oil as a hazardous waste unless the presumption is rebutted successfully? [3745-279-21(B)] Yes ___ No N/A RMK# ___
- 6. Does the generator only store used oil in tanks, containers, or units subject to OAC 3745-54 to 3745-57 or 3745-65 to 3745-69? [3745-279-22(A)] Yes No N/A ___ RMK# ___
- 7. Are containers and aboveground tanks used to store used oil in good condition with no visible leaks? [3745-279-22(B)] Yes No N/A ___ RMK# ___
- 8. Are containers, above ground tanks, and fill pipes used for underground tanks clearly labeled or marked "Used Oil?" [3745-279-22(C)] Yes No N/A ___ RMK# ___
- 9. Has the generator, upon detection of a release of used oil, done the following: [3745-279-22(D)]
 - a. Stopped the release? Yes ___ No N/A ___ RMK# ___
 - b. Contained the release? Yes ___ No N/A ___ RMK# ___
 - c. Cleaned up and properly managed the used oil and other materials? Yes ___ No N/A ___ RMK# ___
 - d. Repaired or replaced the containers or tanks prior to returning them to service, if necessary? Yes No N/A ___ RMK# ___

10. Does the generator burn used oil in used fired space heaters? [3745-279-23] If so: Yes ___ No N/A ___ RMK# ___
- a. Does the heater burn only used oil that owner/operator generates or used oil received from household do-it-yourself (DIY) used oil generators? Yes ___ No N/A RMK# ___
- b. Is the heater designed to have a maximum capacity of not more than 0.5 million BTU per hour? Yes ___ No N/A RMK# ___
- c. Are the combustion gases from heater vented to the ambient air? Yes ___ No N/A RMK# ___
11. Does the generator have the used oil hauled only by transporters that have obtained an EPA ID#, unless the generator qualifies for an exemption pursuant to 3745-279-24 (self transportation or tolling agreements)? [3745-279-24] Yes ___ No N/A RMK# ___

USED OIL COLLECTION CENTERS AND AGGREGATION POINTS

12. Is the DIY used oil collection center in compliance with the generator standards in 3745-279-20 to 3745-279-24? [3745-279-30] Yes ___ No N/A RMK# ___
13. Is the non-DIY used oil collection center registered with Ohio EPA? [3745-279-31] Yes ___ No N/A RMK# ___
14. Is the used oil aggregation point in compliance with the generator standards in 3745-279-20 to 3745-279-24? [3745-279-32] Yes ___ No N/A RMK# ___

WASTE EVALUATION

15. Have all wastes generated at the facility been evaluated? [3745-52-11] Yes No N/A ___ RMK# ___

C:\Documents and Settings\EDamato\My Documents\Folder\Forms\inspection forms\USED OIL.SHORT.2001.wpd

REMARKS