



State of Ohio Environmental Protection Agency

Northeast District Office

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Twinsburg, Ohio 44087

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

May 11, 2009

RE: WORLD TRUCK TOWING & RECOVERY
MEDINA COUNTY
NON-NOTIFER
NOTICE OF VIOLATION (NOV)
COMPLAINT NUMBER 7184

Mr. Mike Schoen
World Truck Towing & Recovery
4970 Park Ave. West
Seville, OH 44273

Dear Mr. Schoen:

On May 5, 2009, I and John Paquelet, as representatives of the Ohio EPA's (OEPA) Division of Hazardous Waste Management (DHWM), conducted an inspection of World Truck Towing & Recovery (World Truck Towing), located at 3170 Ridge Rd., Medina, for compliance with Ohio's hazardous waste and used oil regulations. Melissa Kaminski represented World Truck Towing during the inspection. I also spoke to you by phone during the inspection. Ohio EPA had received a complaint alleging that the facility was mismanaging oil and other fluids at the facility.

The facility's major activities are: operation of a vehicle towing business, operation of an impound lot, and leasing of storage space for truck trailers and other vehicles in the "drop yard".

Materials observed to be present included: vehicles, mostly damaged, in the impound lot, one container of used oil in the maintenance garage, several 55 gallon drums (the contents of which were not known), several used lead-acid batteries and trailers, mobile offices and towable vehicles in the drop yard.

Although several small areas of oil-stained soils (consistent with a facility that operates an impound lot for vehicles damaged in accidents) were observed. No indications of major volumes of pouring of oils, chemicals and gasoline on to soils as alleged in the complaint were observed.

Based on observations made during the facility walk-through, Ohio EPA has determined that World Truck Towing has violated the following state hazardous waste and used oil regulations:

1. OAC Rule 3745-52-11 Waste Evaluation

OAC Rule 3745-52-11 requires "Any person who generates a waste... [to] determine if that waste is a hazardous waste..."

World Truck Towing had not evaluated the contents of approximately ten 55-gallon drums in the impound lot to determine if they are wastes, and if so, whether the wastes are hazardous wastes as required by OAC Rule 3745-52-11.

We observed the following 55 gallon drums for which the facility representative was not able to identify the contents:

- Two 55 gallon drums located just north of the old steam tractor;
- One 55 gallon drum by the fence in the southeast corner;
- Seven 55 gallon drums on a pallet near the back of the lot (i.e., west end).

To return to compliance the facility must:

- Evaluate all containers identified above to determine if they are wastes, and if so, if they are hazardous wastes;
- Determine if there are any other wastes currently at the facility that are not named above, and if so, evaluate all such wastes to determine if they are hazardous wastes;
- Dispose of all wastes that are hazardous wastes in accordance with the hazardous waste rules; and,
- Provide documentation of the results of the waste evaluation and waste disposal to this office within 30 days of receipt of this letter.

2. OAC 3745-279-22(C)(1) Used oil containers must be labeled with the words Used Oil

One 55 gallon drum was located near the back (i.e. west) wall in the maintenance garage that appeared to be used for used oil storage. It had an oily funnel/container of a type commonly used for used oil collection and draining of filters connected to the bung. The drum was not labeled or marked with the words "Used Oil".

To return to compliance, World Truck Towing must:

- Determine if any other containers of used oil are on-site in addition to the one observed by me;
- Label all containers holding used oil with the words "Used Oil"; and,
- Provide photos of all used oil containers labeled with the words "Used Oil" to this office within 30 days of the date of this letter.

3. OAC 3745-279-22(D) Generator must respond to used oil releases and perform cleanup steps

We observed a patch (roughly 3 feet in diameter) of oil stained soil north of the of the old steam tractor and near the two unmarked drums.

OAC rule 3745-279-22(D) requires World Truck Towing, as a generator of used oil, to respond to releases of used oil by taking the following cleanup steps upon detection of a release:

- 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 used oil storage containers prior to returning them to service.

Contaminated soils and debris from the clean up may be managed as solid waste in a trash dumpster, provided that this is acceptable to your trash hauler.

Ohio EPA uses a visual standard when determining whether a clean up of released used oil and any media absorbing that used oil is adequate. Ohio EPA does not require confirmatory soil sampling and analysis to demonstrate that the release has been cleaned up.

To return to compliance, World Truck Towing must:

- Determine if any other releases of used oil are on-site in addition to those observed by me;
- Immediately initiate a response to all releases of used oil in accordance with the following discussion;
- Clean up and remove all released used oil and contaminated soils and debris identified by me as well as any additional releases identified by World Truck Towing; and,
- Provide photos of the areas after clean up to this office within 30 days of the date of this letter.

All above requested documentation is to be submitted to this office within 30 days of the date of this letter.

Enclosed you will find a copy of the checklists completed during the inspection.

CONCERNS

Drain in Maintenance Garage

You stated during the inspection that the floor drain in the maintenance garage had recently been repaired, re-installed and reportedly is tied-in to holding tanks in back of the building. You also said that the local health department had inspected this work and that you have a letter from them and that you would fax a copy to this NEDO office. I have not yet received this fax. Please fax this letter to this office within 30 days of the date of this letter.

Lead Acid Batteries

Several used lead acid batteries were observed within and behind the impound lot, including the following:

- Five lead acid batteries present on a metal shelf near the back of the impound lot (i.e., west end).
- One lead acid battery in the bed of a black Chevy SS-10 pick-up with "7# Brunswick P.D. 8-1-07" written on the windshield in the impound lot.
- Several other lead acid batteries in truck beds in the impound lot.
- Two lead acid batteries were present near the grey portable metal building in the drop yard just west of the impound lot fence.

Lead acid batteries may be recycled, in which case they are not considered to be hazardous waste. If lead acid batteries are not intended to be recycled, they are hazardous waste due to leachable lead content, and must be managed as hazardous waste.

Please advise on the facility plans for managing these batteries within 30 days of the date of this letter.

Propane Cylinder

One propane cylinder was observed near the seven 55 gallon drums on a pallet located near the back of the lot (i.e., west end) that are mentioned in NOV No. 1. If it still contains propane that the facility or another party can use, such usage is acceptable and the cylinders would not be subject to regulation as waste. Otherwise World Truck Towing will have to dispose of non-empty cylinders as hazardous waste. Venting to the atmosphere would not be an acceptable option. Please advise on the facility plans for managing this cylinder.

All above requested responses to concerns are to be submitted to this office within 30 days of the date of this letter.

Other Information

A list of Ohio EPA's DHWM guidance documents can be found at the following Internet site: <http://www.epa.state.oh.us/dhwm/guidancedocuments.html>. You can find copies of Ohio's hazardous waste laws and regulations at our web page at: <http://www.epa.state.oh.us/dhwm/Law&Regs.html>.

The Division of Hazardous Waste Management has created an electronic news service to provide you with updates related to hazardous waste activities in Ohio. You can find more information and sign up for this free service at the following Web link: http://ohioepa.custhelp.com/cgi-bin/ohioepa.cfg/php/enduser/doc_serve.php?2=subscriptonpage.

WORLD TRUCK TOWING
MAY 11, 2009
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The OEPA strongly encourages pollution prevention as the preferred approach for waste management. The first priority of pollution prevention is to eliminate the generation of wastes and pollutants at the source (source reduction). For those wastes and pollutants that are generated, the second priority is to recycle or reuse them in an environmentally sound manner. You can benefit economically, help preserve the environment and improve your public image through pollution prevention. More information about pollution prevention can be found on our website at: <http://www.epa.state.oh.us/ocapp/ocapp.html>.

Should you have any questions regarding this letter, please contact me at (330) 963-1165.

Sincerely,



Neil J. Wasilk
Environmental Specialist
Division of Hazardous Waste Management

NJW:ddw

Enclosure

ec: Nyall McKenna, Ohio EPA, DHWM, NEDO

Ohio Environmental Protection Agency
**RCRA SUBTITLE C SITE
 IDENTIFICATION/VERIFICATION FORM**

For Ohio EPA use only

E-mail this completed form to kristina.durnell@epa.state.oh.us
 or mail it to Kristina Durnell, Central Office

Site EPA ID No. Site Name	EPA ID Number: Non-notifier Name: World Truck Towing & Recovery	Website: (Optional)
Site Location Information	Street Address: 3170 Ridge Rd. City, Town, or Village: Medina County Name: Medina	State: OH Zip Code: 44256
Site Land Type (check only one) NAICS code(s) www.bea.gov/epcd/www/naics.htm	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 on number 12 Only provide address information if it is different than the site address	First Name: Mike MI: Last Name: Schoen Phone Number: (216) 299-4956 Phone Number Extension: E-Mail Address: Fax Number: Fax Number Extension: Street or P.O. Box: 4970 Park Ave. West City, Town or Village: Seville State: OH Zip Code: 44273	
Legal Owner And Operator of the Site. List Additional Owners and/or Operators in the Compliance Section or on another copy of this form page	Name of Site's Legal Owner: Owner Private County District Federal Indian Municipal State Other Type: <input checked="" type="checkbox"/> <input type="checkbox"/> Street or P.O. Box: City, Town or Village: State: Name of Site's Operator: Owner Private County District Federal Indian Municipal State Other Type: <input type="checkbox"/> <input type="checkbox"/> Street or P.O. Box: City, Town or Village: State:	Date Became Owner (mm/dd/yyyy): Owner Phone #: Country: Zip Code: Date Became Operator (mm/dd/yyyy): Operator Phone #: United States Zip Code:

VIOLATIONS CITED? Yes No

TYPE OF HANDLER - A MINIMUM OF ONE BOX MUST BE CHECKED

<input type="checkbox"/> Not a HW Generator	<input checked="" 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)

- | | |
|---|---|
| <input 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. 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 wastes 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 if more space is needed. If there are more than 7 waste codes and they are the same as listed in the most recent RCRA Info source record, you do not need to list them all. 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 Other Comments:
Containers Yes No

Name of Inspector(s)	Name of Inspector(s)	Date of Inspection/Time (mm/dd/yyyy) (hh:mm)
N. Wasilk	J. Paquelet	5-5-09 11:15 am

OPTIONAL CERTIFICATION. I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature of Owner, Operator, or an Authorized Representative	Name and Title (Print)	Date (mm/dd/yyyy)
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WORLD TUCK TOWING
**CONDITIONALLY EXEMPT SMALL QUANTITY GENERATOR REQUIREMENTS
 COMPLETE AND ATTACH A PROCESS, WASTE, P2 SUMMARY SHEET**

CESQG: <100Kg. (Approximately 25-30 gallons) of waste in a calendar month or < 1 Kg. of acutely hazardous waste.
 SQG: Between 100 and 1,000 Kg. (About 25 to under 300 gallons) of waste in a calendar month.
 LQG: >1,000 Kg. (~300 gallons) of waste in a calendar month or >1 Kg. of acutely hazardous waste in a calendar month.
 NOTE: To convert from gallons to pounds: Amount in gallons x Specific Gravity x 8.345 = Amounts in pounds.

Safety Equipment Used:

WASTE EVALUATION

1. Have all wastes generated at the facility been adequately evaluated? [3745-52-11] Yes No N/A

GENERATOR CLASSIFICATION

2. Does the generator produce <100 kg. of hazardous waste per month? Yes No N/A
 [conditionally exempt small quantity generator ("CESQG")]

ANSWER SUBJECT TO COMPARISON OF NO. 1

NOTE: If quantities of hazardous waste accumulated on-site at any one time exceed 1,000 Kg. - or the generator produces between 100 and 1,000 Kg. of hazardous waste per month, it is operating as a Small Quantity Generator ("SQG"). If so, complete the Small Quantity Generator Requirements checklist.

OFF-SITE SHIPMENT OF HAZARDOUS WASTE

3. Does the CESQG ensure delivery of hazardous waste(s) to an off-site permitted TSD? [3734.02(F)] Yes No N/A
ANSWER SUBJECT TO COMPARISON

TREATMENT OF HAZARDOUS WASTE *OF NO. 1*

4. Does the generator treat hazardous waste in a:
- a. Container that meets 3745-66-70 to 3745-66-77? Yes No N/A
 - b. Tank that meets 3745-66-90 to 3745-66-101 except 3745-66-97(C)? Yes No N/A
 - c. Drip pads that meet 3745-69-40 to 3745-69-45? Yes No N/A
 - d. Containment building that meets 3745-256-100 to 3745-256-102? Yes No N/A

NOTE: Complete appropriate checklist for each unit.
 NOTE: If the CESQG conducts treatment they are subject to the LQG requirements.
 NOTE: If waste is treated to meet LDRs, use LDR checklist.

REMARKS

WORLD TRUCK TOWING

USED OIL INSPECTION CHECKLIST

GENERATORS, COLLECTION CENTERS AND AGGREGATION POINTS

NOTE: A facility is subject to the federal SPCC regulations (40 CFR 112) if it is non-transportation related (e.g., fixed) and has an aggregate above ground storage capacity greater than 1,320 gallons or a total underground storage capacity greater than 42,000 gallons of oil (including used oil), and there is reasonable expectation of a discharge to navigable waters.

PROHIBITIONS

1.	Does the generator manage used oil in a surface impoundment or waste pile? If yes:	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
a.	Is the surface impoundment or waste pile regulated as a hazardous waste management unit? [3745-279-12(A)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>

NOTE: For example, used oil contaminated scrap metal stored in a pile.

2.	Is used oil used as a dust suppressant? [3745-279-12(B)]	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
3.	Is off-specification used oil fuel burned for energy recovery in devices specified in 3745-279-12(C)?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>

NOTE: Multiple used oil checklists may be applicable if used oil handler is performing multiple tasks (e.g., if generating used oil and shipping directly to a burner, complete generator and marketer checklists at a minimum).

GENERATOR STANDARDS

4.	Does the generator mix hazardous waste with used oil? If so,	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
a.	Is the mixture managed as specified in 3745-279-10(B)? [3745-279-21(A)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>

NOTE: Used Oil mixed with listed (3745-51-30 to 3745-51-35) or characteristic (3745-51-20 to 3745-51-24) hazardous waste are subject to regulation as a hazardous waste, unless the listed hazardous waste is listed solely because it exhibits a hazardous characteristic, and the resultant mixtures do not exhibit a characteristic. Mixtures of used oil and CESQG hazardous waste are subject to OAC Chapter 3745-279.

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 <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
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NOTE: If used oil contains greater than 1000 ppm total halogens, it is presumed to be listed hazardous waste until the presumption is successfully rebutted.

6.	Does the generator store used oil in tanks; or containers; or a unit(s) subject to regulation as a hazardous waste management unit? [3745-279-22(A)]	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
7.	Are containers and aboveground tanks used to store used oil in good condition with no visible leaks? [3745-279-22(B)]	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
8.	Are containers, above ground tanks, and fill pipes used for underground tanks clearly labeled or marked "Used Oil"? [3745-279-22(C)] <i>DRUM IN MAINT SHOP</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
9.	Has the generator, upon detection of a release of used oil, done the following: [3745-279-22(D)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
a.	Stopped the release?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
b.	Contained the release?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
c.	Cleaned up and properly managed the used oil and other materials? <i>USED OIL STAINED SOIL IN IMPOUNDMENT</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
d.	Repaired or replaced the containers or tanks prior to returning them to service, if necessary?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>

ON-SITE BURNING IN SPACE HEATER

10.	Does the generator burn used oil in used-oil fired space heaters? [3745-279-23] If so:	
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 <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>

b.	Is the heater designed to have a maximum capacity of not more than 0.5 million BTU per hour?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
c.	Are the combustion gases from heater vented to the ambient air?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>

NOTE: Ash accumulated in a space heater must be managed in accordance with 3745-279-10(E).

GENERATOR TRANSPORTATION

11.	Does the generator have the used oil hauled only by transporters that have obtained a U.S. EPA ID#? <i>REPORTEDLY NO SHIPMENTS</i>	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
12.	If the generator self-transport used oil to an approved collection site or to an aggregation point owned by the generator: [3745-279-24]	
a.	Does the generator transport used oil in a vehicle owned by the generator or an employee of the generator?[3745-279-24]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
b.	Does the generator transport more than 55 gallons of used oil at any time?[3745-279-24]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>

NOTE: Used oil generators may arrange for used oil to be transported by a transporter without a U.S. EPA ID # if the used oil is reclaimed under a contractual agreement (i.e., tolling arrangement).

COLLECTION CENTERS AND AGGREGATION POINTS

13.	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 <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
14.	Is the non-DIY used oil collection center registered with Ohio EPA? [3745-279-31]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
15.	Is the used oil aggregation point in compliance with the generator standards in 3745-279-20 to 3745-279-24? [3745-279-32]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>

NOTE: Complete Used Oil Generator and any other applicable used oil handler checklist (e.g., marketer, burner, etc.) for used oil collection centers and aggregation points.