



State of Ohio Environmental Protection Agency

Northwest District Office

347 North Dunbridge Road
Bowling Green, OH 43402-9398

TELE: (419) 352-8461 FAX: (419) 352-8468
www.epa.state.oh.us

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

**Re: Rite Way Auto
Allen County
DHWM, NWDO
Complaint 2694
Third Notice of Violation**

March 7, 2008

CERTIFIED MAIL

Mr. Don Coburn
Rite Way Auto
425 Findlay Road
Lima, Ohio 45801

Dear Mr. Coburn:

On November 19, 2007, Gary Deutschman and I investigated a complaint at Rite Way Auto (RWA) located at 425 Findlay Road, Lima, Ohio. According to the complaint received by the Ohio Environmental Protection Agency (Ohio EPA), the complainant alleged that RWA had an oil spill.

Ohio EPA sent a notice of violation (NOV) to RWA on December 6, 2007, that cited the following violation:

1. **Ohio Administrative Code (OAC) Rule 3745-279-22 (C)(1), Used Oil Storage Requirements for Generators:** "Containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words 'Used Oil.'"

This violation was abated on November 19, 2007.

In the December 6, 2007, letter, Ohio EPA also listed two general concerns:

- A. **Used Oil:** Ohio EPA requested more information concerning the management and method of disposal of used oil at the site.

This issue has not been addressed and remains outstanding at this time.

- B. Storage Trailers:** Ohio EPA requested more information concerning the contents of the semi trailers located on the property.

This general concern was addressed by Ohio EPA's site visit on December 17, 2007.

Ohio EPA sent a second NOV to RWA on January 30, 2008, which cited an additional violation as listed below. To date, RWA has failed to respond to the January 30, 2008, NOV letter and remains in violation of the following:

- 2. Ohio Administrative Code (OAC) Rule 3745-52-11, Hazardous Waste Determination:** "Any person who generates a waste, as defined in rule 3745-51-02 of the Administrative Code, must determine if that waste is a hazardous waste..."

RWA failed to determine if the used oil is a hazardous waste in accordance with OAC Rule 3745-52-11, prior to utilizing it as a fire accelerant.

To abate this violation, RWA must immediately stop using the used oil as a fire accelerant.

RWA must submit a detailed description of how RWA will comply with the used oil rules. This information must be submitted to Ohio EPA **within 14 days of receipt of this letter.**

OAC Rule 3745-279-24, titled *Off-site shipments of used oil by generators*, states "generators must ensure that their used oil is transported only by transporters who have obtained U.S. EPA identification numbers." Used oil generators have three options for handling their used oil: 1) Generators must have their used oil transported by an entity that has a U.S. EPA identification number and ensure their used oil is recycled; 2) Generators may transport less than 55-gallons of their own used oil to a registered used oil collection center; or 3) Generators may burn its own used oil in an on-site space heater as long as all applicable requirements are met.

RWA must choose one of the following and submit the listed information to Ohio EPA within 14 days of receipt of this letter.

To abate this violation, RWA may choose to either **1)** Have the used oil picked up by a transporter which has a US EPA ID number. RWA must submit documentation (e.g., bill of lading or contract agreement), which includes the transporter and receiving facility information.

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Also, RWA must describe how the used oil is being recycled by the receiving facility (e.g., processed to make a fuel). **2)** Take the used oil to a collection center. RWA must submit documentation of the location of the collection center as well as receipt of your used oil by the collection center. RWA must also include in their response how much used oil is transported to the collection center, by whom, and the owner of the vehicle used in the transportation of the used oil. **3)** Or, burn the used oil on site in a space heater that complies with the requirements found in OAC rule 3745-279-23. RWA must submit documentation that demonstrates compliance with this rule.

By abating violation number two listed above, the general concern listed in part A of the December 6, 2007, NOV will also be addressed.

Please note that Ohio EPA considers these violations serious in nature and the company's failure to respond to this and past NOV's may result in referral of RWA's violations to our Central Office Enforcement Section for consideration of escalated enforcement.

Should you have any questions or if I can be of assistance, please contact me at (419) 373-3065. Please send all requested correspondence to Ohio EPA, Northwest District Office, Attn: Kara Reynolds, 347 North Dunbridge Road, Bowling Green, Ohio 43402.

Sincerely,



Kara Reynolds
Environmental Specialist
Division of Hazardous Waste Management

/llr

Enclosures

pc: Colleen Weaver, DHWM, NWDO
Kara Reynolds, DHWM, NWDO
Cindy Lohrbach, DHWM, NWDO
DHWM, NWDO Allen County File: -Allen County General 2005-

NOTICE:

Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve your company from having to comply with all applicable regulations.

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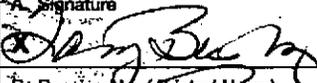
PS Form 3800, August 2006 See Reverse for Instructions

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1. Article Addressed to:
 MR. DON COBURN
 Rite Way Auto
 425 FINDLAY ROAD
 Lima, Ohio 45801

COMPLETE THIS SECTION ON DELIVERY

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