



State of Ohio Environmental Protection Agency

Northwest District Office

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

**RE: Rite Way Auto
Allen County
DHWM, NWDO
Complaint 2694
Second Notice of Violation**

January 30, 2008

Mr. Don Coburn
Rite Way Auto
425 Findlay Road
Lima, OH 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 Rite Way Auto on December 6, 2007, that cited the following violation:

- 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.'"

RWA failed to mark their used oil drum located behind the building with the words "Used Oil."

RWA marked the used oil drum with the words "Used Oil" while Ohio EPA was on site.

Therefore, this violation was abated on November 19, 2007.

Ohio EPA also requested more information concerning the management of used oil at the facility in the December 6, 2007, NOV.

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Gary Deutschman and I revisited the facility on December 17, 2007, to discuss the used oil management practices and also to inspect the contents of the two trailers located next to the main building. At this time, you stated that in the past you have had your used oil picked up by a facility in Wapakoneta. However, you could not remember the name of the facility and did not have a receipt. You also stated that sometimes you take the used oil to your home to use as a fire accelerant when burning brush.

The following violation is in response to the additional information gathered during the site visit on December 17, 2007.

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 30 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. For more information, I have enclosed the fact sheet titled The Regulation of Used Oil: *Used Oil Burners* dated August 2005.

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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. 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. Please refer to the enclosed fact sheet for more information.

RWA may have their used oil picked up by the Wapakoneta facility as long as RWA can ensure that this facility has a U.S. EPA identification number and the used oil will be recycled at an appropriate location. However, it may be more cost-effective to self-transport RWA's used oil to a registered used oil collection center. RWA can transport their used oil to a registered collection center as long as the vehicle used to transport the used oil is owned by RWA or an RWA employee, no more than 55 gallons of used oil is transported at one time, and the collection center is registered with Ohio EPA. I have enclosed the list titled Registered Used Oil Collection Centers, dated May 19, 2005, for a list of used oil collection centers in Ohio.

For other valuable information, I have also included the fact sheet Universal Waste dated December 2004. Please be advised that a full compliance evaluation inspection was not conducted at this facility. Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve you from having to comply with all applicable regulations.

Ohio EPA will issue an EPA ID number to track our inspection activity at RWA. RWA can not use this number for manifesting hazardous waste shipments. If RWA wants to use an EPA ID number for manifesting and other hazardous waste, used oil or universal waste activities, RWA must complete and submit a Notification of Regulated Waste Activity form (EPA Form 9029 (Rev. 11/2002)) to Ohio EPA. This form is available on our Web page at <http://www.epa.state.oh.us/dhwm/notiform.html> or RWA can call the Division of Hazardous Waste Management, Central Office, RIS at (614) 644-2977 and a copy will be sent through the mail.

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The Division of Hazardous Waste Management (DHWM) has created an electronic news service to provide you with quick and timely updates on events and news related to hazardous waste activities in Ohio. If you haven't already, we encourage you to sign-up for this free service. You can find more information at the following Web link <http://www.epa.state.oh.us/dhwm/listserv.html>. Please feel free to share this information with your colleagues.

You can find copies of the rules and other information on the division's web page at <http://www.epa.state.oh.us/dhwm>. Ohio EPA has helpful information about pollution prevention at the following web address: <http://www.epa.state.oh.us/ocapp/ocapp.html>.

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, 347 North Dunbridge Road, Bowling Green, Ohio 43402.

Sincerely,

Kara Reynolds

Kara Reynolds
Environmental Specialist
Division of Hazardous Waste Management

/csf

Enclosures

cc: Colleen Weaver, DHWM, NWDO
Kara Reynolds, DHWM, NWDO
Cindy Lohrbach, DHWM, NWDO
DHWM, NWDO Allen County File: Allen County General 2005-
ec: Gary Deutschman, DHWM, NWDO

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.