



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 Korleski, Director

**RE: Lane's Lube Express
Auglaize County
DHWM, NWDO
Complaint 2718
Notice of Violation**

December 27, 2007

Mr. Jack Lane, Junior
Lane's Lube Express
223 North Main Street
Bellefontaine, OH 43311

Dear Mr. Lane:

On December 4, 2007, Amy Heller and I investigated a complaint at Lane's Lube Express (LLE) located at 105 Schwieterman Street, New Bremen, Ohio. According to the complaint received by the Ohio Environmental Protection Agency (Ohio EPA), the complainant alleged that LLE stores their used oil filters in a wooden trailer and the oil leaks through the trailer floor and onto the grass behind the trailer. The complainant is concerned because the facility is located next to a canal and this practice has been happening for a month. This letter will explain the validity of the complaint, the violation found at the facility, what should be done to correct the violation, other general concerns found at the facility, and what you need to do to respond to our concerns.

LLE operates a quick, drive-in automotive oil changing facility. Used oil is generated at this facility.

Complaint

Upon Ohio EPA's arrival to the site, we spoke with David Lane. He stated that used oil filters are punctured, drained, crushed, and stored in drums. He showed us the drum of used oil filters in the basement and a few oil filters that were draining. David stated that the used oil filters are disposed of in the local landfill and gave us permission to walk around the property.

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While on site, Ohio EPA observed an area located in the rear of the facility where a wooden trailer was located. The trailer contained an old appliance. The wooden bottom of the trailer was stained with a black material and several crushed oil filters were found underneath the trailer. Black staining was also found in the grass area directly behind the trailer.

When questioned about the trailer, David told us that it belonged to an employee that was trying to earn extra money by recycling old appliances and other valuable items.

From the conversation with David it appears that sometimes the employee that owns the trailer takes the used oil filters to be recycled. This is a good practice that Ohio EPA recommends. However, it appears that the drum containing the used oil filters is not placed directly on the trailer but the used oil filters are dumped onto the trailer which allows used oil to escape from the filters and run onto the grass. Ohio EPA recommends that LLE place the entire drum of filters onto the trailer to be hauled to the recycler and that LLE receives a receipt from the recycling of the used oil filters. This will ensure that they are being properly managed by LLE.

Violation

As a result of the complaint investigation, Ohio EPA found the following violation of Ohio's used oil regulations:

- 1. Ohio Administrative Code (OAC) Rule 3745-279-22 (D), Used Oil Requirements for Generators:** "Response to releases. Upon detection of a release of used oil to the environment that is not subject to the requirements of Chapter 1301:7-9 of the Administrative Code and which has occurred after October 20, 1998, a generator must perform the following cleanup steps: (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 or tanks prior to returning them to service."

LLE failed to clean up and properly manage the used oil and other materials located by the wooden trailer in the rear of the property.

To abate this violation, LLE must immediately begin properly cleaning up used oil releases in a timely manner.

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LLE must clean up all visible contamination located by the wooden trailer in the rear of the property. This material shall be placed in containers in good condition prior to disposal.

In order for LLE to determine whether the contaminated soils and cleanup materials exhibit any hazardous waste characteristics, LLE must obtain a chemical analysis of a representative sample of the contaminated soil. LLE will need to contract the services of an environmental laboratory to analyze this material. LLE must at least determine the concentrations of the Resource Conservation and Recovery Act (RCRA) metals in the waste.

Based on the results of the analytical test(s), LLE shall label the container(s) appropriately and dispose of the wastes at a proper disposal facility.

LLE shall submit the analytical results indicating the proper evaluation of the contaminated soil, appropriate manifest documents or shipping papers indicating proper disposal of the contaminated soil and cleanup materials, and pictures indicating the releases have been cleaned up to Ohio EPA **within 30 days of receipt of this letter**. The results must document if the waste is hazardous or not and whether it is restricted from land disposal. If the waste is hazardous, LLE must explain what treatment, storage, or disposal facility the waste will be sent to.

If the waste is hazardous, I will determine the status of your compliance with other hazardous waste laws and notify you of my findings in a separate letter.

Please notify me at least five days prior to taking the sample(s) so that I may be present.

In a phone conversation with you on December 20, 2007, you stated that the stained soil and grass was scraped up and placed in a bag. You also stated that oil dry had been used to clean up the contamination. When asked where the bag containing the oil contaminated soil was located, you stated that you were unsure if the bag had been disposed of in the landfill or was currently on the property. If the bag of contaminated soil was disposed of in the landfill, please submit the generator knowledge used in making the determination that the soil was a non-hazardous waste.

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During our phone conversation, I requested that you photograph the area where the soil contamination was located to document that all visible contamination was removed. You agreed to send an electronic mail to me with this documentation.

General Concerns

- A. Wooden Trailer:** It appears that the wooden trailer does not belong to LLE. If this is true, then Ohio EPA recommends the trailer be removed from the property. This will decrease the chance that other complaints will be filed against LLE in the future.

For other valuable information, I have included the fact sheets titled The Regulation of Used Oil: An Overview for Ohio Businesses Who Generate Used Oil, April 2006; Universal Waste Rules for Handlers of Lamps, June 2005; and Universal Waste, 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 LLE. LLE can not use this number for manifesting hazardous waste shipments. If LLE wants to use an EPA ID number for manifesting and other hazardous waste, used oil or universal waste activities, LLE 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 LLE can call the Division of Hazardous Waste Management, Central Office, RIS at (614) 644-2977 and a copy will be sent through the mail.

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>.

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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

/lb

Enclosures

cc: Colleen Weaver, DHWM, NWDO
Kara Reynolds, DHWM, NWDO
Cindy Lohrbach, DHWM, NWDO
~~DHWM, NWDO Auglaize County File # Auglaize County General~~

ec: Amy Heller, 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.

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

For Ohio EPA use only

E-mail this completed form to
tammy.mcconnell@epa.state.oh.us or mail it to Tammy
McCConnell, Central Office

2. Site EPA ID No.	EPA ID Number:								
3. Site Name	Name: Lane's Lube Express					Website: (Optional)			
4. Site Location Information	Street Address: 105 Schwieterman Street								
	City, Town, or Village: New Bremen					State: OH			
	County Name: Auglaize					Zip Code: 45869			
5. Site Land Type (check only one)	Private <input 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"/>	
6. NAICS code(s) www.census.gov/epcd/www/naics.html									
7. Facility Representative Additional names can be recorded in number 12 Only provide address information if it is different than the site address	First Name: David			MI:	Last Name: Lane				
	Phone Number:				Phone Number Extension:				
	E-Mail Address:								
	Fax Number:				Fax Number Extension:				
	Street or P.O. Box:								
	City, Town or Village:				State:		Country:		Zip Code:
	8. Legal Owner and Operator of the Site List Additional Owners and/or Operators in the Comment Section or on another copy of this form page	Name of Site's Legal Owner: Jack Lane Junior							
Date Became Owner (mm/dd/yyyy): 11/2004									
Owner Type:		Private <input 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"/>
Street or P.O. Box: 223 North Main Street									
City, Town or Village: Bellefontaine				Owner Phone #: 937-539-0971					
State: Ohio				Country: USA		Zip Code: 43311			
Name of Site's Operator: Lane's Lube Express				Date Became Operator (mm/dd/yyyy):					
Owner Type:		Private <input 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"/>
Street or P.O. Box:									
City, Town or Village:				Operator Phone #:					
State:				Country:		Zip Code:			
9. Violations Cited?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No								
10A. Type of Regulated Waste Activity (Mark "X" in all of the appropriate boxes)									
<input type="checkbox"/> Not Regulated				<input type="checkbox"/> Conditionally Exempt Small Quantity Generator					
<input type="checkbox"/> UNKNOWN: Cited for violation of 3745-52-11				<input type="checkbox"/> United States Importer of Hazardous Waste					
<input type="checkbox"/> Large Quantity Generator (LQG)				<input type="checkbox"/> Mixed Waste (Hazardous and Radioactive) Generator					
<input type="checkbox"/> Small Quantity Generator (SQG)									
<input type="checkbox"/> Hazardous Waste Transporter				<input type="checkbox"/> Exempt Boiler and/or Industrial Furnace					
<input type="checkbox"/> Treater, Storer or Disposer of Hazardous Waste				<input type="checkbox"/> Small Quantity On-Site Burner Exemption					
<input type="checkbox"/> Recycler of Hazardous Waste				Smelting, Melting, Refining Furnace Exemption					
<input type="checkbox"/> Underground Injection Control Facility									

10B. Universal Waste Activities (Indicate types of universal waste managed (check "a" boxes that apply)			
<input type="checkbox"/> Small Quantity Handler of Universal Waste		<input type="checkbox"/> Large Quantity Handler of Universal Waste (accumulates 5,000 kg or more)	
<input type="checkbox"/> Destination Facility for Universal Waste			
Check all boxes below that apply for each of the three types of facilities above		10C. Used Oil Activities (Indicate Type(s) of Activity(ies))	
	Managed	<input checked="" type="checkbox"/> Used Oil Generator	<input type="checkbox"/> Off-Specification Used Oil Burner
Batteries	<input type="checkbox"/>	<input type="checkbox"/> Used Oil Transporter	<input type="checkbox"/> Used Oil Fuel Marketer Who Directs Shipment of Off-Spec. Oil
Pesticides	<input type="checkbox"/>	<input type="checkbox"/> Used Oil Transfer Facility	<input type="checkbox"/> Used Oil Fuel Marketer to Off-Specification Used Oil Burner
Mercury containing equipment	<input type="checkbox"/>	<input type="checkbox"/> Used Oil Processor	
Lamps	<input type="checkbox"/>	<input type="checkbox"/> Used Oil Re-refiner	
11. Waste Codes for Federally Regulated Hazardous Wastes: Please list the codes for the federally regulated hazardous waste 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 RCRAInfo source record, you do not need to list them all. Instead just indicate the date of the most recent source record.			
12. Comments: Use this area to describe whether the inspection was announced, whether the waste is stored in tanks or containers, etc.			
Announced	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Additional Facility Representatives:	Jason (last name unknown)
Tanks	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Other Comments: The site city and zip code may not be correct. This location does not have a P.O. Box, and therefore does not have a mailing address. I spoke with the post office in New Bremen and this area is the boundary for New Bremen and Minster post offices. The city and zip code could be Minster, OH 45865. I currently have it labeled as a New Bremen address.	
Containers	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
13. Name of Inspector(s)		Name of Inspector(s)	Date of Inspection/Time (mm/dd/yyyy) (hh:mm)
Kara Reynolds		Amy Heller	12/4/2007 10:05 AM
14. 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)