



Environmental
Protection Agency

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

Re: Moyer's Auto Wrecking
OHR000158550
Crawford County
DHWM, NWDO
Complaint 2946
Partial Return to Compliance

July 26, 2011

Mr. Terry Moyer
Moyer's Auto Wrecking
735 Bauer Avenue
Crestline, Ohio 44827

Dear Mr. Moyer:

The Ohio Environmental Protection Agency (Ohio EPA) received documentation from Chem-Tech Consultants, Inc. (CCI) on behalf of Moyer's Auto Wrecking (MAW) in response to Ohio EPA's Notices of Violation (NOVs) dated February 25, 2010, May 17, 2010, August 3, 2010, and January 27, 2011. The documentation was received on April 20, 2011, and May 10, 2011, and includes nonhazardous industrial waste manifests and waste management procedures.

The following is a summary of the violations observed during the January 2010, and February 2010, compliance evaluation inspections and the facility's compliance with respect to each violation. In an attempt to streamline this letter, details concerning previously abated violations or general concerns have been omitted. **Please submit the required information within 30 days of receipt of this letter.**

Violations:

1. 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..."

MAW failed to evaluate the following waste streams to determine if they were a hazardous waste in accordance with OAC Rule 3745-52-11, prior to sending them off site: a) spent lamps, b) used oil contaminated soil from the clean-up of used oil spills in the yard, c) used oil contaminated material from the clean-up of used oil spills in the buildings, and d) waste paint booth filters.

a. Spent Lamps- *This violation is considered abated on August 31, 2010.*

- b. Used oil contaminated soil from the clean-up of used oil spills in the yard- *This violation is considered abated on September 22, 2010.*
- c. Used oil contaminated material from the clean-up of used oil spills in the buildings- *This violation is considered abated on September 22, 2010.*
- d. **Waste paint booth filters**-MAW failed to evaluate the waste paint booth filters to determine if they were a hazardous waste in accordance with OAC Rule 3745-52-11, prior to sending them off site.

Ohio EPA received documentation on May 10, 2011, that stated the paint booth filters would be sampled "when they are changed" and that the paint booth filters are changed less than once per year. The documentation also stated that a copy of the results and waste determination will be sent to Ohio EPA.

The waste management procedures stated that the filters would be analyzed for cadmium, lead, chromium, and volatile organic compounds (VOCs). MAW must analyze the waste paint booth filters for all Resource Conservation and Recovery Act (RCRA) metals and VOCs. If the waste paint booth filters can be considered a liquid as defined in OAC Rule 3745-51-21, then the flashpoint of the material must also be evaluated.

This violation is considered abated on May 10, 2011.

2. OAC Rule 3745-279-22 (C)(1), Used Oil Storage Requirements for Generators-

This violation is considered abated on August 23, 2010.

3. 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... 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."

MAW failed to clean up and properly manage the used oil in the following areas: back storage room of main office building; used oil tote area in front of main office; loader storage building; all other areas outside where leaking engines are in contact with the ground.

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On June 7, 2010, Ohio EPA received a plan titled "Cleanup and Sampling Plan, Main Area and Engine Areas". This document included a map of used oil contaminated areas to be excavated at MAW. In Ohio EPA's August 3, 2010, NOV, the map was considered sufficient since it outlined the main areas of concern. However, it was noted that other areas of used oil contamination exist on site that required cleanup. This issue was discussed with CCI during the May 26, 2010, site visit.

On August 30-31, 2010, Ohio EPA observed the removal of used oil contaminated soil located outside the main office. No other areas of used oil contaminated soil were removed during Ohio EPA's site visit.

On April 20, 2011, Ohio EPA received documentation that included nonhazardous waste manifests for the disposal of the used oil contaminated soil from around the main office building. These manifests show the soil was disposed at Rumpke Noble Road Landfill located in Shiloh, Ohio.

On May 10, 2011, Ohio EPA received documentation that described the used oil management practices at MAW. This information included specific names and USEPA ID numbers of used oil transporters. However, the USEPA ID numbers were not valid and Ohio EPA could not verify the transporters meet Ohio EPA's requirements. MAW should verify that the used oil transporters have valid USEPA ID numbers prior to pick-up.

In order to abate this violation, MAW must remove the used oil contaminated soil on site. This includes the remaining three areas outlined on the map received by Ohio EPA on June 7, 2010. MAW must submit appropriate documentation showing this waste has been properly disposed. This documentation could include bills of lading, non-hazardous waste manifests, or disposal receipts.

This information should be submitted to Ohio EPA within 30 days of receipt of this letter. Please notify me at least five days prior to the removal of the used oil contaminated soil so that I may be present.

4. **Ohio Revised Code (ORC) Section 3734.02(E)&(F), Unpermitted Hazardous Waste Treatment, Storage & Disposal:** "No person shall store, treat, or dispose of hazardous waste identified or listed under this chapter and rules adopted under it, regardless of whether generated on or off the premises where the waste is stored, treated, or disposed of, or transport or cause to be transported any hazardous waste identified or listed under this chapter and rules adopted under it to any other premises, except at or to any of the following: (1) A hazardous waste facility operating under a permit issued in accordance with this chapter; (2) A facility in another state operating under a license or permit issued in accordance with the "Resource Conservation and Recovery Act of 1976" 90 Stat. 2806, 42 U.S.C.A. 6921, as amended ..."

During a February 4, 2010, inspection, Ohio EPA observed MAW's paint booth and gathered information concerning the wastes generated from this area. On June 7, 2010, Ohio EPA received additional information concerning the paint booth wastes, in response to the May 17, 2010, NOV. The June 7, 2010, response, states that MAW generates spent solvent from the cleaning of their paint guns utilized in the paint booth. The solvent is sprayed through the paint guns and into a container. Based on the material safety data sheet (MSDS) provided to Ohio EPA for the multi-purpose solvent used by MAW, the waste solvent generated by MAW is a listed hazardous waste (D001, F003, F005). MAW generates less than 0.5 gallons of this waste per month. MAW allows this spent solvent to evaporate into the atmosphere.

MAW conducted unpermitted treatment and disposal by evaporating and disposing of the hazardous waste paint gun clean up solvent into the atmosphere. MAW must immediately cease unpermitted treatment and disposal of its hazardous waste.

On May 10, 2011, Ohio EPA received documentation that included waste management practices at MAW. These practices appear to address most of Ohio EPA's concerns. Ohio EPA recommends that the waste management procedures include a description of how the waste will be stored in a closed drum and not allowed to evaporate to the atmosphere. Ohio EPA could not verify the disposal sites listed in the letter since USEPA ID numbers were not included in the description. Ohio EPA recommends that MAW verify these sites are appropriate hazardous waste treatment, storage, or disposal facilities prior to waste disposal.

Additional Information Requested:

- A. **Loader Storage Building**-This general concern is considered addressed on September 22, 2010.

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- B. Paint Booth**-This general concern is considered addressed at this time. MAW must work toward abating the violations cited above.
- C. Lead-Acid Batteries**-This general concern is considered addressed on March 30, 2010.
- D. Contaminated Soil from Emergency Response Spill**-Ohio EPA's Emergency Response responded to a diesel spill at MAW on January 22, 2010. As part of the clean-up, MAW removed contaminated soil and staged it on-site while awaiting analytical results from the contaminated soil sampling. Analytical results showed this contaminated soil is a non-hazardous waste.

To date, MAW has not submitted documentation to show this waste has been removed from the property. MAW must dispose of this waste as a non-hazardous waste at an appropriate landfill. This waste cannot be disposed of by using it as backfill or by placing it in cars to be crushed and shredded. This waste must be disposed of off-site at an appropriate destination facility. Within 30 days of receipt of this letter, MAW must submit documentation showing appropriate disposal of this waste.

Should you have any questions, please feel free to call me at (419) 373-3065. Please send all correspondence **within 30 days of receipt of this letter** to Ohio EPA, Northwest District Office, Attn: Kara Reynolds, 347 North Dunbridge Road, Bowling Green, Ohio 43402.

Sincerely,


Kara Reynolds
Environmental Specialist
Division of Materials and Waste Management

/l/r

pc: Colleen Weaver, DMWM, NWDO
Kara Reynolds, DMWM, NWDO
Cindy Lohrbach, DMWM, NWDO
DMWM/HW, NWDO, Crawford County File: ~Moyer's Auto Wrecking

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.