



State of Ohio Environmental Protection Agency

Northwest District Office

347 North Dunbridge Rd.
Bowling Green, OH 43402-9398

TELE: (419) 352-8461 FAX: (419) 352-8468
www.epa.ohio.gov

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

**Re: Moyer's Auto Wrecking
OHR000158550
Crawford County
DHWM, NWDO
Complaint 2946
Second Notice of Violation**

May 17, 2010

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

Dear Mr. Moyer:

Thank you for sending the two faxes in response to the Ohio Environmental Protection Agency's (Ohio EPA's) Notice of Violation (NOV) dated February 25, 2010. The faxes were received by Ohio EPA on March 17, 2010, and March 30, 2010. The documentation submitted includes drawings of oil interceptors, a hand drawn map of the property, Ohio Battery receipt, used oil receipt, and other written documentation.

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. **All violations are still outstanding.**

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..."

Moyer's Auto Wrecking (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, and c) used oil contaminated material from the clean-up of used oil spills in the buildings.

In order to abate this violation, MAW must do the following and submit the requested information to Ohio EPA **within 14 days of receipt of this letter.**

- a. Spent Lamps- On January 13, 2010, MAW told Ohio EPA that they throw their spent lamps into the trash. MAW failed to evaluate the spent lamps prior to disposing of them in the trash.

On January 22, 2010, MAW showed Ohio EPA the container they would be using to store their universal waste lamps. The container was closed and properly labeled with an accumulation start date of January 15, 2010. However, it was unclear where MAW would be recycling the universal waste lamps.

On March 30, 2010, Ohio EPA received documentation that stated MAW will be sending their universal waste lamps to Technology Recycling Group (TRG) located in Cincinnati, Ohio to be recycled. Ohio EPA spoke to Mr. Ernie Brady of TRG on May 11, 2010. TRG does not have any record of picking up spent lamps from MAW. According to Mr. Brady, TRG has not given MAW a price quote nor has a contract been discussed between the two facilities. TRG also told Ohio EPA that MAW would be responsible for transporting the lamps to TRG as the distance between the two companies is so great that TRG will not pick spent lamps up from MAW.

In order to abate this violation, MAW must submit information that describes how MAW will be transporting the lamps to TRG and how MAW will comply with the Universal Waste transporter requirements. MAW must also submit a contract showing that MAW has entered into an agreement with TRG to have their universal waste lamps recycled. This information must be submitted to Ohio EPA within 14 days of receipt of this letter.

- b. Used oil contaminated soil from the clean-up of used oil spills in the yard-MAW failed to evaluate the used oil contaminated soil generated from spills in the yard prior to shipping it off site.

MAW explained to Ohio EPA on January 22, 2010, that MAW shovels used oil contaminated soil into the trunks and bodies of cars prior to the cars being crushed and sent off site to the shredders. However, MAW has not evaluated the used oil contaminated soil prior to sending it off site.

In order for MAW to determine whether the used oil contaminated soil exhibits any hazardous waste characteristics, MAW must obtain a chemical analysis of a representative sample of the contaminated soil. MAW will need to contract the services of an environmental laboratory to analyze this material.

Mr. Terry Moyer
May 17, 2010
Page 3

MAW must at least determine the concentrations of volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), and Resource Conservation and Recovery Act (RCRA) metals of the waste. MAW has the option of analyzing the soil for total VOCs, total SVOCs, and total RCRA metals. However, based upon the results of these analyses MAW may be required to analyze the soils for toxicity characteristic leaching procedure (TCLP) VOCs, TCLP SVOCs, and TCLP RCRA metals.

Within 14 days of receipt of this letter, MAW shall submit the analytical results indicating the proper evaluation of the contaminated soil for Ohio EPA's review. The results must document if the waste is hazardous or not and, if hazardous, whether it is restricted from land disposal. If the waste is hazardous, MAW must also submit information as to what treatment, storage, or disposal facility the waste will be sent to.

Once Ohio EPA acknowledges MAW's proper characterization of the waste, MAW must dispose of the waste at a proper disposal facility. MAW must then submit the appropriate manifest documents or shipping papers indicating proper disposal of the waste to Ohio EPA. MAW must cease disposing of this soil in scrap automobiles whether it is hazardous waste or not.

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

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.

No information has been submitted in order to abate this violation.

- c. Used oil contaminated material from the clean-up of used oil spills in the buildings- MAW failed to evaluate the used oil contaminated material generated from spills in the buildings prior to shipping it off site.

MAW explained to Ohio EPA on February 4, 2010, that the used oil dry from the cleanup of used oil spills inside the buildings is either thrown into the trash or is shipped off site in the trunks of cars being sent off site to the shredders. However, MAW has not evaluated the used oil contaminated material prior to sending it off site.

Mr. Terry Moyer
May 17, 2010
Page 4

OAC Rule 3745-279-10(C)(2) states "Materials containing or otherwise contaminated with used oil that are burned for energy recovery are subject to regulation as used oil..." MAW has the option of managing the used oil contaminated material as used oil if it can be burned for energy recovery. Ohio EPA recommends that MAW contact used oil recyclers to set up an agreement/contract for this material to be recycled. However, the final determination that this material can be burned for energy recovery must be made by the used oil recycling facilities, not Ohio EPA or MAW.

If the used oil recycling facilities determine that this material cannot be burned for energy recovery, then MAW must dispose of this material as a waste. Prior to disposing of the waste, MAW must make a proper waste evaluation on the used oil contaminated material. In order for MAW to determine whether the used oil contaminated material exhibits any hazardous waste characteristics, MAW must obtain a chemical analysis of a representative sample of the contaminated material. MAW will need to contract the services of an environmental laboratory to analyze this material. MAW must at least determine the concentrations of the VOCs, SVOCs, and RCRA metals of the waste. MAW has the option of analyzing the soil for total VOCs, total SVOCs, and total RCRA metals. However, based upon the results of these analyses MAW may be required to analyze the soils for toxicity characteristic leaching procedure (TCLP) VOCs, TCLP SVOCs, and TCLP RCRA metals.

Within 14 days of receipt of this letter, MAW shall submit the analytical results indicating the proper evaluation of the contaminated material for Ohio EPA's review. The results must document if the waste is hazardous or not and, if hazardous, whether it is restricted from land disposal. If the waste is hazardous, MAW must also submit information as to what treatment, storage, or disposal facility the waste will be sent to.

Once Ohio EPA acknowledges MAW's proper characterization of the waste, MAW must dispose of the waste at a proper disposal facility. MAW must then submit the appropriate manifest documents or shipping papers indicating proper disposal of the waste to Ohio EPA.

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

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.

~~No information has been submitted in order to abate this violation.~~

2. **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.'"

MAW failed to mark one used oil tote located outside the main office building and four used oil totes located south of the loader storage building with the words "Used Oil."

In order to abate this violation, MAW must properly label all used oil containers with the words "Used Oil." **Within 14 days of receipt of this letter**, MAW must submit to Ohio EPA photographs of the used oil totes located south of the loader storage building and next to the main office building showing the proper labels.

No information has been submitted in order to abate this violation.

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.

MAW must immediately begin properly cleaning up used oil releases in a timely manner.

MAW must clean up all visible contamination located in the buildings and in the yard. The contaminated material shall be evaluated and placed in containers in good condition prior to disposal. **Ohio EPA must be present to verify that all visible used oil contamination has been removed from an area prior to this area being back filled or a secondary containment system being put into place. Due to the size of the property and amount of contamination present, a description of how this rule will be met prior to excavation should be submitted to Ohio EPA for review within 14 days of receipt of this letter.**

The description of MAW's clean-up plans should include the following information:

- A map showing all areas of the property where oil contamination will be cleaned up (This map must include all areas mentioned above.)
- A description of how soils will be excavated and staged
- A description of how samples will be collected
- An explanation of how MAW will determine how many samples are necessary to properly characterize the soil (MAW should propose a certain number of samples per the volume of soil that they expect to generate.)
- A description of what the samples will be analyzed for and the methods utilized (To meet the requirements of OAC rule 3745-52-11 for waste evaluation, MAW must analyze a representative sample of the soil for VOCs, SVOCs, RCRA metals, and polychlorinated biphenyls (PCBs). MAW has the option of analyzing the soil for total VOCs, total SVOCs, total RCRA metals, and total PCBs. However, based upon the results of these analyses MAW may be required to analyze the soils for TCLP VOCs, TCLP SVOCs, and TCLP RCRA metals.)
- The name of the environmental laboratory that MAW will use to analyze the samples.
- The names of the disposal facilities that MAW plans to use whether the soil is hazardous or non-hazardous.

Once Ohio EPA has reviewed and accepted MAW's plan for abating this violation, MAW will have 30 days to implement the plan and submit all requested information and documentation to Ohio EPA. Based on the results of the analytical test(s), MAW shall label the container(s) appropriately and dispose of the wastes at a proper disposal facility.

MAW shall submit the analytical results indicating the proper evaluation of the contaminated soil and appropriate manifest documents or shipping papers indicating proper disposal of the contaminated soil to Ohio EPA **within 30 days of implementation of the plan.** The results must document if the waste is hazardous or not and, if hazardous, whether it is restricted from land disposal. If the waste is hazardous, MAW must explain what treatment, storage, or disposal facility the waste will be sent to.

MAW must also submit information describing how the used oil will be collected and managed in the future to prevent future releases to the environment. This information should include how MAW will be collecting used oil draining from engines, how it will be stored on site, and where it will be recycled.

Mr. Terry Moyer
May 17, 2010
Page 7

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 removal of the used oil contaminated soils and contaminated soil sampling so that I may be present.

On March 30, 2010, Ohio EPA received documentation that described how the soils will be excavated and staged, a map of the areas that will be excavated, a description of how the samples will be collected, a name of the laboratory the samples will be analyzed at, and a disposal facility for the non-hazardous waste.

The map included by MAW is insufficient. The map shows two spill areas, one east of the loader storage building and one east of the office. Although these two areas were listed in Ohio EPA's NOV, the map does not show the areas throughout the yard where engines and other parts are being stored in contact with the ground and where used oil has leaked out of these parts. MAW must revise the map to include all contaminated areas on the property that will be cleaned up and all areas listed in Ohio EPA's NOV.

Ohio EPA does not have a problem with the information submitted concerning the excavation and staging of the soils.

However, if the soils are determined to be hazardous wastes, then MAW may be required to conduct closure on any soil staging areas. Ohio EPA recommends that MAW place all soil into closed containers (i.e. roll-off boxes or drums) to prevent run-off or further contamination of the area.

MAW's sample collection description is unclear. It appears that every sample taken will be split into two portions; one portion will be screened with a PID and the other portion will be sent to the lab. Will every sample sent to the laboratory be analyzed? If so, what will the samples be analyzed for? What methods will be used to analyze the samples? What is the purpose of the PID?

It appears that MAW has proposed to collect and analyze one sample per every 20 cubic yards of contaminated soil that is generated. However, MAW has not provided any background information as to why this is sufficient. Without a good explanation as to why it would be sufficient, Ohio EPA cannot agree to one sample per 20 cubic yards of material.

Mr. Terry Moyer
May 17, 2010
Page 8

MAW must at least analyze one sample at every contaminated soil clean-up area (i.e. every separate spill area must be sampled and analyzed) but may be required to collect more than one sample at each area depending on the size of each used oil spill.

MAW has not described what the samples will be analyzed for or what methods will be used to conduct the analyses.

On March 30, 2010, Ohio EPA received documentation that MAW will send samples to Ginosko Labs in Harpster, Ohio to be analyzed. Ohio EPA cannot approve, endorse, or recommend a laboratory for MAW to use.

The information submitted shows that non-hazardous waste will be sent to the Crawford County Sanitary Landfill (CCSL). Ohio EPA does not object to the non-hazardous waste being sent to CCSL. However, only CCSL can determine if the non-hazardous waste can be accepted based on Ohio's applicable rules and regulations and CCSL's permit; Ohio EPA's Division of Hazardous Waste Management cannot make that determination. As requested in MAW's response, Ohio EPA cannot recommend or endorse a disposal site for hazardous waste. However, Ohio EPA has enclosed Ohio Commercial Facilities Accepting Hazardous Waste, printed May 10, 2010, to aid in MAW's selection of a hazardous waste disposal facility.

Within 14 days of receipt of this letter, MAW must submit a revised plan for abating this violation to Ohio EPA for review.

Additional Information Requested:

- A. Loader Storage Building**-This building contains engines on metal racks, three shelves high. Engines are also placed directly on the floor without secondary containment for used oil. This building is equipped with a concrete floor and a drain in the middle of the building. During the site visits, Ohio EPA observed used oil draining from the engines directly into the drain. MAW explained that the drain flows into a concrete holding pit. However, MAW did not know the size of the holding pit or if the holding pit had ever been pumped out. MAW must submit information to answer the following questions **within 14 days of receipt of this letter**: What are the dimensions of the holding pit? What is the volume held by the pit? Where is the pit located? When was the pit installed? Where does the holding pit flow to? Has the pit ever been pumped out? What was done with the contents of the holding pit once it was pumped out?

Mr. Terry Moyer
May 17, 2010
Page 9

If the pit has been pumped out, please submit a copy of all documentation from this activity including any analytical results from the waste, invoices, shipping papers/manifests.

On March 17, 2010, Ohio EPA received a fax the included drawings of a 500 gallon oil interceptor and a 1000 gallon oil interceptor. No other information was included in the fax. It is unclear if MAW has a 500 gallon oil interceptor or a 1000 gallon oil interceptor or both. MAW must provide Ohio EPA with an accurate answer of the volume of the holding pit(s). MAW must also submit information to answer the questions listed above within 14 days of receipt of this letter.

- B. Paint Booth**-During Ohio EPA's February 4, 2010, site visit, MAW showed Ohio EPA the body shop located on the north side of the property. MAW told Ohio EPA that the paint booth was used by Jim (last name unknown) who was not an employee of MAW. MAW did not know how the waste generated from this paint booth was disposed except that the paint filters were thrown into the trash. MAW must submit information to answer the following questions **within 14 days of receipt of this letter**: What wastes are generated from this paint booth? How much of these wastes are generated in a month? Where are these wastes disposed? Please submit any documentation associated with the disposal of these wastes. Please submit Material Safety Data Sheets (MSDSs) for the three paints utilized most frequently and any paint thinner or solvent utilized in the painting process or cleaning process.

On March 30, 2010, Ohio EPA received documentation that included the following in regards to the paint booth "Page 7 B. Paint Booth, Chemtron, 35850 Schneider CT, Avon Oh 44011, 440-937-6348, Materials Run \$600.00 Monthly, Do Very Small Jobs."

Ohio EPA spoke to Chemtron on May 6, 2010. Chemtron did not have any records from doing any business with MAW. MAW still needs to answer the questions listed above. If the wastes generated from this paint booth are thrown in the trash, disposed of on-site via dumping on the ground, are burnt in the trash, or disposed of using any other disposal method, then MAW must describe this to Ohio EPA. MAW has 14 days from receipt of this letter to submit the requested information listed above to Ohio EPA. MAW must also include a description of how they will evaluate and manage these wastes in the future.

- C. **Lead-Acid Batteries**-MAW generates lead-acid batteries from salvaged cars... These batteries are picked up by companies that regenerate the batteries through electrolyte replacement or send them on to smelters located in Indiana. These batteries are not stored in a central location while at MAW. They are scattered throughout the site on the ground, in the back of open truck beds, or on pallets. It appears that MAW is managing the batteries as reclaimed spent lead-acid batteries instead of universal waste batteries. In which case, MAW is subject to complying with the applicable provisions in Chapter 3745-270 of the OAC.

On March 30, 2010, Ohio EPA received documentation that included a receipt from Ohio Battery showing that 5 batteries were picked up from MAW on January 25, 2010. In a phone conversation with John Moyer on March 17, 2010, John stated to me that, under normal conditions, MAW generates 30-40 batteries per month. John said that the receipt for 5 batteries in January was a slow month and was not indicative of normal battery generation at MAW. Ohio EPA recommends that MAW recycle batteries on a monthly basis so that large amounts of batteries are not accumulated on site.

No further information needs to be submitted to Ohio EPA pertaining to this general concern. 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. In a March 24, 2010, phone conversation, Ohio EPA told MAW that the contaminated soil needed to be disposed of off-site at a solid waste landfill. Ohio EPA explained that receipts or bills of lading should be submitted to Ohio EPA for the disposal of this material. However, Ohio EPA has not received any documentation that this contaminated soil has been properly disposed. **Within 14 days of receipt of this letter**, MAW must submit receipts, bills of lading, non-hazardous waste manifests or other documentation showing that the soil has been properly disposed of at a solid waste landfill.

Mr. Terry Moyer
May 17, 2010
Page 11

Please send all correspondence **within 14 days of receipt of this letter**, unless otherwise specified, to Ohio EPA, Northwest District Office, Attn: Kara Reynolds, 347 North Dunbridge Road, Bowling Green, Ohio 43402.

Sincerely,

Kara Reynolds

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 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.