



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: RP Auto, LLC
Erie County
Compliance Evaluation Inspection
2nd NOV

February 4, 2010

Certified Mail 7009 1680 0002 4297 1127

Mr. Rodney E. Penwell, Owner
RP Auto, LLC
52 Cleveland Road East
Huron, Ohio 44839

Dear Mr. Penwell:

On November 4, 2009, Kara Reynolds and I, representing the Ohio Environmental Protection Agency (Ohio EPA) conducted a compliance evaluation inspection of RP Auto, LLC (RPA) located at the address stated above. We inspected RPA to determine its compliance with Ohio's hazardous waste laws as found in Chapter 3734 of the Ohio Revised Code (ORC), and Chapter 3745 of the Ohio Administrative Code (OAC). I sent you a Notice of Violation (NOV) letter on November 12, 2009, specifying the violations observed during the inspection. To date, RPA has failed to respond to the November 12, 2009, NOV letter and remains in violation of the following and must address the issue of concern:

1. OAC Rule 3745-279-22(C)(1): Used Oil – Storage container labeling

Containers, aboveground tanks and fill pipes used for underground storage tanks shall be labeled or marked clearly with the words "Used Oil."

Two plastic 55-gallon drums storing used oil were not properly labeled with the words "Used Oil" at the time of the inspection.

This violation was abated on 11/24/09.

2. OAC Rule 3745-279-24: Used Oil – Off-site shipments of used oil by generators

Generators must ensure that their used oil is transported only by transporters who have obtained U.S. EPA identification numbers.

RPA failed to have its used oil transported by a transporter that has obtained U.S. EPA identification numbers.

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During the inspection, you stated that you have been giving the used oil to another business that has been burning the used oil in a used oil furnace for energy recovery. During the inspection, I advised you to stop this practice immediately.

To abate this violation, RPA must identify a proper way to manage its used oil. If you decide to send the used oil off-site for recycling, you must ensure that the transporter has the proper U.S. EPA identification number and the used oil is being properly recycled. You must send me a statement in writing explaining what you are planning to do and include a copy of the used oil recycling agreement if you decide to send the used oil for recycling. Please reference the fact sheet I am enclosing to help you choose an appropriate recycling facility.

General Comments/Concerns

I spoke with you regarding the available options regarding the proper management of spent light bulbs. I would like to restate those options here:

Prior to disposal of any spent light bulb, RPA must conduct a proper waste evaluation. The waste evaluation must be conducted through one of **three options**: 1) RPA may apply generator knowledge of the hazardous characteristic(s) of the waste in light of the materials or the processes used through adequate demonstration (manufacturer analytical information – TCLP test results); or 2) RPA may take a representative sample of this waste to properly evaluate this waste stream through a laboratory analysis which lists constituents present and at what concentration. RPA must ensure that the laboratory chosen to perform this sampling utilizes the proper method(s) to evaluate these bulbs.

RPA must sample the fluorescent bulbs to determine the concentration of mercury (D009), cadmium (D006) and lead (D008) as listed in the OAC Rule 3745-51-24 following method as outlined in U.S. EPA's SW-846. RPA may run a total concentration for these constituents as a screening tool. If the concentration is detected for mercury, lead or cadmium at or above the regulatory limit, a TCLP may be required to ensure this constituent is not present above the Ohio EPA regulatory level; or 3) a combination of options 1 and 2.

If the bulbs are determined to be hazardous through a proper waste evaluation, RPA will have to manage their bulbs either as 1) a universal waste (OAC Chapter 3745-273) or 2) as a hazardous waste under Ohio's generator standards (OAC Chapter 3745-52).

Instead of taking samples for analysis as described above, RPA may recycle their bulbs if they are hazardous or non-hazardous by managing them as universal waste. Ohio EPA would encourage this option as a pollution prevention alternative. Please refer to the information I gave you on how to manage light bulbs as universal waste.

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Provide to me a written statement on how you are planning to manage your spent light bulbs from now on. Based on the previously provided information, include on your statement how you plan to properly store, dispose/recycle your spent bulbs, and to train your personnel on the proper care and management of your spent bulbs.

To abate this violation and address the issue of concern, RPA must, within seven (7) days of receipt of this letter, inform me in writing as to how the facility plans to manage the spent light bulbs and address violation #2 above.

Should you have any questions or if I can be of assistance, please contact me at 419-373-3015.

Sincerely,



Edgar V. Pulido
Division of Hazardous Waste Management

/cs

Enclosure

pc: Cindy Lohrbach, DHWM, NWDO
Colleen Weaver, DHWM, NWDO
DHWM, NWDO File: RP Auto, LLC, Erie County

ec: Ed Pulido, 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.

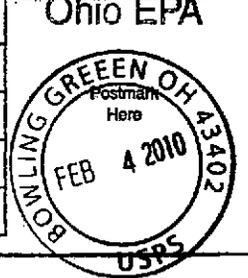
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Mr. Rodney Penwell
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Sent To: *RP Auto Sales*
 Street, Apt. No., or PO Box No.: *52 Cleveland Rd. East*
 City, State, ZIP+4: *Norton, Ohio 44839*

PS Form 3800, August 2006 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
Mr. Rodney Penwell
RP Auto, LLC
52 Cleveland Rd East
Norton, Ohio 44839

COMPLETE THIS SECTION ON DELIVERY

A. Signature
 Agent
 Addressee
Rodney Penwell

B. Received by (Printed Name) *RODNEY PENWELL*

C. Date of Delivery *2-10-10*

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

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 Registered Return Receipt for Merchandise
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2. A *7009 1680 0002 4297 1127* *kera/puledo/cw*