
Inter-Office Communication

TO: Hardin County File: H & H Service Station, DHWM, NWDO
FROM: ^{KMR} Kara Reynolds, DHWM, NWDO
DATE: November 20, 2008
SUBJECT: Complaint 2108

A Notice of Violation (NOV) was sent to Jim Harpel at 523 North High Street, Kenton, Ohio, on September 8, 2008, via certified mail. This letter was returned to the Ohio Environmental Protection Agency (Ohio EPA) in early October 2008. Ohio EPA then sent a copy of the NOV to two different addresses addressed to Jim Harpel via regular mail, uncertified. These addresses were 523 North High Street, Kenton, and 508 South Wayne Street, Kenton. The letter addressed to 508 South Wayne Street was returned to Ohio EPA on October 20, 2008.

Ohio EPA received a response to the NOV from Jim Harpel on November 5, 2008. The response to the NOV included: a note from Jim Harpel declaring that there is no soil contamination at the site, dated November 1, 2008; a copy of the complaint form; a copy of a letter addressed to Tim Killeen from Arlene Hopkins dated December 8, 2003; a copy of a generator waste profile from Safety-Kleen signed by Arlene Hopkins on December 1, 2003; a copy of a "No Further Action Status" letter from the Ohio Department of Commerce (DOC), dated July 24, 2008; and six pages of "Closure Form" data that appears to have also come from the DOC. Mr. Harpel did not leave a return address or a phone number to contact him in his response to Ohio EPA.

All of the information contained in the response received by Ohio EPA on November 5, 2008, appears to be documentation from the removal of the used oil and water at the site or from the removal of the underground storage tanks associated with the filling station. No documentation is present that speaks to the removal of the used oil contaminated soil at the site.

Amy Heller and I visited the site on November 18, 2008. Based on the photographs taken by Tim Killeen on November 13, 2003, Ohio EPA visually inspected the suspected area of concern. Ohio EPA found what appears to be the concrete pad that part of the used oil containers appear to be stored upon in the 2003 photos. This pad shows no signs of used oil contamination. The surrounding soil/gravel area showed

only a small stained area approximately 12 inches by 18 inches. It is unknown if this stained area is from used oil contamination or when the staining occurred at this location.

Due to the age of the complaint (received by Ohio EPA July 2, 2002; inspected by Tim Killeen on November 13, 2003), the uncertainty behind the exact location of the used oil contaminated area (Ohio EPA only has a few photos of the location and no measurements from any benchmarks in the area to the location of the stained soils), the current site conditions (the concrete pad appears to have been cleaned since the 2003 photos, and no major soil staining was observed during Ohio EPA's November 18, 2008, site visit), and the lack of a valid address to the current owners, Ohio EPA is hereby abating the outstanding violations.

1. **Ohio Administrative Code (OAC) Rule 3745-52-11, Waste Evaluation:** "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..."

H&H has not thoroughly evaluated the oil to determine whether hazardous characteristics and constituents are present prior to it being disposed of on the ground. Specifically, the soil contaminated with used oil must be evaluated.

This violation is considered abated on November 18, 2008, per the above explanation.

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."

H&H failed to label the containers clearly with the words "Used Oil." Specifically, the five drums of used oil were not marked or labeled.

This violation is considered abated per the September 8, 2008, NOV.

3. **OAC Rule 3745-279-22(D)(3), Used oil storage 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."

H&H failed to clean up an area on the property where used oil has been spilled. Six photographs of the area have been enclosed.

This violation is considered abated on November 18, 2008, per the above

explanation.

cc: Colleen Weaver, DHWM, NWDO
Cindy Lohrbach, DHWM, NWDO
Hardin County File: H & H Service Station