



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: John Bennett
Hardin County
Hazardous Waste
Complaint #2745
Return to Compliance

July 13, 2009

Mr. John Bennett
14771 County Road 209
Kenton, Ohio 43326

Dear Mr. Bennett:

On April 29, 2008, Kara Reynolds and I investigated a complaint at your business located at 14771 County Road 209, Kenton, Ohio. The complainant alleged that you were operating an automobile scrap yard and mishandling auto fluids from the automobiles. At this time, we met with an employee of yours, Mr. Nickles since you were not there.

Based on this investigation, I sent you a Notice of Violation (NOV) on May 9, 2008, specifying the violations observed during the investigation. To date, you have failed to respond to the May 9, 2008, NOV letter. On July 24, 2008, I then sent you a second notice of violation. I received this letter back returned to our office from the post office. Thus, we conducted two subsequent site visits on August 20, 2008, and April 8, 2009, in which we spoke to you concerning the initial investigation and violations.

During the August 20, 2008, site visit you stated to Kara Reynolds and I that you had dug up the used oil pooling/ stained soil, thrown it on a brush pile, and burned it. As stated to you during the August 20, 2008, site visit this was not the proper way to manage or dispose of this material.

During this site visit you also stated that you never received the 2nd NOV sent on July 24, 2008, as you had been out of town. Thus the reason I received this letter back returned to our office from the post office.

Kara Reynolds and I conducted another site visit to your property on April 8, 2009. You stated at this time that you had not burned anything since you burnt the oil/brush pile last year. In addition, you stated you are no longer junking cars and you have not nor will you generate used oil or automobile fluids nor are there drums of such material on your property. We walked around your property and did not observe any drums of fluid. Since it appears that you are no longer conducting activities in which you would generate used oil and automobile fluids, no further action is necessary at this time.

Below are the violations that were cited in the May 9, 2008, NOV:

**1. Clean up and proper management of used oil releases.
OAC 3745-279-22 (D) (3)**

Generators shall clean up and manage properly a release of used oil.

A release of transmission fluid/used oil in two separate areas on your property was not properly cleaned up. As you are facing your home, there was reddish/brown fluid at the end of the main drive onto your property on the right side of your home and there was reddish/brown fluid at the end of the old drive on the left side just behind your home.

You shall clean up all visible contamination of this material on the ground in both of these areas. This contaminated soil shall be placed in containers in good condition.

I explained to Mr. Nickles that you need to clean these areas up and put the soil/gravel into some drums or containers. Then I explained to Mr. Nickles that you need to determine whether this material is a hazardous waste or not through appropriate sampling and analysis. Then based on this analysis, properly dispose of this material.

This violation is considered abated based on the August 20, 2008, site visit in which you stated you had dug up the used oil pooling/ stained soil, thrown it on a brush pile, and burned it (since the material is no longer there).

**2. Off-site shipments of used oil by generators.
OAC Rule 3745-279-24**

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

Mr. Nickles stated that your used oil is not being picked up by a transporter with a U.S. EPA identification number. Currently, you are giving your used oil to a trucking business to burn in their used oil furnace.

Used oil generators have three options for handling their used oil: 1) Generators must have their used oil transported by an entity that has a U.S. EPA identification number and ensure their used oil is recycled; 2) Generators may transport less than 55-gallons of their own used oil to a registered used oil collection center; or 3) You may burn your own used oil in an on-site space heater as long as all applicable requirements are met.

This violation is considered abated based on the April 8, 2009, site visit in which you stated you are no longer junking cars and you have not nor will you generate used oil or automobile fluids in the future nor are there drums of such material on your property.

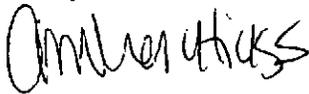
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Ohio EPA, Division of Hazardous Waste Management is very concerned about your management of your used oil on your property. Please be advised that you did not properly evaluate, manage or dispose of the material in question. In addition, it appears that you may have disregarded the NOV sent to you on May 9, 2008. In the future, if you generate this type of waste, you must properly clean this material up, properly evaluate this material to determine if it is hazardous or not, and based on this proper evaluation, manage & dispose of properly. You should note that in the future if it is discovered that you have or had illegally disposed of a hazardous waste that this is a serious violation of Ohio's hazardous waste laws and could lead to possible escalated enforcement action. And/or, likewise, if you continue to violate Ohio's used oil regulations that this could also lead to possible escalated enforcement action.

No response to this letter is necessary.

If you should have any questions, please feel free to call me at (419) 373-3082.

Sincerely,



Amber M. Hicks
Division of Hazardous Waste Management

/lb

pc: Colleen Weaver, DHWM, NWDO
Cindy Lohrbach, DHWM, NWDO
~~DHWM, NWDO File: Hardin County General~~
ec: Amber Hicks, 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.