



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  
Notice of Violation

OHR. 000 149252

May 9, 2008

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 complaint was received by the Division of Hazardous Waste Management on March 19, 2008. The complainant stated you were operating an automobile scrap yard and mishandling auto fluids from the automobiles. This letter will explain the violations that were observed as a result of this investigation, what you need to do to correct these violations, and one general comment.

I spoke with you on the telephone on April 17, 2008, and you stated that you are running a business at your property. You stated that you collect antifreeze and used oil, but you knew there was some used oil staining on the ground. We then set up a date that I would conduct a site visit.

I stopped by then on April 29, 2008, and spoke with Robert Nickles who works with you at your property. You buy cars and sell the parts, etc. to people and on e-bay. Mr. Nickles stated that you drum up your used oil and give to a trucking company to burn in their used oil burner and you drum up your antifreeze and re-use it. We walked around the property. We did observe some fluid staining in two separate areas on your property.

During the investigation, I provided Mr. Nickles with the Ohio EPA Fact Sheets, The Regulation of Used Oil: An Overview for Ohio Businesses, Used Oil Generators; a list of used oil recyclers; a list of registered used oil collection centers; and the publication Environmental Compliance Guide for Motor Vehicle Salvage Yards.

Based on this investigation, I found the following violations of Ohio's used oil regulations. In order to correct these violations you must do the following and send me the required information **within 30 days** of your receipt of this letter:

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.

In order for you to properly evaluate this waste, you will need to determine the characteristics of the contaminated soil. You may do this through one of three options: 1) You must apply generator knowledge of the hazardous characteristic(s) of the waste in light of the materials or the processes used through adequate documentation, or 2) You must 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, or 3) a combination of options one and two.

You should obtain a chemical analysis to determine the characteristics of the contaminated soil by obtaining a representative sample of the contaminated soil in both areas. You will need to contract the services of an environmental laboratory to analyze this material. You may wish to look in the yellow pages of your phone book under Environmental Services or look on-line to find such a business.

You must determine, at least, the Toxicity Characteristic Leaching Procedure (TCLP) concentrations of the Resource Conservation and Recovery Act (RCRA) metals cadmium (D006), chromium (D007), and lead (D008) (OAC Rule 3745-51-24). In addition, you must determine the concentration of benzene (D018). You should also determine the concentrations for any other characteristics or constituents that could reasonably be expected to be found in this waste stream. You may screen for these constituents by starting with an analysis of the total concentrations. If the results of the totals analysis indicate any of the concentrations are above the regulatory limit, you must either dispose as a hazardous waste or proceed to run the TCLP analytical to either confirm or deny the totals concentration(s) above regulatory limits.

Based on the results of the waste evaluation, you shall label the container(s) appropriately and dispose at a proper disposal facility.

**To correct this violation you must do the following:**

- ***You must submit to me the documentation/information on whether the soil cleaned up is a hazardous waste.***

Your results must document if the waste is hazardous or not, any waste codes that apply, and whether it is restricted from land disposal. If it is hazardous, you must explain what treatment, storage, or disposal facility you will send it to. 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.

- ***You shall submit to me the appropriate manifest documents, disposal receipt, or shipping papers indicating proper disposal of the contaminated soil, and pictures indicating the release has been cleaned up.***

If you utilize generator knowledge to evaluate your waste stream, please explain the circumstances where this waste was generated outlining the known source of this waste.

I have enclosed the fact sheet Identifying your Hazardous Waste which you may find useful in evaluating your waste.

If you perform sampling, Ohio EPA will use the data you provide, in addition to other documentation, to make regulatory decisions concerning the wastes tested. The data you submit should be reviewed using a data review process, referred to as data validation, to confirm the validity of your data prior to submission. Data validation includes a review of the following components: laboratory test methods, laboratory data completeness, documentation of holding time(s), chain(s) of custody, and quality assurance/quality control (QA/QC) data. To confirm the validity of your data, you may use Ohio EPA's tier 1 data validation plan review form which can be obtained from Ohio EPA's web page: [http://www.epa.state.oh.us/dhwm/tier1data\\_validation\\_manual.html](http://www.epa.state.oh.us/dhwm/tier1data_validation_manual.html). Ohio EPA may request the documentation needed to confirm the validity of the data submitted. Please submit a brief narrative of each sampling event which includes: process generating the waste, point in the process the sample was obtained, sampling techniques used to obtain the sample and a description of how this sample was determined to be a representative sample of the waste tested.

*In addition, if sampling is performed please notify me at least seven days prior to taking the samples so that I or an Ohio EPA representative may be present.*

**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. You may be considered a used oil marketer (see general comment number 1 below).

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. I have enclosed a fact sheet entitled The Regulation of Used Oil: Used Oil Burners. Please consult this and the Used Oil fact sheet given to you during the complaint investigation for more information.

In order to correct this violation you must do one of the following options:

- ***You must either 1) submit a copy to me of a contract or some type of documentation indicating a transporter with a U.S. EPA identification number will be picking up your used oil and appropriately recycling it or 2) a disposal receipt from the off-site shipment of your used oil (if you are due for a pick-up) indicating that a transporter with a U.S. EPA identification number is now transporting your used oil and that the used oil is taken to an appropriate recycling facility or 3) You must submit a copy of a receipt from the drop-off of your used oil at a registered used oil collection center or 4) a summary outlining how you plan to manage your used oil if you decide to purchase a used oil furnace.***

Please consult the list of used oil recyclers and the list of registered used oil collection centers given to Mr. Nickles.

**General Comment:**

**1. Shipping used oil off-site to burn.**

You shall note that you may be considered a used oil marketer if you continue to allow your used oil to be burned off-site. As a used oil marketer, you would be required to determine if your used oil was on or off specification, notify Ohio EPA of your marketing activities, and retain records of the analysis of the used oil. Based on whether the used oil was determined to be on or off specification, other requirements such as ensuring the used oil burner has a U.S. EPA identification number and ensuring delivery of the used oil to the burner may apply. The specific requirements can be found in OAC Rule 3745-279-70 through 3745-279-74 at the following web address:  
[http://www.epa.state.oh.us/dhwm/l\\_ruom.html](http://www.epa.state.oh.us/dhwm/l_ruom.html).

Please be advised that a full compliance evaluation inspection was not conducted. Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve you from having to comply with all applicable regulations.

I have also enclosed the fact sheet [How Do Ohio's Scrap Tires Rules Affect Generators of Scrap Tires?](#).

Ohio EPA will issue an EPA ID number to track our investigation activity at the property in question. You cannot use this number for manifesting hazardous waste shipments. If you want to use an EPA ID number for manifesting and other hazardous waste, used oil or universal waste activities, you must complete and submit a Notification of Regulated Waste Activity form (*EPA Form 9029 (Rev. 11/2002)*) to Ohio EPA. This form is available on our Web page at <http://www.epa.state.oh.us/dhwm/notiform.html> or you can call me or the Division of Hazardous Waste Management, Central Office, RIS at (614) 644-2977 and we will mail you a copy.

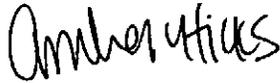
The Division of Hazardous Waste Management (DHWM) has created an electronic news service to provide you with quick and timely updates on events and news related to hazardous waste activities in Ohio. If you haven't already, we encourage you to sign up for this free service. You can find more information at the following Web link:  
[www.epa.state.oh.us/dhwm/listserv.html](http://www.epa.state.oh.us/dhwm/listserv.html). Please feel free to share this information with your colleagues.

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You can find copies of the rules and other information on the division's web page at <http://www.epa.state.oh.us/dhwm>. Ohio EPA has helpful information about pollution prevention at the following web address: <http://www.epa.state.oh.us/ocapp/ocapp.html>.

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

/lr

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.

**Ohio Environmental Protection Agency  
RCRA SUBTITLE C SITE  
IDENTIFICATION/VERIFICATION FORM**

For Ohio EPA use only

E-mail this completed form to  
tammy.mcconnell@epa.state.oh.us or mail it to Tammy  
McConnell, Central Office

2. Site EPA ID No.	EPA ID Number:								
3. Site Name	Name: John Bennett						Website: (Optional)		
4. Site Location Information	Street Address: 14771 CR 209								
	City, Town, or Village: Kenton						State: OH		
	County Name: Hardin						Zip Code: 43326		
5. Site Land Type (check only one)	Private <input checked="" type="checkbox"/>	County <input type="checkbox"/>	District <input type="checkbox"/>	Federal <input type="checkbox"/>	Indian <input type="checkbox"/>	Municipal <input type="checkbox"/>	State <input type="checkbox"/>	Other <input type="checkbox"/>	
6. NAICS code(s) <a href="http://www.census.gov/epcd/www/naics.html">www.census.gov/epcd/www/naics.html</a>									
7. Facility Representative  Additional names can be recorded in number 12  Only provide address information if it is different than the site address	First Name: John			MI:	Last Name: Bennett				
	Phone Number: 567-674-2273				Phone Number Extension:				
	E-Mail Address:								
	Fax Number:				Fax Number Extension:				
	Street or P.O. Box:								
	City, Town or Village:								
	State:			Country: USA			Zip Code:		
	8. Legal Owner and Operator of the Site List Additional Owners and/or Operators in the Comment Section or on another copy of this form page	Name of Site's Legal Owner:						Date Became Owner (mm/dd/yyyy):	
Owner Type:		Private <input type="checkbox"/>	County <input type="checkbox"/>	District <input type="checkbox"/>	Federal <input type="checkbox"/>	Indian <input type="checkbox"/>	Municipal <input type="checkbox"/>	State <input type="checkbox"/>	Other <input type="checkbox"/>
Street or P.O. Box:									
City, Town or Village:				Owner Phone #:					
State:				Country:			Zip Code:		
Name of Site's Operator:						Date Became Operator (mm/dd/yyyy):			
Owner Type:		Private <input type="checkbox"/>	County <input type="checkbox"/>	District <input type="checkbox"/>	Federal <input type="checkbox"/>	Indian <input type="checkbox"/>	Municipal <input type="checkbox"/>	State <input type="checkbox"/>	Other <input type="checkbox"/>
Street or P.O. Box:									
City, Town or Village:				Operator Phone #:					
State:				Country:			Zip Code:		
9. Violations Cited?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No								
10A. Type of Regulated Waste Activity (Mark "X" in all of the appropriate boxes)									
<input type="checkbox"/> Not Regulated					<input type="checkbox"/> Conditionally Exempt Small Quantity Generator				
<input type="checkbox"/> UNKNOWN: Cited for violation of 3745-52-11					<input type="checkbox"/> United States Importer of Hazardous Waste				
<input type="checkbox"/> Large Quantity Generator (LQG)					<input type="checkbox"/> Mixed Waste (Hazardous and Radioactive) Generator				
<input type="checkbox"/> Small Quantity Generator (SQG)									
<input type="checkbox"/> Hazardous Waste Transporter					<input type="checkbox"/> Exempt Boiler and/or Industrial Furnace				
<input type="checkbox"/> Treater, Storer or Disposer of Hazardous Waste					<input type="checkbox"/> Small Quantity On-Site Burner Exemption				
<input type="checkbox"/> Recycler of Hazardous Waste					<input type="checkbox"/> Smelting, Melting, Refining Furnace Exemption				
<input type="checkbox"/> Underground Injection Control Facility									

10B. Universal Waste Activities (Indicate types of universal waste managed (check all boxes that apply))			
<input type="checkbox"/> Small Quantity Handler of Universal Waste		<input type="checkbox"/> Large Quantity Handler of Universal Waste (accumulates 5,000 kg. or more)	
<input type="checkbox"/> Destination Facility for Universal Waste			
Check all boxes below that apply for each of the three types of facilities above		10C. Used Oil Activities (Indicate Type(s) of Activity(ies))	
	Managed	<input checked="" type="checkbox"/> Used Oil Generator	<input type="checkbox"/> Off-Specification Used Oil Burner
Batteries	<input type="checkbox"/>	<input type="checkbox"/> Used Oil Transporter	<input type="checkbox"/> Used Oil Fuel Marketer Who Directs Shipment of Off-Spec. Oil
Pesticides	<input type="checkbox"/>	<input type="checkbox"/> Used Oil Transfer Facility	<input type="checkbox"/> Used Oil Fuel Marketer to Off-Specification Used Oil Burner
Mercury containing equipment	<input type="checkbox"/>	<input type="checkbox"/> Used Oil Processor	
Lamps	<input type="checkbox"/>	<input type="checkbox"/> Used Oil Re-refiner	
11. Waste Codes for Federally Regulated Hazardous Wastes. Please list the codes for the federally regulated hazardous waste handled at the site. List them in the order they are presented in the regulations (e.g., D001, D003, F007, U112). Use an additional page if more space is needed. If there are more than 7 waste codes and they are the same as listed in the most recent RCRAInfo source record, you do not need to list them all. Instead just indicate the date of the most recent source record.			
12. Comments: Use this area to describe whether the inspection was announced, whether the waste is stored in tanks or containers, etc.			
Announced	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Additional Facility Representatives:	Robert Nickles
Tanks	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Other Comments: This was a complaint investigation.	
Containers	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
13. Name of Inspector(s)		Name of Inspector(s)	Date of Inspection/Time (mm/dd/yyyy) (hh:mm)
Amber Hicks		Kara Reynolds	4/29/2008 11:38-12:10
14. OPTIONAL CERTIFICATION. I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.			
Signature of Owner, Operator, or an Authorized Representative		Name and Title (Print)	Date (mm/dd/yyyy)