Ohio | Environmental Protection Agency

Ted Strickland, Governor
Lee Fisher, Lt. Governor
Chris Korleski, Director

Re: AYFC
OHR000156943
Complaint #2961
Lucas County
Hazardous Waste
Notice of Violation

August 10, 2010

CERTIFIED MAIL 7006 0100 0004 1318 4634

Reverend Jamin Hurd
American Youth for Christ (AYFC)
32355 Newcastle Drive
Warren, Michigan 48093

Dear Reverend Hurd:

This Notice of Violation (NOV) letter was originally sent to you on April 8, 2010. It is repeated below in its entirety. You were required to respond to it, in writing, within 30 days. Ohio EPA has not received a written response from you. You must respond within 15 days of your receipt of this second NOV letter.

Thank you for accompanying me during Ohio EPA's March 11 and 12, 2010, complaint investigation **(CI)** and compliance evaluation inspection **(CEI)** of American Youth for Christ (AYFC) located at 205 W. Alexis Road in Toledo, Ohio. I inspected AYFC 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). My inspection included observations of facility operations and a review of written documentation. This letter will explain the violations I found, what you need to do to correct the violations, other general concerns I have and what you need to do to respond to my general concerns.

On March 10, 2010, Ohio EPA, Division of Hazardous Waste Management (DHWM) received a complaint/referral from Ohio EPA-Emergency Response, US EPA and US Coast Guard. The complaint indicated that there was oil spilled and flowing into a storm sewer catch basin at 205 West Alexis Road. The complaint further indicated that in the south side of the building, used oil was observed under and around equipment and buses owned by Reverend Jamin Hurd of AYFC, and that used oil was flowing into a storm sewer catch basin in the area.

Northwest District Office
347 North Dunbridge Road
Bowling Green, OH 43402-9398

419 | 352 8461
419 | 352 8468 (fax)
www.epa.ohio.gov

The complaint also alleged that you operated a used oil tote that was leaking used oil to the storm sewer catch basin in the area at the south end of the building and that AYFC had caused used oil to be released to the ground in various locations in the rear property. This letter will explain the validity of the complaint, the violations that I found and what you need to do to correct the violations.

When I arrived at the site on March 11, 2010, I observed used oil on the ground in many areas of the rear property. I also observed that there was some used oil contamination on the ground in the area beside the south side of the building and that some of this used oil was draining into the storm sewer catch basin. I observed two totes and six pallets of 55-gallon drums in front of the last bay at the south side of the building. They appeared to contain used oil, spent gasoline and various antifreezes. Therefore, the complaint is valid.

According to you, AYFC buys buses from cities and school districts. Some of the buses in the lot that are bought are good and some are bad. You explained that you have bought buses from the city of Cincinnati lately, but they are bought from all over the country. You first tow them to 205 West Alexis Road in Toledo where mechanics try to start them and check them out. If they work they are sent to Michigan where they are fixed up and sold to churches and other ministries serving youth. Generally the repairs are minor. They are used in ministry and run for about a year before breaking down. Usually the repairs are too costly so they are scrapped and more buses are needed. So the buses that AYFC fixes up are constantly needed. They are far cheaper from auctions than they are new. Scrappers also try to buy the buses for the scrap value; but you explained that AYFC pays more for them since the ministry wants to run them. You are often able to bid higher. However, you stated that AYFC has been shut down since February 5, 2010, since AYFC has had no new buses and your house burned. You stated that the AYFC office is in your home.

According to you, AYFC filters the diesel fuel (and a very small amount of gasoline) left in the buses and uses it in the various AYFC trucks and sometimes the repaired buses. AYFC does not have to buy much fuel this way. AYFC has a lot of volunteer labor to make the operation work. You also said that antifreeze costs about 15$ a gallon now, so it is more economical for AYFC to reuse the antifreeze taken from buses. AYFC removes the oils and antifreeze from the drive trains before sending the buses to Omni Source for shredding. DISC Environmental Services recycles the oil and antifreeze for them. You provided a copy of the latest shipping paper from DISC. AYFC has a 250 gallon used oil tote. You said that the smaller tote was from Crutchfield Trucking.

You acknowledged the used oil contamination around the used oil accumulation containers and explained that AYFC could use an air pump to get the fluids into drums and totes so the containers can be stored in a trailer and off the ground. They will stay secure inside the trailer. You explained that you had your employees move most of the equipment on the south side of the building and the trailers with engines in the rear property the night of March 10, 2010, so you could be able to see the ground and how bad it was contaminated and also to get to it to clean it up.

Most of the used oil contamination of the rear property was due to the handling of bus engines. You explained that a company wanted to buy some engines and that AYFC could earn more by removing and selling them than scrapping them. You left the fluids (engine and transmission oil) in the engines. According to you, AYFC does not usually remove engines. If the bus does not work it is scrapped with the engine in place. You stated that the buyer for the engines reneged on the deal when he found out that AYFC was buying buses that he also bid on. You said that no one wants the engines any more for the same reason. So AYFC will not go to the trouble to remove them anymore.

The engines were being stored on open flat bed trailers, about ten on each trailer. You said that when the ground thawed lately a trailer tipped and the oil inside the engines came out; but while they were sitting they did not leak at all. You later said that, in addition, an employee cut off copper parts and stole them. This left openings in the engines that contributed to the leak when the trailer tipped. You said that each engine may have had as much as 10 gallons of oil in it. I observed evidence of the spill. There were puddles of oil and oil tracked on the ground. However, it is significant to note that there was used oil contamination in areas in addition to that area under the tipped trailer. Water puddles may have helped to distribute the spilled oil. I did however observe that in an area where some of the engines were placed on the ground there was no sign of oil leaks, except under one engine where a significant spill resulted from a snow plow collision with it.

You said that you had called Mike Sheaves of Chemtron in Avon, Ohio, to help with the cleanup of the used oil contaminated ground. You explained that you wanted to start scraping the ground, on the day of my inspection, before the rain came.

At the time of my inspection, AYFC's generator status was unknown. Some waste was found that must be evaluated. AYFC generates the following other wastes on a regular basis:

1. Used Oil: Used oil (crankcase and transmission) which is removed from buses is accumulated in two totes (one inside and one outside) and several 55-gallon drums. DISC Environmental Service of Toledo is used to recycle the used oil.

2. Spent Antifreeze: Antifreeze that is removed from buses is re-used in AYFC trucks and buses that are repaired.

3. Used Batteries: You explained that the batteries are stacked on pallets three rows high with cardboard in between.

You said that the whole pallet is shrink-wrapped and shipped to H&H metals, Michigan Avenue in either Ecorse or Taylor, Michigan. **Please confirm the address of H&H Metals and submit a copy of the most recent shipping paper for the spent batteries.**

As a result of my inspection, I found the following violations of Ohio's hazardous waste laws. 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. I have also enclosed a copy of the Notice of Violation letter (NOV) sent to Mr. John Myers of AYFC on September 28, 2009. AYFC did not respond in writing to this Notice of Violation letter. When you abate violation number 2 of the new NOV, you will also abate the violation cited in the September 28, 2009, NOV.

1. Waste Evaluation
OAC Rule 3745-52-11

A generator must determine whether its waste is hazardous by first determining if the waste is listed as a hazardous waste in rules 3745-51-30 to 3745-51-35; by testing the waste according to the methods set forth in rules 3745-51-20 to 3745-51-24; or by applying knowledge of the hazardous characteristic of the waste in light of the materials or the processes used. AYFC has failed to adequately evaluate all of its waste properly. Specifically, I observed several drums of waste in a white tractor trailer in the back of the rear property that had not been identified or properly evaluated. Most of the containers were open.

In order to abate this violation, you must immediately evaluate the wastes in the white tractor trailer, and any other waste discovered at the facility by Ohio EPA or AYFC, in accordance with the requirements of Ohio Administrative Code Rule 3745-52-11 and this letter. You must obtain a representative sample of the waste in each container in the white tractor trailer, according to OAC 3745-51-20. You must evaluate all samples, through laboratory analysis, for at least the Toxicity Characteristic Leaching Procedure (TCLP) metals, TCLP Volatile Organic Compounds (VOCs), TCLP Semi-Volatile Organic Compounds (SVOCs), flash point and pH, and submit the results of the laboratory analyses to Ohio EPA as soon as they are available.

AYFC will need to give Ohio EPA a five day advance notice of sampling activities, in order for an inspector to make arrangements to view the sampling.

Your results must document if the waste is hazardous or not 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. AYFC must submit to me a legible copy of the manifest(s), signed by a representative of the permitted treatment, storage or disposal facility that documents the proper off-site shipment of all its hazardous waste. If non-hazardous waste is identified, AYFC must submit a copy(s) of the shipping papers used to transport the waste off-site to a permitted solid waste facility. **If the waste is hazardous, I will determine the status of your facility's compliance with other hazardous waste laws and notify you of my findings in a separate letter**.

2. Used Oil Container Labeling
OAC Rule 3745-279-22(C)(1)

Containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words "Used Oil." On March 12, 2010, I observed unlabeled containers of used oil in the shop.

In order to correct this violation, AYFC must immediately mark or label all containers used for accumulating used oil with the words "Used Oil" and provide me with photographic documentation that this has been done.

3. Used Oil Container Condition
OAC Rule 3745-279-22(B)

Containers and aboveground tanks used to store used oil at generator facilities must be in good condition (no severe rusting, apparent structural defects or deterioration). On March 12, 2010, I observed two containers of used oil in the shop that were not closed (a structural defect), with visible leaks surrounding them.

In order to correct this violation, AYFC must immediately close all used oil containers and provide me with photographic documentation that this has been done.

4. Response to Releases of Used Oil
OAC Rule 3745-279-22(D)

Upon detection of a release of used oil to the environment a generator shall perform the following cleanup steps: stop the release, contain the released used oil, clean up and manage properly the released used oil and other materials, and if necessary, repair or replace any leaking used oil storage containers or tanks prior to returning them to service.

Used oil mismanagement at AYFC has contaminated large areas of soil in the rear of the facility and at the south side of the building where equipment was stored. In order to correct this violation, AYFC must immediately clean up the contaminated soil, analyze the soil for hazardous characteristics, and manage the waste properly according to the analytical information. You will need to provide photographic documentation that the areas have been cleaned. You will need to submit copies of the waste analyses and any shipping papers or manifests, demonstrating that you have sent the waste off-site for proper disposal. **Please explain how you will correct this violation and maintain compliance with this rule.**

In order for AYFC to determine the characteristics of the used oil contaminated soil, it must obtain a chemical analysis of a representative sample of the contaminated soil. AYFC must determine, at least, the concentration of TCLP (Toxicity Characteristic Leaching Procedure) metals and TCLP VOCs.

Please explain, in writing, how you will obtain a representative sample, who will collect it, who will analyze it and how it will be analyzed. The complete analytical results must be submitted to me as soon as they are available. Your results must document if the waste is hazardous or not 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 company's compliance with other hazardous waste laws and notify you of my findings in a separate letter.

You must coordinate the soil cleanup and sampling at all locations with the Ohio EPA. <u>Please contact me no later than five business days before you plan to have the cleanup and sampling performed</u>.

As a used oil generator you are required to store used oil in containers or aboveground tanks that are in good condition (no severe rusting, apparent structural defects or deterioration) and not leaking. Containers, aboveground tanks and fill pipes for underground tanks must be labeled with the words "Used Oil." If leaks are detected, the generator must stop the release; contain the release; clean up and manage properly the released used oil and other materials related to the release; and, if necessary, repair or replace any leaking containers or tanks prior to returning them to service. I have enclosed copies of the following used oil fact sheets: The Regulation of Used Oil: An Overview for Ohio Businesses Who Generate Used Oil, and Used Oil Recyclers. Please review these carefully and contact me immediately if you have any questions.

Please be aware that incandescent, fluorescent, metal halide, neon, high-intensity discharge, high-pressure sodium and mercury-vapor lamps could be hazardous waste when discarded. Fluorescent lamps may contain up to 40 milligrams (mg) of mercury, depending on the brand and manufacturer. Lamps may also contain lead and cadmium. Many lamps exhibit a characteristic of toxicity for heavy metals when disposed. I have enclosed copies of the following documents, to assist you in properly managing your spent lamps: Fluorescent Lamps: What You Should Know and Computer, Fluorescent Lamp and Ballast Recyclers. I recommend that you review these documents carefully and contact me if you have any questions. The first document describes the rules you must follow in order to manage lamps as a universal waste.

Instead of obtaining a sample of the spent lamps that you generate and having the sample analyzed in a laboratory, AYFC may elect to manage its spent lamps (all types) as Universal Waste. The requirements for Universal Waste lamps include:

- Avoid placing spent lamps into the trash;
- Place spent lamps into containers that are structurally sound and close them;
- Label the containers with the words Used Lamps;
- Document the length of time that the spent lamps are stored;
- Store spent lamps for no longer than one year;
- Inform all employees with the responsibility to collect spent lamps of these requirements; and
- Ship the spent lamps to a lamp recycler (please refer to the list of recyclers that I have enclosed with this letter).

General Concern:
AYFC must ensure that all containers of spent gasoline are closed and must submit copies of shipping papers that document that it has been sent off-site and burned for energy recovery.

You may be able to further reduce the waste your company generates. If you find ways to recycle, reduce or altogether eliminate the amount of waste that your company generates you may be able to reduce your treatment and disposal costs and you may possibly reduce your regulatory requirements. I have enclosed a copy of Pollution Prevention Opportunities, a worksheet that can help you recognize opportunities for reducing waste and conserving energy at your business. I have also enclosed a copy of the fact sheet Management of Electronic Waste from Businesses. Please review this information and contact me if you have any questions.

I encourage you to schedule a pollution prevention assessment for your business because there are often many opportunities for businesses like yours to reduce waste and save money. If you wish to talk about an assessment or if you have other questions about pollution prevention, please feel free to contact the Office of Compliance Assistance and Pollution Prevention (OCAPP) at (614) 644-3469. There is no charge for an assessment.

The Division of Hazardous Waste Management 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 http://ohioepa.custhelp.com/cgi-bin/ohioepa.cfg/php/enduser/doc_serve.php?2=subscriptionpage. Please feel free to share this information with your colleagues.

If you have any questions, please feel free to contact me at (419) 373-3074. You can find copies of the rules and other information on the division's web page at http://www.epa.ohio.gov/dhwm. Ohio EPA also has helpful information about pollution prevention at the following web address: http://www.epa.ohio.gov/ocapp.

Sincerely,

Don North
District Representative
Division of Hazardous Waste Management
/lb
pc: Colleen Weaver, DHWM, NWDO
Cindy Lohrbach, DHWM, NWDO
Ms. Randi McClintock, American Sign
DHWM, NWDO, Lucas County, AYFC-File
ec: Don North, 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.

7006 0100 0004 1318 4634

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com®

OFFICIAL USE

Postage	$ .61
Certified Fee	2.80
Return Receipt Fee (Endorsement Required)	2.30
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$ 5.71

Ohio EPA

Postmark Here

AUG 12 2010 USPS

Sent To: Reverend Jim Hurd

Street, Apt. No.; or PO Box No.: AVFC - 32355 Newcastle Dr

City, State, ZIP+4: Warren Mich 48093

PS Form 3800, June 2002 — See Reverse for Instructions

DHW-DN-LR

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:

Reverend Jim Hurd
American Youth for Christ
32355 Newcastle Dr
Warren Mich
48093

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X [signature] ☐ Agent ☐ Addressee

B. Received by (Printed Name) | C. Date of Delivery: 8-14-10

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

3. Service Type
☐ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Transfer from service label) 7006 0100 0004 1318 4634

PS Form 3811, February 2004 — Domestic Return Receipt — 102595-02-M-1540