OhioEPA

State of Ohio Environmental Protection Agency

Northwest District Office

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Bowling Green, OH 43402-9398

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www.epa.state.oh.us

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

Re: C & L Automotive
Lucas County
Hazardous Waste
Notice of Violation

January 23, 2008

Mr. Chuck Tipping, Owner
C & L Automotive
5519 W. Alexis Road
Sylvania, Ohio 43560

Dear Mr. Tipping:

On January 7, 2008, the Ohio Environmental Protection Agency (Ohio EPA) conducted a compliance evaluation inspection of C & L Automotive (C&L) located in Sylvania, Ohio. Wendy Miller and I inspected C&L 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). Pollution prevention options were also discussed during this inspection. This letter will explain the violations we found and what you need to do to correct these violations.

C&L is a complete automotive service facility, providing oil changes, brake repairs/replacement, and engine repairs. Used oil generated is stored in a 250-gallon tank and picked up by DISC Environmental for recycling. No painting is done at your facility. Antifreeze is also collected and sent to a recycler in Michigan. A parts washer is used to clean engine parts and it is serviced by ZEP once every eight weeks. Zep adds additional solvent to the unit as needed. The sand bag filter that is generated by the parts washer once every three to four months is hung and drained into the parts washer unit for three days and then disposed of as a solid waste. On January 23, 2008, I spoke with Barb Arthur and Patrick Murphy with Zep regarding your parts washer. Zep faxed a copy of the material safety data sheet (MSDS) for the DYNA 143° solvent you are currently using in your machine. Batteries are exchanged through Interstate Battery. The fluorescent bulbs on-site are under warranty with Southern Reflections and guaranteed for seven years.

We found the following violations of Ohio's hazardous waste and used oil 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:

1. **OAC Rule 3745-52-11: Waste Evaluation:** Any person who generates a waste must determine if that waste is a hazardous waste by using generator knowledge or by testing the waste.

   a. At the time of the inspection, C&L did not have waste evaluation documentation for the sand bag filter generated in the operation of the parts washer. C&L has historically disposed of this spent material as a non-hazardous waste. C&L must immediately cease disposing of the sand bag filter as non-hazardous waste until a proper waste evaluation has been completed.

C&L must obtain a representative sample of the sand prior to the bag being hung up and drained and have it analyzed for Toxic Characteristic Leaching Procedure (TCLP) Resource Conservation and Recovery Act (RCRA) metals (SW-846 Method 1311/6010). On January 23, 2008, I spoke with Patrick Murphy at Zep and he notified me that a representative sample was taken of the sand and sent to an independent laboratory for analysis. Mr. Murphy stated that he cut open the bag and took approximately 32 ounces of the sand for analysis.

To abate this violation, C&L must submit a copy of the analytical results to Ohio EPA. Once analytical results have been reviewed, Ohio EPA will advise C&L on proper disposal options for this waste stream.

b. At the time of the inspection, C&L did not have waste evaluation documentation for the spent antifreeze. C&L has historically disposed of this spent material by shipping it to a recycler in Michigan. C&L must immediately cease shipping the spent antifreeze as non-hazardous waste until a proper waste evaluation has been completed.

C&L must obtain a representative sample of the spent antifreeze and have it analyzed for Toxic Characteristic Leaching Procedure (TCLP) Resource Conservation and Recovery Act (RCRA) metals (SW-846 Method 1311/6010).

Ohio EPA may use the data you collect, in part, to make regulatory decisions concerning the waste(s) tested. A data review process, referred to as data validation, may be utilized to confirm the validity of the data. This data validation can include a review of the following components: sampling techniques, sample containers, representativeness of sample, laboratory test methods, laboratory data completeness, documentation of holding time(s), chain(s) of custody and quality assurance/quality control (QA/QC) data. Please include data sufficient for Ohio EPA to perform the data validation review. Information on conducting a data validation can be obtained from Ohio EPA's web page at http://www.epa.state.oh.us/dhwm/tier_i_data_validation_manual.html.

2. **OAC Rule 3745-279-22(C)(1): Labeling**

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

C&L had one 250-gallon tank of used oil located outside the building that was not properly labeled.

C&L properly labeled the tank with the words "used oil" at the time of our investigation.

Therefore, this violation is considered abated.

Ohio EPA will issue an EPA ID number to track our inspection activity at C&L. C&L cannot use this number for manifesting hazardous waste shipments. If C&L wants 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 at http://www.epa.state.oh.us/dhwm/notiform.html or you can call me at (419) 373-3066 or the Division of Hazardous Waste Management, Central Office, RIS at (614) 644-2977 and we will mail you a copy.

Enclosed you will find a copy of the checklist that I completed during the investigation, a guidance document: Environmental Compliance Guide for Auto Body Shops, a Fact Sheet outlining the used oil generator requirements, and a fact sheet outlining the fluorescent lamp requirements. Please review this information and contact me if you have any questions.

Ohio EPA has helpful information about compliance assistance and pollution prevention at the following web address: http://www.epa.state.oh.us/ocapp/ocapp.html. In addition, you can also find copies of the rules and other information on the division's web page at http://www.epa.state.oh.us/dhwm.

If you have any questions or if I can be of assistance, please contact me at (419) 373-3066.

Sincerely,

Melissa L. Boyers

Melissa L. Boyers
Division of Hazardous Waste Management

/csl

Enclosures

pc: Cindy Lohrbach, DHWM, NWDO
Colleen Weaver, DHWM, NWDO
DHWM, NWDO Lucas County General File

ec: Melissa Boyers, 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.

E-mail this completed form to tammy.mcconnell@epa.state.oh.us or mail it to Tammy McConnell, Central Office	Ohio Environmental Protection Agency **RCRA SUBTITLE C SITE IDENTIFICATION/VERIFICATION FORM**	For Ohio EPA use only

2. Site EPA ID No.	**EPA ID Number:**							
3. Site Name	**Name:** C & L Automotive					**Website (optional:)**		
4. Site Location Information	**Street Address:** 5519 W. Alexis Road							
	City, Town, or Village: Sylvania				**State:** OH			
	County Name: Lucas				**Zip Code:** 43560			
5. Site Land Type (check only one)	**Private**	**County**	**District**	**Federal**	**Indian**	**Municipal**	**State**	**Other**
	X							
6. NAICS code(s) www.census.gov/epcd/www/naics.html	**A.**			**B.**				
	C.			**D.**				
7. Facility Representative:	**First Name:** Chuck			**MI:**	**Last Name:** Tipping			
	Phone Number: 419-885-3760				**Phone Number Extension:**			
Additional names can be recorded in number 12.	**E-Mail Address:**							
	Fax Number:				**Fax Number Extension:**			
Only provide address information if it is different than the site address.	**Street or P.O. Box:**							
	City, Town or Village:							
	State:		**Country:**		**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.	**A. Name of Site's Legal Owner:**			**Date Became Owner (mm/dd/yyyy):**				
	Owner Type: Mark with an X	**Private**	**County**	**District**	**Federal**	**Indian**	**Municipal**	**State**	**Other**
	Street or P.O. Box:							
	City, Town, or Village:			**Owner Phone #:**				
	State:		**Country:**		**Zip Code:**			
	B. Name of Site's Operator:			**Date Became Operator (mm/dd/yyyy):**				
	Operator Type: Mark with an X	**Private**	**County**	**District**	**Federal**	**Indian**	**Municipal**	**State**	**Other**
	Street or P.O. Box:							
	City, Town, or Village:			**Operator Phone #:**				
	State:		**Country:**		**Zip Code:**			

9. Violations Cited? [X] Yes [ ] No

10. **Type of Regulated Waste Activity (Mark "X" in all of the appropriate boxes.)**

[ ] **Not Regulated**

10. Type of Regulated Waste Activity (Ma[illegible] in all of the appropriate boxes.)

A. Hazardous Waste Activities

(choose only one of the following categories)

- [X] **UNKNOWN:** Cited for violation of 3745-52-11
- [ ] a. **Large Quantity Generator (LQG):**
- [ ] b. **Small Quantity Generator (SQG)**
- [ ] c. **Conditionally Exempt Small Quantity Generator**
- [ ] d. **United States Importer of Hazardous Waste**
- [ ] e. **Mixed Waste (hazardous and radioactive) Generator**
- [ ] **3. Treater, Storer or Disposer of Hazardous Waste**
- [ ] **4. Recycler of Hazardous Waste**
- [ ] **5. Exempt Boiler and/or Industrial Furnace**
  - [ ] a. Small Quantity On-site Burner Exemption
  - [ ] b. Smelting, Melting, Refining Furnace Exemption
- [ ] **6. Underground Injection Control Facility**

B. Universal Waste Activities

- [X] **1. Small Quantity Handler of Universal Waste**

  (Indicate types of universal waste generated and/or accumulated (check all boxes that apply):

- [ ] **2. Large Quantity Handler of Universal Waste**

  (accumulates 5,000 kg or more).

- [ ] **3. Destination Facility for Universal Waste**

  (Check all boxes below that apply for each of the three types of facilities above.)

	Generated	Accumulated
A. Batteries	[ ]	[ ]
B. Pesticides	[ ]	[ ]
C.Thermostats	[ ]	[ ]
D. Lamps	[X]	[ ]

C. Used Oil Activities

- [X] **1. Used Oil Generator**
- **2. Used Oil Transporter Indicate Type(s) of Activity(ies)**
  - [ ] Transporter
  - [ ] Transfer Facility
- **3. Used Oil Processor and/or Re-refiner**
  Indicate Type(s) of Activity(ies)
  - [ ] **Processor**
  - [ ] **Re-refiner**
- [ ] **4. Off-Specification Used Oil Burner**
- **5.** Used Oil Fuel Marketer -
  Indicate Type(s) of Activity(ies)
  - [ ] a. Marketer Who Directs Shipment of Off- Specification Oil
  - [ ] b. Used Oil to Off-Specification Used Oil Burner

11. Waste Codes for Federally Regulated Hazardous Wastes. Please list the codes for the federally regulated hazardous waste handled at your 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.

N	Announced ?	Additional Facility Representatives:	Other comments:
N	Tanks?		
N	Containers?		

13. Name of Inspector(s)	Name of Inspector(s)	Date of Inspection/ Time (mm-dd-yyyy) (HH:MM)
Melissa Boyers	Wendy Miller	1-7-2008 11:30

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)

PROCESS DESCRIPTION/WASTE ACTIVITIES SUMMARY

Facility Name: C & L Automotive **Facility Type:** LQG/SQG/CESQG/TSD **EPA ID#:**

Description of Waste					On-Site Management			Off-Site Management
	Process/Activity Generating Waste (e.g. plating bath, machining, baghouse, painting, etc)	**Waste Generated** (e.g. sludge, spent solvent, ash, etc)	**EPA Waste Code**	**QTY Generated per Month**	**Type of Accumulation/ Storage** (e.g. container, tank, etc)	Type of On-Site Treatment (recycle, wwt, etc)	**Waste Location** (Include map if possible)	**Name, state, and type of activity occurring at the facility.**
1	Lighting	Spent Fluorescent Bulbs	UW					Currently under warranty with Southern Reflections and guaranteed for seven years
2	General vehicle maintenance and oil changes	Used Oil & Filters			250-gallon storage tank		Outside	Picked up for recycling by DISC
3	Machine Shop	Parts Washer Solution – DYNA 143˚	Non-Haz.				Maintenance Shop	Serviced by ZEP
4	Machine Shop	Spent sand from parts washer filter	Unknown 52-11 cited					Currently managed as a solid waste

USED OIL INSPECTION CHECKLIST
GENERATORS, COLLECTION CENTERS AND AGGREGATION POINTS

NOTE: A facility is subject to the federal SPCC regulations (40 CFR 112) if it is non-transportation related (e.g., fixed) and has an aggregate above ground storage capacity greater than 1,320 gallons or a total underground storage capacity greater than 42,000 gallons of oil (including used oil), and there is reasonable expectation of a discharge to navigable waters.

PROHIBITIONS

1. Does the generator manage used oil in a surface impoundment or waste pile? If yes: — Yes ☐ No ☒ N/A ☐

   a. Is the surface impoundment or waste pile regulated as a hazardous waste management unit? [3745-279-12(A)] — Yes ☐ No ☐ N/A ☒

2. Is used oil used as a dust suppressant? [3745-279-12(B)] — Yes ☐ No ☒ N/A ☐

3. Is off-specification used oil fuel burned for energy recovery in devices specified in 3745-279-12(C)? — Yes ☒ No ☐ N/A ☐

NOTE: Multiple used oil checklists may be applicable if used oil handler is performing multiple tasks (e.g., If generating used oil and shipping directly to a burner, complete generator and marketer checklists at a minimum).

GENERATOR STANDARDS

4. Does the generator mix hazardous waste with used oil? If so, — Yes ☐ No ☒ N/A ☐

   a. Is the mixture managed as specified in 3745-279-10(B)? [3745-279-21(A)] — Yes ☐ No ☐ N/A ☒

NOTE: Used Oil mixed with listed (3745-51-30 to 3745-51-35) or characteristic (3745-51-20 to 3745-51-24) hazardous waste are subject to regulation as a hazardous waste, unless the listed hazardous waste is listed solely because it exhibits a hazardous characteristic, and the resultant mixtures do not exhibit a characteristic. Mixtures of used oil and CESQG hazardous waste are subject to OAC Chapter 3745-279.

5. Does the generator of a used oil containing greater than 1,000 ppm total halogens manage the used oil as a hazardous waste unless the presumption is rebutted successfully? [3745-279-21(B)] — Yes ☐ No ☐ N/A ☒

NOTE: If used oil contains greater than 1000 ppm total halogens, it is presumed to be listed hazardous waste until the presumption is successfully rebutted.

6. Does the generator store used oil in tanks; or containers; or a unit(s) subject to regulation as a hazardous waste management unit? [3745-279-22(A)] — Yes ☒ No ☐ N/A ☐

7. Are containers and aboveground tanks used to store used oil in good condition with no visible leaks? [3745-279-22(B)] — Yes ☒ No ☐ N/A ☐

8. Are containers, above ground tanks, and fill pipes used for underground tanks clearly labeled or marked "Used Oil?" [3745-279-22(C)] **one 250-gallon tank** — Yes ☐ No ☒ N/A ☐

9. Has the generator, upon detection of a release of used oil, done the following: [3745-279-22(D)]

a. Stopped the release? Yes ☒ No ☐ N/A ☐

b. Contained the release? Yes ☒ No ☐ N/A ☐

c. Cleaned up and properly managed the used oil and other materials? Yes ☒ No ☐ N/A ☐

d. Repaired or replaced the containers or tanks prior to returning them to service, if necessary? Yes ☒ No ☐ N/A ☐

ON-SITE BURNING IN SPACE HEATER

10. Does the generator burn used oil in used-oil fired space heaters? [3745-279-23] If so: Yes ☐ No ☒ N/A ☐

a. Does the heater burn only used oil that owner/operator generates or used oil received from household do-it-yourself (DIY) used oil generators? Yes ☐ No ☐ N/A ☒

b. Is the heater designed to have a maximum capacity of not more that 0.5 million BTU per hour? Yes ☐ No ☐ N/A ☒

c. Are the combustion gases from heater vented to the ambient air? Yes ☐ No ☐ N/A ☒

GENERATOR TRANSPORTATION

11. If the generator self-transports used oil to an approved collection site or to an aggregation point owned by the generator: [3745-279-24] Yes ☐ No ☐ N/A ☒

a. Does the generator transport used oil in a vehicle owned by the generator or an employee of the generator?[3745-279-24] Yes ☐ No ☐ N/A ☒

b. Does the generator transport more than 55 gallons of used oil at any time?[3745-279-24] Yes ☐ No ☐ N/A ☒

NOTE: Used oil generators may arrange for used oil to be transported by a transporter without a U.S. EPA ID # if the used oil is reclaimed under a contractual agreement (i.e., tolling arrangement).

COLLECTION CENTERS AND AGGREGATION POINTS

12. Is the DIY used oil collection center in compliance with the generator standards in 3745-279-20 to 3745-279-24? [3745-279-30] Yes ☐ No ☐ N/A ☒

13. Is the non-DIY used oil collection center registered with Ohio EPA? [3745-279-31] Yes ☐ No ☐ N/A ☒

14. Is the used oil aggregation point in compliance with the generator standards in 3745-279-20 to 3745-279-24? [3745-279-32] Yes ☐ No ☐ N/A ☒

NOTE: Complete Used Oil Generator and any other applicable used oil handler checklist (e.g., marketer, burner, etc.) for used oil collection centers and aggregation points.

Keyword: UsedOilChecklistforGenerators.Oct.2007.doc