

**Environmental  
Protection Agency**

John R. Kasich, Governor  
Mary Taylor, Lt. Governor  
Scott J. Nally, Director

June 6, 2011

**LAWRENCE COUNTY  
GENERAL FILE  
(MULLINS COMPLAINT)  
DHWM/SEDO  
NON-NOTIFIER**

Mr. Dale Mullins  
209 Private Road 1699, Co. Rd. 26  
Ironton, Ohio 45638

**RE: NOTICE OF VIOLATION**

Dear Mr. Mullins:

On May 24, 2011, Rich Stewart and I visited your garage to investigate a complaint that was recently received by Ohio EPA. The complaint alleged that used oil, gasoline, diesel fuel, and other auto fluids are being spilled or dumped on the ground at your garage. This letter will summarize the conclusions of the complaint investigation, and explain any violations of Ohio's hazardous waste laws (Ohio Revised Code (ORC) Chapter 3734 and Ohio Administrative Code (OAC) Chapter 3745 that were discovered during our visit and what you need to do to correct them. The General Comments section of this letter will identify any other general concerns we have and what you can do to address those concerns.

No one was home at the time of our visit. We observed the area in front of the garage and to the right side of the garage close to the ravine. Since no one was home, we did not walk further onto your property or behind your garage, and I left a business card requesting that you call me. Mrs. Rose Mullins contacted me the following day and we discussed Ohio EPA's observations from the complaint investigation. It is my understanding from my phone conversation with her that your garage does repair and maintenance work on vehicles and equipment for the township.

We found the following violation of Ohio's hazardous waste laws. To correct this violation, ***please take the following actions and send me the required documentation within 30 days of your receipt of this letter:***

- (1) 3745-279-22(D), Used Oil Storage Requirements for Generators - Response to Releases.** Upon detection of a release of used oil to the environment, a used oil generator must stop the release, contain the release, and clean up and properly manage the released oil and any materials used in cleaning up the used oil.

To correct this violation, please clean up and remove all oil and oil-contaminated soil and gravel in the area in front of the garage; the area near the red building close to the ravine; around any scrapped vehicles; and any other oil-contaminated soil around your garage or operations. Any oil-contaminated soil you remove and any clean up items (oil dry, etc.) you use to remove it can be disposed as a solid waste by your regular trash hauler.

To demonstrate your return to compliance with this rule, please send me photographs showing that these areas have been cleaned up. In addition, please send me documentation (receipt, bill of lading, manifest, etc.) showing that the oil-contaminated soil, gravel, etc. and items used in the clean up have been properly disposed of.

### **General Comments:**

- **Scrap Tires.** During our visit, we observed numerous used tires at your garage. According to Ohio's scrap tire rules, a scrap tire generator is any individual who removes tires from vehicles or stores tires that have been removed from vehicles. Any used tire is a "scrap tire"; and a used tire is considered a scrap tire until it is installed on a vehicle.

Your garage will not have to register or obtain an annual license from Ohio EPA as a "scrap tire facility" if you take the following actions:

1. Handle and store used tires in accordance with the general storage rule.
2. Allow only used tire transporters registered with Ohio EPA to take your tires off-site.
3. Maintain documentation that the used tires have been disposed of at locations approved by Ohio EPA.

The general storage rule requires that your used tires must be kept dry. If you wish to continue to store them outside, they must be covered with a tarp or heavy plastic sheeting to prevent water from collecting in them. You must provide adequate access or "fire lanes" between tire stacks, and the access must be kept free of any sort of litter or debris. All tires must be kept at least 50 feet from any possible ignition source. To remain an unlicensed scrap tire facility, a maximum number of 100 used "scrap" tires can be stored at your site. I have enclosed a fact sheet on Ohio's scrap tire management requirements.

- **Spent Batteries.** During our visit, we observed that numerous spent lead acid batteries from vehicles were stored outside your garage. Spent batteries from trucks, equipment, and vehicles should be returned to the battery retail or wholesale dealer or taken to a battery recycler. You must store your spent batteries inside your garage out of the weather until they are recycled, to prevent them from cracking and possibly leaking the lead-acid solution onto the ground.

- **Open Burning.** We observed evidence that you may be open burning. Open burning is any set outdoor fire that does not vent to a chimney or stack. Open burning can release many kinds of toxic fumes such as dioxin, sulfur dioxide, lead, and mercury. When you burn trash in burn barrels or open piles, it can affect your health, the health of your neighbors, and the environment.

Under Ohio law, the following materials may not be burned anywhere in the state at any time: garbage; wastes created in the process of handling, preparing, cooking or consuming food; and materials containing rubber, grease or asphalt made from petroleum, such as tires, cars and auto parts, plastics or plastic-coated wire. Also, no wastes that are generated off the premises may be burned (for example, a tree trimming contractor cannot haul branches and limbs to another site to burn.) For your reference, I have enclosed a fact sheet on Ohio's open burning laws.

- **Used Oil as Dust Suppressant.** Using used oil as a dust suppressant is prohibited in Ohio. Used oil that is not managed safely can pose a health threat to people and also damage the environment. Improperly disposing of used oil (i.e., using used oil as a dust suppressant or dumping or spilling of used oil onto the ground) can lead to contamination of drinking water, surface water, ground water, and soils. I have enclosed a list of approved dust suppressants that can be used as an alternative to used oil. I have also enclosed a fact sheet on Ohio's requirements for used oil generators, and a list of used oil recyclers that can take your used oil that you collect.

Enclosed you will find a copy of the checklist that was completed as a result of our visit and inspection. If you have any questions, please feel free to call me at 740-380-5237.

Sincerely,



Vicky D. German  
Division of Materials and Waste Management  
Ohio EPA, Southeast District Office

VDG/mlm

Enclosure

cc: Pete Thompson, Ohio EPA, DMWM-SEDO  
Louis Boerger, Portsmouth Local Air Agency  
Elizabeth Township Trustees (with attachments)

**NOTICE:**

*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.*

Completed forms that are required to be submitted to CO should be e-mailed to [paula.canter@epa.state.oh.us](mailto:paula.canter@epa.state.oh.us)

<b>Site EPA ID No.</b>  <b>Site Name</b>  <b>Site Location Information</b>  <b>Site Land Type</b> (check only one) <b>NAICS codes</b> <a href="http://www.census.gov/epcd/www/naics.html">www.census.gov/epcd/www/naics.html</a>	EPA ID Number: Name: <b>Mullins' Garage</b> Website (Optional): Street Address: <b>209 Private Road 1699, Co. Rd. 26</b> City, Town, or Village: <b>Ironton</b> State: <b>OH</b> County Name: <b>LAWRENCE</b> Zip Code: <b>45638</b> 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"/>
<b>Facility Representative</b>  Additional names can be recorded in comments section.  Only provide address information if it is different than the site address.	First Name: <b>Dale</b> MI: Last Name: <b>Mullins</b> Phone Number: <b>740-533-9288</b> Extension: E-Mail Address: Fax Number: Fax Number Extension: Street or P.O. Box: <b>same as above</b> City, Town or Village: State: Zip Code:
<b>Legal Owner And Operator</b>  List additional Owners and/or Operators in the Comments Section or on another copy of this page.	Name of Site's Legal Owner: <b>Dale Mullins</b> Date Became Owner (mm/dd/yyyy): Owner Type: <b>Private</b> <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"/> Street or P.O. Box: <b>same as above</b> City, Town or Village: Owner Phone #: State: Country: Zip Code: Name of Site's Operator: <b>Mullins' Garage (Dale Mullins)</b> Date Became Operator: Owner Type: <b>Private</b> <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"/> Street or P.O. Box: <b>same as above</b> City, Town or Village: Operator Phone #: State: Country: Zip Code:

<b>VIOLATIONS CITED?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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<b>TYPE OF HANDLER (MARK AS APPROPRIATE)</b>	
<input checked="" type="checkbox"/> <b>Not a Generator</b> <input type="checkbox"/> UNKNOWN: Cited for violation of 3745-52-11 <input type="checkbox"/> Short-Term Generator Generated from short-term or one-time event and not from ongoing processes. <i>Check the box for the applicable generator status and provide a comment.</i>	<input type="checkbox"/> Large Quantity Generator (LQG) <input type="checkbox"/> Small Quantity Generator (SQG) <input type="checkbox"/> Conditionally Exempt Small Quantity Generator (CESQG) <input type="checkbox"/> U.S. Importer of Hazardous Waste <input type="checkbox"/> Mixed Waste (Hazardous and Radioactive) Generator

**TYPE OF REGULATED WASTE ACTIVITY**

- |   |  |
|---|--|
| <input type="checkbox"/> Recycler of Hazardous Waste                    | <input type="checkbox"/> Exempt Boiler and/or Industrial Furnace       |
| <input type="checkbox"/> Underground Injection Control Facility         | <input type="checkbox"/> Small Quantity On-Site Burner Exemption       |
| <input type="checkbox"/> Hazardous Waste Transporter                    | <input type="checkbox"/> Smelting, Melting, Refining Furnace Exemption |
| <input type="checkbox"/> Treater, Storer or Disposer of Hazardous Waste |  |

**UNIVERSAL WASTE ACTIVITIES**

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Small Quantity Handler of Universal Waste                         | <input type="checkbox"/> Destination Facility for Universal Waste |
| <input type="checkbox"/> Large Quantity Handler of Universal Waste<br>(accumulates 5,000 kg. or more) |   |

**TYPES OF UNIVERSAL WASTE THE FACILITY MANAGES**

- Batteries
- Pesticides
- Mercury-containing equipment
- Lamps

**USED OIL ACTIVITIES**

- Used Oil Generator**
- Used Oil Transporter
- Used Oil Transfer Facility
- Used Oil Processor
- Used Oil Re-refiner
- Off-Specification Used Oil Burner
- Used Oil Fuel Marketer Who Directs Shipment of Off-Spec. Oil
- Used Oil Fuel Marketer to Off-Specification Used Oil Burner

**Eligible Academic Entities with Laboratories:** Facility has previously notified that they are opting into managing laboratory hazardous waste pursuant to OAC rules 3745-52-200 through 3745-52-216. Check box below to indicate laboratory type.

- College or University
- Teaching hospital that is owned by or has a formal written affiliation agreement with a college or university
- Non-profit Institute that is owned by or has a formal written affiliation agreement with a college or university

**Waste Codes for Federally Regulated Hazardous Wastes:** List the codes for the federally regulated hazardous waste handled at the site, in the order they are presented in the regulations (e.g., D001, D003, F007, U112). If there are more than 7 waste codes and they are the same as listed in the most recent RCRA Info source record, you do not need to list them all; just indicate the date of the most recent source record.

**Use this area to describe inspection conditions and additional information.**

- Announced     Yes     No    Additional Facility Representatives:    Mrs. Rose Mullins
- Tanks             Yes     No
- Containers       Yes     No

**INSPECTOR(S)**

Vicky German, DHWM-SEDO

**INSPECTION DATE**

5/24/2011

**COMMENTS**

Tanks and containers for used oil and product diesel fuel. Inspected as result of complaint. Garage does maintenance and repair work on vehicles and equipment for Elizabeth Township.

## USED OIL GENERATOR COLLECTION CENTER, AND AGGREGATION POINT REQUIREMENTS

**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? Yes  No  N/A   
If yes:
- 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).

### 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)] Yes  No  N/A   
*It is unknown which containers or tanks located outside the garage contain used oil. Any tanks or containers that are storing used oil should be labeled "Used Oil".*
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   
*Oil stained soil and gravel was visible outside the garage, particularly around the front and in the area around the red building close to the ravine. Used oil staining continued down over the bank of the ravine close to the red building.*

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 HEATERS**

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

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 than 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

**NOTE: Ash accumulated in a space heater must be managed in accordance with 3745-279-10(E).**

**GENERATOR TRANSPORTATION**

11. Does the generator have the used oil hauled only by transporters that have obtained a U.S. EPA ID#? [3745-279-24] Yes  No  N/A   
*At this time, it is unknown if the used oil generated at this site is taken off-site by a registered transporter and taken to a permitted used oil collector/recycler.*

12. If the generator self-transport used oil to an approved collection site or to an aggregation point owned by the generator: [3745-279-24]

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**

13. 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

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

15. 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.**