



State of Ohio Environmental Protection Agency

Southeast District Office

2195 Front Street
Logan, Ohio 43138

TELE: (740) 385-8501 FAX: (740) 385-6490
www.epa.state.oh.us

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

August 18, 2010

**LAWRENCE COUNTY
COGAN'S WRECKER SERVICE
DHWM/SEDO
OHD114450562**

Mr. Kenneth Cogan
Cogan's Wrecker Service
162 County Road 616
South Point, Ohio 45680

RE: Complaint Investigation – Notice of Violation

Dear Mr. Cogan:

On August 11, 2010, Rich Stewart and I inspected Cogan's Wrecker Service in South Point, Ohio to investigate an anonymous complaint that was recently received by Ohio EPA. The complaint alleged that several 55-gallon drums of diesel fuel or used oil stored at the site are leaking onto the ground. This letter will summarize the conclusions of our complaint investigation, and explain any violations of Ohio's hazardous waste laws that were discovered during our inspection and what you need to do to correct them.

During the complaint investigation and inspection, we discovered the following violation of Ohio's hazardous waste laws. In order to correct this violation, you must do the following and send me the required information **within 30 days** of your receipt of this letter:

- (1) OAC Rule 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 clean up and properly dispose of the released used oil and any clean up materials.

During our inspection, we observed oil stained soil at the northwest corner of the property. Approximately seven 55-gallon drums were located near this area, containing what appeared to be an oil/water mixture. The drums were in poor condition and showed signs of deterioration, but did not appear to be leaking. It is unclear if the oil-stained soil was a result of leaks from the drums or from an oil spill.

As we discussed during the inspection, Cogan's Wrecker Service must clean up all the visible oil stained soil from the previous leaks or spills, and properly manage the used oil clean up materials. Any oil-contaminated soil and materials generated from the clean up can be disposed of as a solid waste along with your regular trash. In addition, Cogan's Wrecker Service should verify that the drums in this area contain used oil/water mixture, and any drums that are in poor or deteriorating condition

should be removed off-site. Once these issues have been addressed, please send me a photograph demonstrating that this area has been cleaned up, and documentation associated with the off-site removal and disposal of the drums of used oil/water mixture.

GENERAL COMMENTS:

Spent Batteries. Spent auto and truck batteries are currently being stored outside the garage on a wood pallet until they are recycled. As we discussed during the inspection, the acid and casings from used vehicle batteries have been found to contain high quantities of lead. Your used batteries should be stored inside out of the weather to minimize the possibility of cracking and leaking the lead/acid fluid onto the ground. This could prevent you from having to conduct a clean up of lead/acid contaminated soil, should the batteries rupture and leak.

- **Transport of Scrap Tires.** You mentioned during the inspection that you or employees of Cogan's Wrecker Service may self-transport your scrap tires to a recycler or reuse facility. Please be advised that you may only haul scrap tires to a recovery or disposal facility if you transport them in loads of 10 or fewer tires. Loads larger than 10 tires must be transported by a transporter who has obtained a valid registration certificate from Ohio EPA. This includes used tires and retreadable casings that are transported to a tire dealer or tire retreader. I have enclosed Ohio EPA's fact sheet on scrap tire management, and a list of licensed scrap tire facilities.
- **Emergency Response/Spill Cleanup Training and Certification.** During the inspection, you asked about becoming trained and certified to participate in spill cleanup and recovery efforts in local transport related releases.

For further information, you may wish to contact your local Emergency Management Association to discuss this with them. They can be reached at:

Lawrence County Emergency Management
Director: Michael Boster
515 Park Avenue-Rear
Ironton, Ohio 45638
740-533-4375 or 740-533-4376
email: lcema@cloh.com

In addition, you may wish to contact your local fire department(s) for further information:

South Point Volunteer Fire Department
104 Eisenhower Street
South Point, Ohio 45680
740-377-4443

Burlington Fayette Township Fire Department
7681 County Road 1
South Point, Ohio
740-894-5300

As we discussed, Ohio EPA's Division of Emergency and Remedial Response also responds to situations in which there is a transportation related release of oil, diesel fuel, etc. You may wish to contact Dennis Deavers in our Emergency Response Division, at 740-380-5287, to discuss this with him.

I have enclosed a copy of the checklists that were completed as a result of the inspection. Ohio EPA's hazardous waste rules are available on our division's web page at: <http://www.epa.ohio.gov/Default.aspx?alias=www.epa.ohio.gov/dhwm>. In addition, compliance assistance and pollution prevention information is available at: <http://www.epa.ohio.gov/Default.aspx?alias=www.epa.ohio.gov/ocapp>.

If you should have any questions regarding this letter, please feel free to call me at (740) 380-5237.

Sincerely,



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

VDG/mlm

Enclosure

cc: Joe Holland, Ohio EPA, DSIWM, SEDO
Dennis Deavers, Ohio EPA, DERR-SEDO

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.

**RCRA SUBTITLE C SITE IDENTIFICATION/VERIFICATION FORM**Completed forms that are required to be submitted to CO should be e-mailed to paula.canter@epa.state.oh.us

Site EPA ID No. Site Name Site Location Information Site Land Type (check only one) NAICS codes www.census.gov/epcd/www/naics.html	EPA ID Number: OHD114450562 Name: Cogan's Wrecker Service Website (Optional): Street Address: 162 Township Road 616 City, Town, or Village: South Point State: OH County Name: LAWRENCE Zip Code: 45680 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"/>
Facility Representative Additional names can be recorded in comments section. Only provide address information if it is different than the site address.	First Name: Kenneth MI: Last Name: Cogan Phone Number: 740-377-4008 Extension: E-Mail Address: Fax Number: 740-377-9549 Fax Number Extension: Street or P.O. Box: City, Town or Village: State: Zip Code:
Legal Owner And Operator List additional Owners and/or Operators in the Comments Section or on another copy of this page.	Name of Site's Legal Owner: Kenneth Cogan Date Became Owner (mm/dd/yyyy): Owner Type: 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"/> Street or P.O. Box: City, Town or Village: Owner Phone #: State: Country: Zip Code: Name of Site's Operator: Kenneth Cogan Date Became Operator: Owner Type: 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"/> Street or P.O. Box: City, Town or Village: Operator Phone #: State: United States Zip Code:

VIOLATIONS CITED? Yes No**TYPE OF HANDLER (MARK AS APPROPRIATE)**

- Not a Generator
 UNKNOWN: Cited for violation of 3745-52-11
 Large Quantity Generator (LQG)
- Short-Term Generator
Generated from short-term or one-time event and not from ongoing processes.
Check the box for the applicable generator status and provide a comment.
- Conditionally Exempt Small Quantity Generator (CESQG)**
 U.S. Importer of Hazardous Waste
 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 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
(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

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 RCRAInfo 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	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Additional Facility Representatives:
Tanks	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	One 500-G Used Oil Tank; 55-G containers for auto fluids (diesel fuel, antifreeze, etc.)
Containers	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	

INSPECTOR(S)**INSPECTION DATE**

Vicky German, DHWM-SEDO

Rich Stewart, DHWM-SEDO

8/11/2010

COMMENTS

Facility is located at 162 Township Road 616, South Point OH 45680. The Grandview Avenue scrap yard and parts sales location/address specified on previous RCRAInfo Notification Forms, is no longer in operation.

Facility was inspected as a result of a complaint.
Used oil violation cited.

CONDITIONALLY EXEMPT SMALL QUANTITY (CESQG) GENERATOR REQUIREMENTS

CESQG: <100Kg. (Approximately 25-30 gallons) of waste in a calendar month.

SQG: Between 100 and 1,000 Kg. (About 25 to under 300 gallons) of waste in a calendar month.

LQG: >1,000 Kg. (~300 gallons) of waste in a calendar month or >1 Kg. of acutely hazardous waste in a calendar month.

WASTE EVALUATION

1. Have all wastes generated at the facility been adequately evaluated? [3745-52-11] Yes No NA

GENERATOR CLASSIFICATION

2. Does the generator produce <100 kg. of hazardous waste per month?
(CESQG - Conditionally Exempt Small Quantity Generator) Yes No NA

NOTE: If quantities of hazardous waste accumulated on-site at any one time exceed 1,000 Kg. - or the generator produces between 100 and 1,000 Kg. of hazardous waste per month, it is operating as a Small Quantity Generator (SQG).

OFF-SITE SHIPMENT OF HAZARDOUS WASTE

3. Does the CESQG ensure delivery of hazardous waste(s) to an off-site permitted TSD?
[ORC §3734.02(F)] Yes No NA

TREATMENT OF HAZARDOUS WASTE

4. Does the generator treat hazardous waste in a:
- a. Container that meets 3745-66-70 to 3745-66-77? Yes No NA
 - b. Tank that meets 3745-66-90 to 3745-66-101 except 3745-66-97(C)? Yes No NA
 - c. Drip pad that meets 3745-69-40 to 3745-69-45? Yes No NA
 - d. Containment building that meets 3745-256-100 to 3745-256-102? Yes No NA

NOTE: If the CESQG conducts treatment they are subject to the LQG requirements.

NOTE: If waste is treated to meet LDRs, use the LDR checklist.

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?
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

The 500-gallon used oil storage tank inside the main maintenance garage was in good condition.

Approximately 7 drums outside the garage that appeared to contain an oil/water or diesel fuel/water mixture did not appear to be leaking, but showed signs of deterioration.

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
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

Oil-stained soil was observed at the northwest corner of the property, close to where the drums are located. It is not known if this was the result of a leak from the drums or from a spill. Oil-contaminated soil must be cleaned up and properly disposed.

ON-SITE BURNING IN SPACE HEATERS

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 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

GENERATOR TRANSPORTATION

11. 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

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.

WASTE MANAGEMENT ACTIVITIES SUMMARY

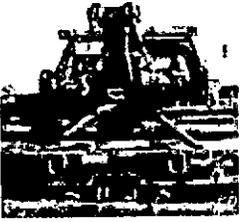
Cogan's Wrecker Service

South Point, Ohio

OHD114450562

<i>Waste Description</i>				<i>On-Site Management</i>			<i>Off-Site Management</i>
Process	Waste Generated	EPA Waste Code	Amount Generated per Month	Type of Accumulation and/or Storage	Type of On-Site Treatment	Waste Location	Name, Location, Activity
Tow truck repair and maintenance Clean up of wrecked car parts	Spent parts washer solvent	D001 D018 D035 D040	< 5 G	NA – parts washer	Re-conditioned by adding new solvent	Main garage	Safety-Kleen Poca WV
Tow truck repair and maintenance Used oil collected from wrecked cars	Used oil	NA	Varies	500-G used oil tank	NA	Main garage	Safety-Kleen Poca WV
Tow truck repair and maintenance Used oil collected from wrecked cars	Oil filters	NA	Varies	Inside main garage	Drained into used oil tank and collected for recycling or disposal	Main garage	Mansbach Metal Co. Ashland KY Scrap metal / recycling Allied Waste Services Huntington WV disposal as solid waste
Tow truck repair and maintenance Parts collected from wrecked cars	Spent lead-acid batteries	D008 unless recycled or managed as UVW	Varies	On pallet outside main garage	NA	On pallet outside main garage	Mansbach Metal Co. Ashland KY
Tow truck repair and maintenance Clean up of wrecked car parts	Shop rags	NA – commercial laundry service	Varies	Container in main garage	NA	Container in main garage	Cintas Corporation Ashland KY
Touch up painting of tow trucks (infrequent)	Spent paint-related waste and solvent	D001 F003 F005	NA – infrequent generation	Container in main garage, when generated	NA	Container in main garage, when generated	Safety-Kleen Poca WV

PROCESS DESCRIPTION



Cogan's Wrecker Service operates a heavy duty large truck/equipment and automobile towing business. The facility operates and maintains 16 wrecker trucks for towing, including flat bed tow wreckers and heavy duty wreckers. Wrecked and/or disabled vehicles are towed to the site, awaiting a claim of ownership. Scrap car and truck bodies are sent off-site to a scrap metal recycler; parts salvaged from cars and trucks are collected and sold. Cogan's also conducts maintenance on their own tow truck fleet, and generates used oil and other automotive fluids from these activities. Occasionally, a small amount of touch up painting is done on the trucks, which generates paint-related/solvent waste.

WASTE MANAGEMENT INFORMATION

Auto fluids are collected in 55-gallon drums. Used oil is collected in containers and transferred to a 500-gallon used oil tank. Used oil filters are drained into the used oil tank, then either scrapped/recycled or disposed of as solid waste. Spent parts cleaner and paint-related/solvent wastes are taken off-site by Safety-Kleen as necessary. Shop rags are laundered and returned via a commercial laundry service.

REGULATORY HISTORY

Cogan's Wrecker Service was last inspected for compliance with Ohio's hazardous waste laws on November 22, 2004. The facility was also visited by Ohio EPA's Division of Hazardous Waste Management on November 3, 2005 and by the Division of Solid and Infectious Waste Management on November 1, 2007, to investigate citizen complaints concerning spills of auto fluids and scrap tire management.