



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

May 25, 2010

**MUSKINGUM COUNTY
GENERAL FILE
(GARY'S AFFORDABLE AUTO
REPAIR)
DHWM/SEDO
NON NOTIFIER**

Mr. Gary Hayes
Gary's Affordable Auto Repair
8935 Raiders Road
Frazeysburg, Ohio 43822

Dear Mr. Hayes:

On April 22, 2010, Ohio EPA was called to a pollution incident report regarding open burning of solid waste and a used oil spill at your business at the above address. On April 29, 2010, I performed a complaint investigation of your company to determine the validity of the complaint and to determine its compliance with Ohio's hazardous waste laws and regulations as found in Chapter 3734 of the Ohio Revised Code (ORC) and Chapter 3745 of the Ohio Administrative Code (OAC).

During the investigation, we found that used oil had been spilled or leaked into the ditch at the rear of the property. The spill had been cleaned up on April 22 and you have the oil-contaminated soil stored in three or four 55-gallon drums in a pickup truck. You showed us where you collect used oil in 55-gallon drums near the door of your garage. We also observed that two tanks partially-full of used oil are stored at the rear of the property. Based on these observations, you are in violation of the following regulations; please provide the requested information within thirty days of the date of this letter:

- (1) **Used oil storage requirements for generators, OAC Rule 3745-279-22(D)**: Upon detection of a release of used oil... a generator shall perform the following cleanup steps: (1) stop the release; (2) contain the released used oil; (3) clean up and properly manage the released used oil and other materials; and (4) if necessary, to prevent future releases, repair or replace any leaking used oil storage containers or tanks prior to returning them to service.

The used oil-contaminated soil from the spill must be disposed of at a permitted solid waste landfill. To demonstrate compliance with this rule, please provide copies of the receipts for the disposal of this soil.

- (2) **Used oil storage requirements for generators, OAC rule 3745-279-22(C)**: Paragraph (C): Containers and aboveground tanks used to store used oil at generator facilities shall be marked clearly with the words "Used Oil."

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Two 100 to 200-gallon tanks of used oil which are located over the ditch at the back of the property were not labeled "Used Oil". As we discussed, please provide photographs of these tanks once they've been labeled "used oil" or transfer the used oil to proper containers for off-site transportation.

Other compliance issues:

Please see the attached factsheet regarding used oil regulations. You will need to use a used-oil transporter in the future for transporting the used oil to a recycling facility.

I have provided a copy of the checklists used to evaluate your facility's compliance. Additional information on the hazardous waste rules, pollution prevention assessments and other useful information is available on Ohio EPA's website at www.epa.state.oh.us. If you have any questions regarding waste management or pollution prevention activities, please call me at (740) 380-5278.

Sincerely,



Richard Stewart
District Representative
Division of Hazardous Waste Management

RS/mlm

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.

Send to Central Office

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

For Ohio EPA use only

Completed verification forms required to be submitted to CO should be e-mailed to kristina.durnell@epa.state.oh.us.

Site EPA ID No. Site Name	EPA ID Number: non-notifier		Website: (Optional)		
	Name: Gary's Affordable Auto Repair & Service				
Site Location Information	Street Address: 8935 Raider's Road				
	City, Town, or Village: Frazeysburg		State: OH		
	County Name: Muskingum		Zip Code: 43822		
Site Land Type (check only one)	Private <input checked="" type="checkbox"/>	County <input type="checkbox"/>	District <input type="checkbox"/>	Federal <input type="checkbox"/>	
NAICS code(s) www.census.gov/epcd/ww/naics.html					
Facility Representative Additional names can be recorded in number 12 Only provide address information if it is different than the site address	First Name: Gary		MI:	Last Name: Hayes	
	Title: Operator				
	Phone Number: 740 828 1074		Phone Number Extension:		
	E-Mail Address:				
	Fax Number:		Fax Number Extension:		
	Street or P.O. Box:				
	City, Town or Village:				
	State:		Zip Code:		
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: John O'Flaherty		Date Became Owner (mm/dd/yyyy):		
	Owner Type:	Private <input checked="" type="checkbox"/>	County <input type="checkbox"/>	District <input type="checkbox"/>	
	Street or P.O. Box: 10600 Cannon Road		Federal <input type="checkbox"/>	Indian <input type="checkbox"/>	Municipal <input type="checkbox"/>
	City, Town or Village: Frazeysburg		State <input type="checkbox"/>	Other <input type="checkbox"/>	
	State: OH		Owner Phone #: 740-828-2071		
	Name of Site's Operator:		Date Became Operator (mm/dd/yyyy):		
	Operator Type:	Private <input type="checkbox"/>	County <input type="checkbox"/>	District <input type="checkbox"/>	
	Street or P.O. Box:		Federal <input type="checkbox"/>	Indian <input type="checkbox"/>	Municipal <input type="checkbox"/>
	City, Town or Village:		State <input type="checkbox"/>	Other <input type="checkbox"/>	
	State:		Operator Phone #:		
		Country:	Zip Code:		

VIOLATIONS CITED?

 Yes No

TYPE OF HANDLER - MARK "X" AS APPROPRIATE

<input checked="" type="checkbox"/> Not a HW Generator	<input type="checkbox"/> UNKNOWN: Cited for violation of 3745-52-11	<input type="checkbox"/> Large Quantity Generator (LQG)
	<input type="checkbox"/> Short-Term Generator (generates from a short-term or one-time event and not from on-going processes). Check the box for the applicable generator status and provide a comment.	<input type="checkbox"/> Small Quantity Generator (SQG)
		<input type="checkbox"/> Conditionally Exempt Small Quantity Generator
		<input type="checkbox"/> U.S. Importer of Hazardous Waste
		<input type="checkbox"/> Mixed Waste (Hazardous and Radioactive) Generator

USED OIL CHECKLIST

PROHIBITIONS

1. Is used oil being managed in a surface impoundment or waste pile? If so: Yes ___ No N/A ___ RMK# ___
Is the surface impoundment or waste pile being regulated under OAC 3745-54 to 3745-57 or 3745-65 to 3745-69? [3745-279-12(A)] Yes ___ No N/A RMK# ___
2. Is used oil being used as a dust suppressant? [3745-279-12(B)] Yes No N/A ___ RMK# ___
3. Is off-specification used oil fuel burned for energy recovery only in devices specified in 3745-279-12(C)? Yes ___ No N/A RMK# ___

USED OIL GENERATOR STANDARDS

4. Does the generator mix hazardous waste with used oil only as provided in 3745-279-10(B)? [2745-279-21(A)] Yes ___ No N/A RMK# ___
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 RMK# ___
6. Does the generator only store used oil in tanks, containers, or units subject to OAC 3745-54 to 3745-57 or 3745-65 to 3745-69? [3745-279-22(A)] Yes ___ No N/A RMK# ___
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 ___ RMK# ___
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 ___ RMK# 1
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 ___ RMK# ___
- b. Contained the release? Yes No N/A ___ RMK# ___
- c. Cleaned up and properly managed the used oil and other materials? Yes ___ No N/A ___ RMK# 2
- d. Repaired or replaced the containers or tanks prior to returning them to service, if necessary? Yes ___ No N/A RMK# ___
10. Does the generator burn used oil in used fired space heaters? [3745-279-23] If so: Yes ___ No N/A ___ RMK# ___
- 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 RMK# ___

b. Is the heater design to have a maximum capacity of not more than 0.5 million BTU per hour?

Yes No N/A RMK#

c. Are the combustion gases from heater vented to the ambient air?

Yes No N/A RMK#

11. Does the generator have the used oil hauled only by transporters that have obtained an EPA ID#, unless the generator qualifies for an exemption pursuant to 3745-279-24 (self transportation or tolling agreements)? [3745-279-24]

Yes No N/A RMK#

USED OIL 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 RMK#

13. Is the non-DIY used oil collection center registered with Ohio EPA? [3745-279-31]

Yes No N/A RMK#

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 RMK#

WASTE EVALUATION

15. Have all wastes generated at the facility been evaluated? [3745-52-11]

Yes No N/A RMK#

REMARKS

- 1) Two tanks of used oil were observed behind the shop building not labeled.
- 2) Contaminated soil had not been disposed yet.

PROCESS, WASTE, P2 SUMMARY SHEET

Facility Name: Gary's Affordable Auto Repair & Service Facility Type: LQG SQG CESQG TSD Date of Inspection: 4/29/10
 EPA ID# Non-Notifier

Waste Generated			On- or Off-Site Management		P2 Activities	
Process/Activity Generating Waste <small>(e.g. plating bath, machining, baghouse, painting, general maintenance, etc)</small>	Waste Description <small>(e.g. sludge, solvent, ash, used oil, spent lamps, etc.) and EPA Waste Code, if applic.</small>	QTY Generated per Month, Type of Accumulation (container, tank, etc) and location of waste accumulation area	Type of On-Site Treatment <small>(recycle, wwt, etc)</small>	Name, state, and type of activity occurring at the off-site facility.	Current P2 Activities	P2 Opportunities
1 Auto repairs	Used oil	10- 20 gallons/mo	NA	Unknown individuals?	NA	recycling
2						
3						

REMARKS-GENERAL INFORMATION

General Process Information:

Gary's is a small auto repair garage. No body work or painting is performed.

Regulatory/Enforcement History (if applicable):

No information was found in DHWM's files.

Additional P2 remarks and information:

Small amount of solid waste is currently generated, no hazardous waste.

Would this facility be interested in a P2 assessment? Yes* No *If yes, refer promptly to your district P2 coordinator.

Office of Compliance Assistance and Pollution Prevention - 1-800-329-7518 or p2mail@epa.state.oh.us or www.epa.state.oh.us/ocapp/ocapp.html

Other: