



State of Ohio Environmental Protection Agency

Southeast District Office

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Logan, Ohio 43138

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

February 14, 2008

**ROSS COUNTY
GENERAL FILE
(BARKER'S AUTO SALVAGE)
DHWM/SEDO
NON NOTIFIER**

Anthony Barker
Barker's Auto Salvage
2401 Blaine Highway
Waverly, Ohio 45690

Dear Mr. Barker:

On February 5, 2008, Jake Greuey of the Division of Surface Water, and Donna Goodman of the Division of Hazardous Waste Management of Ohio EPA conducted a complaint investigation of Barker's Auto Salvage ("Barker's") in response to a complaint received by this office. The complainant alleged that your company was improperly managing used oil, gasoline, automotive fluids and automotive parts, thereby releasing these fluids to the ground and a nearby stream. You, as owner, accompanied Ohio EPA on this investigation.

Based on Ohio EPA's investigation, 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 the date of this letter:

- (1) **Ohio Revised Code (ORC 3734.02(E)(F)), Prohibitions.** No person shall store, treat, or dispose of hazardous waste, or transport or cause to be transported any hazardous waste except to or at a permitted hazardous waste facility.

Barker's has stored both steel and plastic gasoline tanks which contained gasoline residuals (D001/D018 hazardous waste) in them. The gasoline in the tanks leaked onto the ground and flowed into a nearby stream, thus, illegal disposal of hazardous waste gasoline has occurred.

In order to abate this violation, Barker's must immediately remove the existing pile of steel tanks located near the disassembly pad by sending them offsite to a recycler or by placing them on a concrete pad which is bermed, under roof and fully protected from precipitation and mud until such time that recycling can occur. In addition, Barker's should take steps to avoid creating piles of steel gas tanks in the future unless they are managed on a bermed, roofed, impermeable pad as described above.

Regarding the plastic gas tanks, Barker's must take immediate steps to remove the pile of plastic tanks located on the banks of a stream and place them on a concrete pad which is bermed, under roof and fully protected from precipitation and mud until such time that recycling or disposal can occur. There does not appear to be a direct method of recycling plastic gas tanks at this time. Ohio EPA recommends that plastic tanks be placed inside cars, crushed, and sent offsite with the crushed cars for recycling as soon as possible, or by placing them on a concrete pad which is bermed, under roof and fully protected from precipitation and mud until such time that recycling can occur. In addition, Barker's should take steps to avoid creating piles of plastic gas tanks in the future unless they are managed on a bermed, roofed, impermeable pad as described above.

Since Barker's has violated ORC §3734.02(E) and (F), Barker's is subject to all applicable general facility standards found in OAC chapters 3745-54 and 55. Additionally, at any time, Ohio EPA may assert its right to have Barker begin facility-wide cleanup pursuant to the Corrective Action process under Ohio law.

- (2) **OAC Rule 3745-279-22(D), Used Oil Storage Requirements for Generators:** Upon detection of a release of used oil to the environment, a used oil generator must stop the release, contain the released oil, clean up and properly manage the released used oil and materials used to clean up the used oil, and if necessary, repair or replace any leaking used oil storage tanks or containers prior to returning them to service.

Used oil was being released to the ground from numerous areas of the facility and as a result of rain, was being carried by runoff into a drainage ditch which drained into a nearby stream. A sheen of oil was visible on the ground and in the stream. The release of used oil is caused by sloppy operations and poor housekeeping throughout the facility. In order to abate this violation, Barker's must develop and implement a used oil/automotive fluids management program for the entire facility which prevents the release of fluids to the ground, calls for immediate cleanup should a release occur to the ground, and ensures that oil (and other automotive fluids) are properly managed. In addition such a program must ensure that employees responsible for managing oils and fluids have been trained to properly manage them. A description of each area/activity that was contributing to the release of used oil and fluids, and a description of what you must do to correct this situation and abate each violation is as follows:

- (A) **Disassembly Pad.** Used oil was being released to the ground from a disassembly pad, and as a result of rain, was being carried by runoff into a drainage ditch which drained into a nearby stream. Barker's disassembly pad is where automobile parts such as engines, transmissions and radiators are removed from vehicles and further disassembled on steel counter. This area consists of a poured concrete pad that is roofed, but has not dike, berm or walls. The steel counter does not have a basin, drain or portal for collection of used oil and other fluids which drain from the parts onto the counter. While a certain

amount of used oil and other automotive fluids are drained from parts and containerized during this process (as evidenced by a several drums of used oil and antifreeze on the pad), a significant amount of used oil is not captured and leaks onto the pad in this process area. From the pad, the used oil runs off onto the surrounding ground and is washed away by surface runoff when precipitation occurs. The ground surface surrounding the pad is higher than the pad. This causes mud, rain and surface runoff to wash onto the pad. Heavy equipment used to move vehicles on and off the pad also tracks used oil and other fluids onto the surrounding ground.

In order to abate this violation, Barker's must develop and implement a used oil/automotive fluid management program for the disassembly pad. We recommend that this program include the following elements: 1) all automotive fluids must be captured and containerized before they drain onto the pad by developing a method of capturing and containerizing fluids at the steel counter located on the pad; 2) the concrete pad should be upgraded to include a waterproof dike or berm which prevents the release of used oil from the pad and keeps runoff from entering the pad, as well as walls which prevent precipitation from entering the pad; 3) the surrounding ground should be graded and graveled so that surface runoff and mud from the surrounding area is diverted from the pad, thereby preventing the tracking of fluids from the pad; and 4) employees working in these areas must be trained in used oil/automotive fluids handling procedures.

Barker's must submit to me at this office a written description of the oil/automotive fluids management program, photographs of how fluids are being properly contained, and documentation that employees have been properly trained to implement these procedures.

- (B) **Car Crusher.** Barker's operates a car crusher near the disassembly pad. Ohio EPA observed that used oil and other automotive fluids were draining onto the ground from the crusher, and being washed by surface runoff into a nearby stream. There were no containers for collection of used oil or other fluids located at the crusher portals. The ground around the car crusher was saturated with oil. According to Mr. Barker, the portals for collecting used oil are blocked and are not working. This appears to have occurred, in part, because the car crushing surface was filled with debris, preventing oil from entering the portals.

In order to abate this violation, Barker's must develop and implement a used oil/automotive fluid management program for the car crusher. We recommend that this program include the following elements: 1) Barker's must immediately remove all debris from the crusher shelf and repair the oil collection ports; 2) The crusher shelf and ports should be inspected on a daily basis to ensure that they are free of debris, and they should be maintained as often as necessary to ensure that it they are free of debris and that oil is properly draining into ports and collection containers; 3) Containers for collection of used oil and other fluids

must be placed under each port; 4) There should be a plan and procedure developed for regularly collecting used oil containers which are full, and transporting them to the used oil burner located onsite; and 5) employees working in these areas must be trained in used oil/automotive fluids handling procedures.

Barkers must submit to me at this office a written description of the oil/automotive fluids management program at the car crusher, photographs of how fluids are being properly contained, and documentation that employees have been properly trained to implement these procedures.

- (C) **Leaking automotive parts stored on ground.** The ground immediately surrounding and next to the car crusher and disassembly pad, as well as other areas of the facility, contain piles of oily solid waste, auto parts and other debris. Oil and automotive fluids are being continuously released from these piles onto the ground. When rain occurs, the fluids are being washed into the nearby stream.

In order to abate this violation, Barker's must develop and implement a used oil/automotive fluid management program for the automotive parts storage area. We recommend that this program include the following elements: 1) immediately clean up these piles, recycle the steel and dispose of the solid waste; 2) develop an alternative means of storing auto parts. Storage of auto parts which have the potential to release fluids may occur only on an impermeable, bermed pad or in containers, and under roof; 3) All visibly oil-contaminated soils which exist under and around these piles must be excavated and disposed of as a solid waste; and 5) employees working in these areas must be trained in automotive parts handling and storage procedures.

Barkers must submit to me at this office a written description of the oil/automotive fluids management program for the parts storage areas, photographs of how parts are being properly contained, and documentation that employees have been properly trained to implement these procedures.

- (D) **Transport of used oil across the grounds.** Oil spillage occurs on the ground when open, five-gallon buckets of used oil are hand carried across the facility to the used oil burner, and transferred to the 250-gallon tank which feeds the oil burner. Used oil sloshes out of buckets and onto the ground. Barker's employees typically carry the buckets from the point of generation at the disassembly pad, to the building which houses used oil burning furnace. The oil in buckets is then poured into a 250-gallon used oil tank which feeds the furnace.

In order to abate this violation, Barker's must develop and implement a used oil transport procedure for transporting used oil to the oil burner. We recommend that this program include the following elements: 1) Procedures for placing lids on oil containers prior to transporting them; and 2) training employees who

transport used oil and transfer it into the 250-gallon tank; and 3) procedures for cleanup of spills which may occur when used oil is poured into the 250-gallon tank.

Barker's must submit to me at this office a written description of the used oil transport procedure and documentation that employees have been properly trained to implement these procedures.

- (E) **Oily Sawdust.** Oily sawdust being disposed of on the ground is releasing used oil to the ground, which is subsequently washing into a nearby stream. Sawdust is used to absorb used oil on the disassembly pad; however, there was no indication that oily sawdust is being properly managed as a solid waste. Oily sawdust was observed tracked onto the ground near the disassembly pad and on the ground in other areas of the facility. According to Mr. Barker, the oily sawdust is typically placed inside cars which are then transported to the car crusher after disassembly. Note that oily sawdust is a solid waste and as such, it must be managed accordingly. It is not acceptable to place oily sawdust in crushed cars because when rain occurs, the oil leaks onto the ground and flows into the stream.

In order to abate this violation, Barker's must develop and implement a procedure for properly managing oil sawdust. We recommend that this program include the following elements: 1) On a daily basis, oily sawdust must be swept and placed in closed containers; 2) When containers are full, the oily sawdust must be disposed of as a solid waste in Barker's trash dumpster; 3) employees who use sawdust to absorb oil spills must be trained in the new procedure.

Barker's must submit to me at this office a written description of the oily sawdust management procedure, photographs of properly managed oily sawdust, and documentation that employees have been properly trained to implement these procedures.

- (F) **Leaking secondary containment.** Used oil is leaking onto the ground from secondary containment system which surrounds a 250-gallon used oil tank located directly outside the wall of the building which houses the used oil burning furnace.

In order to abate this violation, Barker's must immediately stop the leak and repair the leaking secondary containment system, excavate all visibly oil-contaminated soils and dispose of them as a solid waste. Please submit to me at this office documentation that the leak has been repaired, as well as photographs which show that oily soils have been excavated.

- (3) **OAC Rule 3745-279-22,(C), Used Oil Storage Requirements for Generators:** Containers and tanks of used oil must be in good condition, not leaking, and labeled with the words "Used Oil";

Numerous tanks, drums and five-gallon buckets of used oil throughout the facility were not properly labeled. These include all containers and buckets of used oil located at or near the used oil furnace, and the 250-gallon tank which feeds the furnace. In order to abate this violation, you must label all tanks, drums and other containers with the words "used oil" and submit to me at this office, photographs of properly labeled tanks, drums and containers to this office.

GENERAL COMMENTS

- (a) Used oil filters are generated in large quantities by your company and are currently managed as a solid waste, once drained. We recommend that you find a local recycling company that can accept drained filters for recycling. The following contains information on used oil filter recycling and includes a list of used oil filter recyclers in Ohio and other states:

<http://www.epa.state.oh.us/opp/recyc/oiltrans.html>

- (b) During the investigation, you stated that you sell all used oil in excess of that which you burn in your used oil furnace. In other words, the volume of used oil that you generate exceeds the volume that you can use as fuel for heat. You stated that last year you sold a quantity to a company who you could not identify. However, you said that you had receipts. You were unable to find those receipts during the investigation. Please submit copies of those receipts to me at this office as documentation that you are properly recycling your excess used oil.
- (c) Barker's generates antifreeze from vehicles that it accepts for salvage. Please submit a description of how used antifreeze is managed, and any receipts which document that it has been sent offsite for recycling or disposal.
- (d) Ohio has a Mercury Switch Removal Program. This program is completely voluntary. Auto recyclers who do participate will receive \$3.00 for every switch or ABS brake assembly turned in for as long as program funding remains available. Funding for the program is approved through the 2008-2009 program year. We encourage you to commit to the program, pull switches, and take advantage of this incentive program. Participating in the program is very easy and does not require a lot of paperwork. If you are an auto recycler and are interested in the participating in the program call the Ohio EPA Office of Compliance Assistance and Pollution Prevention (OCAPP), at 614-644-3469 or 800-329-7518. For more information on this program, see the following website:

http://www.epa.state.oh.us/ocapp/sb/switch_removal_program.html

Mr. Anthony Barker
Barker's Auto Salvage
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- (e) During the investigation, we discussed with you the need for a storm water permit for your facility. This will be addressed in a separate letter which you will be receiving from the Ohio EPA Division of Surface Water.

Should you have any questions, please feel free to call me at (740) 380-5293. You can find copies of the rules and other information on the division's web page at <http://www.epa.state.oh.us/dhwm>.

Sincerely,

Donna Goodman

Donna Goodman
District Representative
Division of Hazardous Waste Management

DG/mim

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.

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

For Ohio EPA use only

E-mail this completed form to
tammy.mcconnell@epa.state.oh.us or mail it to Tammy
McConnell, Central Office

2. Site EPA ID No:	EPA ID Number:									
3. Site Name	Name: Barker's Auto Salvage						Website: (Optional)			
4. Site Location Information:	Street Address: 2401 Blaine Highway									
	City, Town, or Village: Waverly						State: OH			
	County Name: Ross						Zip Code: 45690			
5. Site Land Type (check only one)	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"/>		
6. NAICS code(s) www.census.gov/epcd/www/naics.html										
7. Facility Representative Additional names can be recorded in number 12 Only provide address information if it is different than the site address	First Name: Anthony				MI:	Last Name: Barker				
	Phone Number:				Phone Number Extension:					
	E-Mail Address:									
	Fax Number:				Fax Number Extension:					
	Street or P.O. Box:									
	City, Town or Village:			State:			Country:		Zip Code:	
	Name of Site's Legal Owner:									
Date Became Owner (mm/dd/yyyy):										
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	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: Barker's Auto Salvage					Date Became Operator (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:				Operator Phone #:						
State:				Country:		Zip Code:				
9. Violations Cited?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No									
10A. Type of Regulated Waste Activity (Mark "X" in all of the appropriate boxes)										
<input type="checkbox"/> Not Regulated					<input type="checkbox"/> Conditionally Exempt Small Quantity Generator					
<input type="checkbox"/> UNKNOWN: Cited for violation of 3745-52-11					<input type="checkbox"/> United States Importer of Hazardous Waste					
<input type="checkbox"/> Large Quantity Generator (LQG)					<input type="checkbox"/> Mixed Waste (Hazardous and Radioactive) Generator					
<input type="checkbox"/> Small Quantity Generator (SQG)										
<input type="checkbox"/> Hazardous Waste Transporter					<input type="checkbox"/> Exempt Boiler and/or Industrial Furnace					
<input type="checkbox"/> Treater, Storer or Disposer of Hazardous Waste					<input type="checkbox"/> Small Quantity On-Site Burner Exemption					
<input type="checkbox"/> Recycler of Hazardous Waste					<input type="checkbox"/> Smelting, Melting, Refining Furnace Exemption					
<input type="checkbox"/> Underground Injection Control Facility										

10B. Universal Waste Activities (Indicate types of universal waste managed (check all boxes that apply))			
<input type="checkbox"/> Small Quantity Handler of Universal Waste		<input type="checkbox"/> Large Quantity Handler of Universal Waste (accumulates 5,000 kg. or more)	
<input type="checkbox"/> Destination Facility for Universal Waste			
Check all boxes below that apply for each of the three types of facilities above		10C. Used Oil Activities (Indicate Type(s) of Activity(ies))	
	Managed	<input checked="" type="checkbox"/> Used Oil Generator	<input type="checkbox"/> Off-Specification Used Oil Burner
Batteries	<input type="checkbox"/>	<input type="checkbox"/> Used Oil Transporter	<input type="checkbox"/> Used Oil Fuel Marketer Who Directs Shipment of Off-Spec. Oil
Pesticides	<input type="checkbox"/>	<input type="checkbox"/> Used Oil Transfer Facility	<input type="checkbox"/> Used Oil Fuel Marketer to Off-Specification Used Oil Burner
Mercury containing equipment	<input type="checkbox"/>	<input type="checkbox"/> Used Oil Processor	
Lamps	<input type="checkbox"/>	<input type="checkbox"/> Used Oil Re-refiner	
11. Waste Codes for Federally Regulated Hazardous Wastes. Please list the codes for the federally regulated hazardous waste handled at the 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 RCRA Info 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.			
Announced	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Additional Facility Representatives:
Tanks	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Other Comments: Company cited for illegal disposal of hazardous waste on ground. Tanks and containers of used oil.
Containers	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
13. Name of Inspector(s)		Name of Inspector(s)	Date of Inspection/Time (mm/dd/yyyy) (hh:mm)
Donna Goodman		Jake Greuey, DSW	2/5/2007
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)