



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

December 24, 2007

**SCIOTO COUNTY
GENERAL FILE
(11th STREET AUTO REPAIR)
DHWM/SEDO
NON NOTIFIER**

Mr. Jack Newman
11th Street Auto Repair
1519 11th Street
Portsmouth, Ohio 45662

Dear Mr. Newman:

On December 17, 2007, Ohio EPA conducted a complaint investigation of 11th Street Auto Repair in response to a complaint received by this office. The complainant alleged that open drums of used oil being stored outside the building were leaking onto the ground. You were not present during the investigation; however, your employee, Tony McKenzie accompanied me.

Based on my 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) **OAC Rule 3745-52-34, Waste Evaluation:** Any person who generates a waste must evaluate it to determine if it is a hazardous waste.

During the investigation, I observed six drums, some of which were open, stored in the parking lot of your repair garage, next to a chain-link fence. According to Mr. McKenzie, the drums may have been left onsite by a former business called Smitty's Exhaust, which is no longer at this location. While at least one of the drums appeared to contain used oil (which was evident by leakage of used oil from one drum), the contents of the rest of the drums was unknown.

According to a telephone conversation with you on December 18, 2007, while your company is not the generator of this waste, you offered to have the waste disposed of properly and did not wish for me to contact the property owner, Mr. Roger Padron. In order to abate this violation, please immediately determine the contents of each drum and contact me by telephone with this information. If any of the drums contain used oil, you should send the used oil offsite for recycling to a registered used oil recycling facility, and submit copies of receipts to me. Should the contents of any of the drums be a hazardous waste, they must be managed in accordance

with Ohio Hazardous waste laws. If this is the case, I will provide further instructions once you contact me with your waste evaluation. Enclosed is a list of registered used oil recycling companies.

- (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 used 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 containers prior to returning them to service for used oil storage.

A small amount of used oil was leaking from one of the drums onto the brick surface of the alleyway next to the chain link fence.

To correct this violation, you must first stop oil from leaking onto the ground. Then you must clean up the ground where used oil was released. While the ground surface on which the used oil leaked was brick and/or concrete, there may not be any contaminated soils. In this case you must remove any residual oil from the concrete or brick. If, however, soils were also affected, you must dig up the soil until the soil that remains is no longer visibly contaminated with used oil and appears clean. The oil-stained soil that has been excavated can be managed as a solid waste, and disposed of by your regular solid waste/garbage disposal company. You may wish to contact your solid waste disposal company to determine if they have any additional requirements for the disposal of this waste. To demonstrate a return to compliance with this rule, you must send a photograph of all cleaned up areas to this office. Note that should the waste evaluation required in citation #1 reveal that the leakage is a hazardous waste and not a used oil, additional cleanup may be required.

GENERAL COMMENTS

- (a) Numerous rimless tires were stored onsite in your parking lot, awaiting disposal at a local landfill. The tires were not covered or under roof. The improper storage of scrap tires is considered open dumping of solid waste and is a violation of the Ohio Administrative Code. In addition, improper storage of scrap tires poses several potential problems for the local residents, environment and the emergency crews in the area. Scrap tires provide an optimal breeding ground for mosquitoes. Mosquitoes identified at tire piles in Ohio can carry St. Louis Encephalitis, La Crosse Encephalitis, Yellow Fever, Dengue Fever and West Nile Virus.

Pursuant to OAC Rule 3734-27-60(B), the storage of scrap tires in any amount outside or inside a trailer, vehicle, or building shall be deemed a nuisance, a hazard to public health or safety or a fire hazard unless the tires are stored in accordance with specific standards set forth under OAC Rule 3745-27-60(B)(1)(10). Please immediately revise your site operations so that all tires are managed under a tarp or roof, so that they

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cannot collect rainwater. Please submit a photograph of the properly managed tires to this office.

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
District Representative
Division of Hazardous Waste Management

DG/jg

Enclosure

cc: Clint Shuff, DSIWM

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: Non notifier									
3. Site Name	Name: 11 th Street Auto Repair						Website: (Optional)			
4. Site Location Information	Street Address: 1519 11 th St.									
	City, Town, or Village: Portsmouth						State: OH			
	County Name: Scioto						Zip Code: 45662			
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	811111									
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: Jack			MI:		Last Name: Newman				
	Phone Number: 740-352-5250						Phone Number Extension:			
	E-Mail Address:									
	Fax Number:						Fax Number Extension:			
	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	Name of Site's Legal Owner: Roger Padron									
	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: 11 th Street Auto Repair									
	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 checked="" 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 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 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.			
Announced	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Additional Facility Representatives:	
Tanks	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Other Comments: Company does not generate hazardous waste. Six drums of unknown, which appear to be used oil, were left at the site by a previous automotive business which occupied the site.	
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			12/17/2007
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)