OhioEPA
State of Ohio Environmental Protection Agency
Northeast District Office

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

July 29, 2008

RE: AFFORDABLE AUTO PARTS & WRECKING NOTICE OF VIOLATION

HAND DELIVERED ON July 30, 2008

Sam Antoun
Affordable Auto Parts & Wrecking
7071 Ledge Road
Thompson, Ohio 44086

Dear Mr. Antoun:

On April 3, 2008, Ohio Environmental Protection Agency (Ohio EPA), Geauga County Health District, and Geauga County Sheriff's Office inspected Affordable Auto Parts & Wrecking (Affordable Auto) located at 7071 Ledge Road in Thompson, Ohio. This letter provides a notice of violations and one comment regarding the open dumping of solid wastes and the dumping of oil and other fluids on the property.

The purpose of the inspection was to determine if Affordable Auto Parts & Wrecking is in compliance with the clean-up plan developed by the Health District. The clean-up plan addresses open dumped solid waste and construction and demolition debris (CDD) at Affordable Auto Parts & Wrecking . The Health District sent you a letter that provides inspection results regarding compliance with the clean-up plan.

Attending the inspection were Eric Robb, representing Geauga County Health District, Mike Matsik, Sheriff's Deputy, representing Geauga County Sheriff's Office, and I, representing Ohio EPA, Division of Solid and Infectious Waste Management. The inspection included walking the property from the front garage building to the shooting range backstop located at the far back end of the property. Observations, violations and comments are below.

Ohio EPA observed the following:

1. Numerous piles of mixed debris containing both CDD and solid waste.
2. Approximately 8,000 scrap tires.
3. Uncovered roll-off box containing solid wastes.
4. Spilled oils and other liquids on property. Some of the liquids were originating near the concrete pad. The concrete pad also had compressed gas cylinders and metal torch/welding equipment.
5. Shooting range backstop containing solid wastes.

VIOLATIONS

1. **Ohio Administrative Code (OAC) 3745-27-05(C)** Open dumping of solid wastes

   This rule states in part, *"No person shall conduct, permit, or allow open dumping."*

   A. Ohio EPA observed the following solid wastes disposed on-site: plastic debris, several piles of a brown unknown waste (appears to be industrial waste), scrap tires, plastic buckets, piles of soil containing fragments of metals, plastics and glass; a mattress, pieces of foam, empty drums, plastic containers, old pressurized gas cylinders, and unidentifiable mixed debris.

   B. The shooting range backstop at the far east end of the property is constructed of scrap tires that are haphazardly distributed along with soil containing solid waste fragments of metals, plastics and glass. Because the solid waste is mixed in the soil, the soil pile in the backstop is considered solid waste.

   C. There are at least 8,000 scrap tires on the property. Scrap tires are considered solid waste. The scrap tires must be removed by a registered scrap tire transporter.

   To achieve compliance, Affordable Auto must remove and properly dispose of all solid wastes at a licensed solid waste disposal facility within the scheduled time frames specified in the clean-up plan. Also, Affordable Auto must provide copies of all disposal receipts to Ohio EPA and Geauga County Health District.

2. **Ohio Revised Code (ORC) 3734.03** Open dumping of solid wastes

   This law states in part, *"No person shall dispose of solid wastes by open burning or open dumping...No person shall dispose of treated or untreated infectious waste by open burning or open dumping."*

   Ohio EPA observed the following solid wastes disposed on-site: plastic debris, several piles of a brown unknown waste (appears to be industrial waste), scrap tires, plastic buckets, piles of soil containing fragments of metals, plastics and glass; a mattress, pieces of foam, empty drums, plastic containers, old pressurized gas cylinders, and unidentifiable mixed debris.

To achieve compliance, Affordable Auto must remove and properly dispose of all solid wastes at a licensed solid waste disposal facility within the scheduled time frames specified in the clean-up plan. Also, Affordable Auto must provide copies of all disposal receipts to Ohio EPA and Geauga County Health District.

3. **OAC 3745-400-04(B)** Illegal disposal of CDD

This rule states in part, *". . . No person shall conduct or allow illegal disposal of construction and demolition debris, as defined in rule 3745-400-01 of the Administrative Code . . ."*

The CDD disposed on property includes old lumber, carpet, shingles, plastic pieces, and metal debris.

To achieve compliance, Affordable Auto must remove and properly dispose of all CDD at a licensed CDD facility or solid waste disposal facility within the scheduled time frames specified in the clean-up plan. Also, Affordable Auto must provide copies of all disposal receipts to Ohio EPA and Geauga County Health District. CDD that is mixed with solid waste is considered solid waste and must be disposed at a licensed solid waste facility.

4. **OAC 3745-37-01(A)** License for a solid waste transfer facility

This rule states in part, *"No person shall conduct municipal solid waste landfill, industrial solid waste landfill, residual solid waste landfill, compost facility, transfer facility, infectious waste treatment facility, or solid waste incineration facility operations without possessing a separate, valid license for each such operation, as required by Chapter 3734. of the Revised Code and the Administrative Code rules adopted thereunder. Each license shall be obtained from the board of health in the health district in which the facility is located, or by the director, if the director has assumed the licensing function for that health district."*

Affordable Auto does not have a permit and license to operate a solid waste transfer facility. During the inspection, Ohio EPA observed a significant amount of solid waste, including, but not limited to: plastic debris, several piles of a brown unknown waste (appears to be industrial waste), scrap tires, plastic buckets, piles of soil containing fragments of metals, plastics and glass; a mattress, pieces of foam, empty drums, plastic containers, old pressurized gas cylinders, and unidentifiable mixed debris.

Affordable Auto has violated the above rule by not obtaining a license prior to operating a solid waste transfer facility. Affordable Auto was operating as an

illegal solid waste transfer facility because solid waste was on the ground surface and the solid waste exceeded an aggregate volume of fifty cubic yards. Pursuant to OAC 3745-27-03(A)(11), Affordable Auto may handle an aggregate volume of fifty cubic yards or less of incidental solid wastes. However, the solid wastes cannot be placed on the driveway or ground surface. Any incidental solid wastes must be placed in a covered roll-off container. The aggregate volume of the roll-off container(s) cannot exceed fifty cubic yards.

OAC 3745-27-03 is regarding facilities that are exempt from the requirement of a solid waste license. **OAC 3745-27-03(A)(11)** states in part, *"Chapters 3745-27, 3745-29, 3745-30 and 3745-37 of the Administrative Code shall not apply to the following . . . Facilities used for the transfer of solid wastes, other than scrap tires, that consist solely of portable containers and that have an* ***aggregate volume of fifty cubic yards or less****. The waste* ***must not be placed on the ground or waste handling floor****. These facilities are still subject to paragraph (a)(2) of this rule.*

For the purposes of this rule, 'aggregate volume' is the total volume of all portable containers at a facility designated for receiving solid wastes. The total volume of containers at a facility does not include the volume of an empty portable container being delivered to a facility by a transport vehicle, whose purpose includes removal of a full or partially full container of equal or greater volume, at the time of delivery of the empty container."

To achieve compliance, Affordable Auto must immediately cease operating as a solid waste transfer facility.

5. ORC 3734.05(A)(1) License for solid waste facility

This law states in part, *"Except as provided in divisions (A)(4), (8), and (9) of this section, no person shall operate or maintain a solid waste facility without a license issued under this division by the board of health of the health district in which the facility is located or by the director of environmental protection when the health district in which the facility is located is not on the approved list under section 3734.08 of the Revised Code."*

Affordable Auto has violated the above law for failure to obtain a license prior to operating a solid waste facility. To achieve compliance, Affordable Auto must immediately cease operating as a solid waste transfer facility.

6. ORC 3734.05(A)(2) Permit for a solid waste facility

This law states in part, *"Except as provided in divisions (A)(2)(b), (8), and (9) of this section, each person proposing to open a new solid waste facility or to modify an existing solid waste facility shall submit an application for a permit with accompanying detail plans and specifications to the environmental protection agency for required approval under the rules adopted by the director pursuant to division (A) of section 3734.02 of the Revised Code and applicable rules adopted under division (D) of section 3734.12 of the Revised Code at least two hundred seventy days before proposed operation of the facility and shall concurrently make application for the issuance of a license under division (A)(1) of this section with the board of health of the health district in which the proposed facility is to be located."*

Affordable Auto has violated the above law for failure to obtain a permit prior to operating a solid waste facility. To achieve compliance, Affordable Auto must immediately cease operating as a solid waste transfer facility.

7. ORC 3734.02(C) Permit for a solid waste facility

This law states in part, *". . . Except as provided in this division and divisions (N)(2) and (3) of this section, no person shall establish a new solid waste facility or infectious waste treatment facility, or modify an existing solid waste facility or infectious waste treatment facility, without submitting an application for a permit with accompanying detail plans, specifications, and information regarding the facility and method of operation and receiving a permit issued by the director.."*

Only a permitted and licensed facility can accept solid wastes. Affordable Auto has violated the above law since it did not obtain a permit prior to establishing a solid waste facility.

8. ORC 6111.04(A) Polluting surface water without a permit

The law states in part,

"(1) No person shall cause pollution or place or cause to be placed any sewage, sludge materials, industrial waste, or other wastes in a location where they cause pollution of any waters of the state.

(2) Such an action prohibited under division (A)(1) of this section is hereby declared to be a public nuisance.

Divisions (A)(1) and (2) of this section do not apply if the person causing pollution or placing or causing to be placed wastes in a

location in which they cause pollution of any waters of the state holds a valid, unexpired permit, or renewal of a permit, governing the causing or placement as provided in sections 6111.01 to 6111.08 of the Revised Code or if the person's application for renewal of such a permit is pending."

During the inspection, Ohio EPA observed oil and other unknown liquids flowing from the concrete pad with metal torch equipment. The liquids were flowing from the concrete pad area then down the gravel road that runs the length of the property. The drainage then spread out into the back field section of the property. The property is surrounded by a ditch containing surface water along the north side of the property. In addition, there is a creek along the southeast side of the property.

Surface water was in contact with oil, and other unknown fluids. Affordable Auto is in violation of ORC 6111.04 for allowing pollutants to enter waters of the state without a permit issued by Ohio EPA. Affordable Auto must immediately cease discharging pollutants to waters of the state. This matter shall be referred to Ohio EPA's Division of Surface Water.

9. OAC 3745-1-04 Polluting surface water

This rule is regarding criteria applicable to all waters, which states in part,
"The following general water quality shall apply to all surface waters of the state including mixing zones. To every extent practical and possible as determined by the director, these waters shall be:

(A) Free from suspended solids or other substances that enter the waters as a result of human activity and that will settle to form putrescent or otherwise objectionable sludge deposits, or that will adversely affect aquatic life;

(B) Free from floating debris, oil, scum and other floating materials entering the waters of the state as a result of human activity in amounts sufficient to be unsightly or cause degradation;

(C) Free from materials entering the waters as a result of human activity producing color, odor or other conditions in such a degree as to create a nuisance;"

As stated above, Ohio EPA observed oil and other unknown liquids flowing from the concrete pad with metal torch equipment. The liquids were flowing from the concrete pad area then down the gravel road that runs the length of the property. The drainage then spread out into the back field section of the property. The

property is surrounded by a ditch containing surface water along the north side of the property. In addition, there is a creek along the southeast side of the property.

Surface water was in contact with oil, and other unknown fluids. Affordable Auto is in violation of OAC 3745-1-04 for allowing pollutants to enter waters of the state without a permit issued by Ohio EPA. Affordable Auto must immediately cease discharging pollutants to waters of the state. This matter shall be referred to Ohio EPA's Division of Surface Water.

COMMENT

There is evidence of shooting in other directions besides the constructed backstop. Bullet holes were seen in several metal signs, and wood and plastic debris in the back property. Some of the items with bullet holes were located along the perimeters of the property. This is an obvious safety concern because there are residences nearby.

Nothing in this letter shall be construed to authorize any waiver from the requirements of any applicable state or federal laws or regulations. This letter shall not be interpreted to release Affordable Auto and others from responsibility under Chapters 3704, 3714, 3734, or 6111 of the Ohio Revised Code or under the Federal Clean Water or Comprehensive Environmental Response, Compensation, and Liability Acts for remedying conditions resulting from any release of contaminants to the environment.

Please provide a written response to the above violations within 15 days receipt of this letter. Please include a schedule and description of compliance activities. Should you have any questions, please call me at (330) 963-1286.

Sincerely,

Dave Dysle

Dave Dysle
Environmental Specialist
Division of Solid and Infectious Waste Management

DD:cl

cc: Chris Moody, DSW, NEDO
Eric Robb, Geauga County Health District
Mike Matsik, Sheriff's Deputy, Geauga County Sheriff's Office
File: [COUN/Geauga/GEN/28]

_____ Received this letter on July 30, 2008