



Environmental
Protection Agency

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

Re: Butch Piper Junkyard
OHR000148817
Complaint # 2964
Mercer County
Hazardous Waste
Return to Compliance

March 17, 2011

Mr. Ron Piper
Butch Piper Junkyard
512 Cron Street
Celina, Ohio 45822

Dear Mr. Piper:

Thank you for your January 5 and February 28, 2011, responses to Ohio EPA's April 14 and November 18, 2010, Notice of Violation (NOV) letters. You submitted documentation including an invoice for the recycling of used oil and a copy of the police reports regarding the situation with the spent batteries on your property. During a site visit with Greg Wilson (your attorney) and Steve Piper (your son) on January 5, 2011, I also observed that certain violations had been corrected and these will be described below.

After my follow-up inspection on January 5, 2011, and my review of the submitted documentation, I have determined that Butch Piper Junkyard (BPJ) has now abated all violations discovered during the March 15, 2010, inspection as listed below:

1. **Waste Evaluation**
OAC Rule 3745-52-11

A generator must determine whether its waste is hazardous by first determining if the waste is listed as a hazardous waste in rules 3745-51-30 to 3745-51-35; by testing the waste according to the methods set forth in rules 3745-51-20 to 3745-51-24; or by applying knowledge of the hazardous characteristic of the waste in light of the materials or the processes used. BPJ had failed to adequately evaluate all of its waste properly. Specifically, the following wastes had not been properly evaluated:

- A. Drums in the North Quonset Hut: On March 15, 2010, I observed at least twelve 55-gallon drums and one container of waste that have not been evaluated (identified). Some of these drums are open and none of them are labeled.

During my March 15, 2010, inspection it appeared possible that these drums contained used oil. On January 5, 2011, Steve Piper explained that the drums contained used oil from his trucking business called Piper Trucking & Leasing.

He provided a copy of the invoice demonstrating that 750 gallons of used oil was shipped off-site by Heritage-Crystal Clean on July 2, 2010. Therefore this violation was abated on January 5, 2011.

- B. Drum in the South Quonset Hut: On March 15, 2010, I observed at least one 55-gallon drum of waste that had not been evaluated. The drum was not labeled.

On January 5, 2011, Steve Piper explained that the drum contained used oil. He provided a copy of the invoice demonstrating that 750 gallons of used oil was shipped off-site by Heritage-Crystal Clean on July 2, 2010. Therefore this violation was abated on January 5, 2011.

- C. Spent Lead Acid Batteries: I observed at least 26 spent lead acid batteries on the ground, uncovered, at the BPJ facility. Many of these batteries had been broken open at some time. Your spent batteries must be kept closed and inside your building or trailer or you must evaluate them for hazardous waste characteristics, such as toxicity and corrosivity. BPJ must submit photographs demonstrating how it is properly managing its spent batteries (closed and protected from the elements; broken batteries should be placed into a closed drum) or submit the laboratory analytical results of its evaluation. Be aware that if BPJ breaks open a battery containing electrolyte it may be contaminating its property with a hazardous waste and would be required to clean it up and properly dispose of the resulting waste.

On January 5, 2011, Greg Wilson and Steve Piper said that you will probably not be working with cars or other vehicles any more; therefore, you should not be accumulating spent batteries. Your business will deal in scrap metal. On January 5, 2011, Steve Piper explained that all the batteries had been picked up and placed on the back of a pickup truck. I walked throughout the facility and did not observe any spent batteries. On January 5, 2011, and in an email message on February 28, 2011, Greg Wilson explained that your home and pickup truck were broken into and that the batteries were probably stolen for scrap value at the same time. An individual is already in jail for stealing batteries from another of your facilities. Therefore, this violation was abated on February 28, 2011.

2. **Response to Releases of Used Oil
OAC Rule 3745-279-22(D)**

Upon detection of a release of used oil to the environment a generator shall perform the following cleanup steps: stop the release, contain the released used oil, clean up and manage properly the released used oil and other materials, and if necessary, repair or replace any leaking used oil storage containers or tanks prior to returning them to service.

Mr. Ron Piper
March 17, 2011
Page 3

On March 15, 2010, I observed that several small areas on the ground, where you were dismantling buses, were contaminated with used oil. I also observed that some used oil was released to the ground from engines stored near the opening of the North Quonset Hut.

On January 5, 2011, I observed that the drive had been cleaned and improved, the used oil contamination was removed and there was no sign that vehicles were still being dismantled there. The area near the opening of the North Quonset Hut was cleaned also. Therefore, this violation was abated on January 5, 2011.

If you have any questions, please feel free to contact me at (419) 373-3074.

Sincerely,



Don North
District Representative
Division of Hazardous Waste Management

/llr

pc: Colleen Weaver, DHWM, NWDO
Cindy Lohrbach, DHWM, NWDO
Chris Miller, Mercer County Health Department
Greg Wilson, attorney
~~DHWM, NWDO, Butch Piper Junkyard, Mercer County File~~

ec: Don North, DHWM, NWDO
Jeremy Scoles, DSIWM, NWDO

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.