



**Environmental
Protection Agency**

Ted Strickland, Governor
Lee Fisher, Lt. Governor
Chris Korfesi, Director

Re: Butch Piper Junkyard
OHR000148817
Complaint # 2964
Mercer County
Hazardous Waste
Notice of Violation 2

November 18, 2010

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

Dear Mr. Piper:

This Notice of Violation (NOV) letter was originally sent to you on April 14, 2010. It is repeated below in its entirety. You were required to respond to it, in writing, within 30 days. Ohio EPA has not received a written response from you. You must respond within 15 days of your receipt of this second NOV letter.

Thank you for accompanying me during Ohio EPA's March 15, 2010, complaint investigation (CI) and compliance evaluation inspection (CEI) of Butch Piper Junkyard (BPJ) located at 5395 Mudpike Road in Celina, Ohio. We were also accompanied by Jeremy Scoles of Ohio EPA's Division of Solid and Infectious Waste Management and Mr. Chris Miller and Ms. Michelle Kimmel of the Mercer County- Celina City Health Department. I inspected BPJ to determine its compliance with Ohio's hazardous waste laws as found in Chapter 3734. of the Ohio Revised Code (ORC) and Chapter 3745. of the Ohio Administrative Code (OAC). My inspection included observations of your facility's operations.

According to **Complaint #2964**, received by Ohio EPA on March 1, 2010, the complainant alleged that oil and fuel may be spilled on the ground at the site. This letter will explain the validity of the complaint and the result of the inspection.

On March 15, 2010, you explained that at Butch Piper Junkyard you take in scrap metal pieces, buses, cars and appliances and ship the scrap metal to Omni Source in Ft. Wayne, Indiana for shredding or sell it as scrap. BPJ generates used oil. When I arrived at BPJ I found some evidence of small releases of used oil to the ground. Based on my observations, the complaint is valid.

As a result of my inspection, 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 your receipt of this letter:

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 has failed to adequately evaluate all of its waste properly. Specifically, the following wastes have 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.
- 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.
- 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.

In order to abate this violation, you must immediately evaluate the wastes listed above, and any other waste discovered at the facility by Ohio EPA or BPJ, in accordance with the requirements of Ohio Administrative Code Rule 3745-52-11 and this letter. You must obtain a representative sample of the waste in each container at the facility, according to OAC 3745-51-20. You must evaluate all samples, through laboratory analysis, for at least the Toxicity Characteristic Leaching Procedure (TCLP) metals and TCLP Volatile Organic Compounds (VOCs). You must evaluate the spent batteries for TCLP metals and pH. You must submit the results of the laboratory analyses to Ohio EPA as soon as they are available. **BPJ will need to give Ohio EPA a five day advance notice of sampling activities, in order for an inspector to make arrangements to view the sampling.**

Your results must document if the waste is hazardous or not and whether it is restricted from land disposal. If it is hazardous, you must explain what treatment, storage or disposal facility you will send it to. BPJ must submit to me a legible copy of the manifest(s), signed by a representative of the permitted treatment, storage or disposal facility that documents the proper off-site shipment of all its hazardous waste.

If non-hazardous waste is identified, BPJ must submit a copy(s) of the shipping paper(s) used to transport the waste off-site to a permitted solid waste facility. **If the waste is hazardous, I will determine the status of your facility's compliance with other hazardous waste laws and notify you of my findings in a separate letter.**

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.

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. The contaminated soil in these areas has not been cleaned up. In order to correct this violation, BPJ must immediately clean up the contaminated soil, analyze the soil for hazardous characteristics, and manage the waste properly according to the analytical information. You will need to provide photographic documentation that the areas have been cleaned. You will need to submit copies of the waste analyses and any shipping papers or manifests, demonstrating that you have sent the waste off-site for proper disposal. **Please explain how you will correct this violation and maintain compliance with this rule.**

In order for BPJ to determine the characteristics of the used oil contaminated soil, it must obtain a chemical analysis of a representative sample of the contaminated soil. BPJ must determine, at least, the concentration of TCLP metals and TCLP VOCs.

Please explain, in writing, how you will obtain a representative sample, who will collect it, who will analyze it and how it will be analyzed. The complete analytical results must be submitted to me as soon as they are available. Your results must document if the waste is hazardous or not and whether it is restricted from land disposal. If it is hazardous, you must explain what treatment, storage or disposal facility you will send it to. If the waste is hazardous, I will determine the status of your company's compliance with other hazardous waste laws and notify you of my findings in a separate letter.

You must coordinate the soil cleanup and sampling at all locations with the Ohio EPA. Please contact me no later than five business days before you plan to have the cleanup and sampling performed.

As a used oil generator you are required to store used oil in containers or aboveground tanks that are in good condition (no severe rusting, apparent structural defects or deterioration) and not leaking. Containers, aboveground tanks and fill pipes for underground tanks must be labeled with the words "Used Oil."

Mr. Ron Piper
November 18, 2010
Page 4

If leaks are detected, the generator must: stop the release; contain the release; clean up and manage properly the released used oil and other materials related to the release; and, if necessary, repair or replace any leaking containers or tanks prior to returning them to service. I have enclosed copies of the following used oil fact sheets: The Regulation of Used Oil: An Overview for Ohio Businesses Who Generate Used Oil, and Used Oil Recyclers. Please review these carefully and contact me immediately if you have any questions.

In order to assist you in complying with all the environmental requirements for a motor vehicle salvage yard, I have enclosed copies of Ohio EPA's Environmental Compliance Guide for Motor Vehicle Salvage Yards and Battery Recyclers/Brokers & Disposal Facilities. You should study the compliance guide and contact me if you have any questions. You should study the compliance guide and contact me if you have any questions.

You may be able to further reduce the waste your company generates. If you find ways to recycle, reduce or altogether eliminate the amount of waste that your company generates you may be able to reduce your treatment and disposal costs and you may possibly reduce your regulatory requirements. I have enclosed a copy of Pollution Prevention Opportunities, a worksheet that can help you recognize opportunities for reducing waste and conserving energy at your business. I have also enclosed copies of the fact sheet Management of Electronic Waste from Businesses. Please review this information and contact me if you have any questions.

I encourage you to schedule a pollution prevention assessment for your business because there are often many opportunities for businesses like yours to reduce waste and save money. If you wish to talk about an assessment or if you have other questions about pollution prevention, please feel free to contact the Office of Compliance Assistance and Pollution Prevention (OCAPP) at (614) 644-3469. There is no charge for an assessment.

The Division of Hazardous Waste Management has created an electronic news service to provide you with quick and timely updates on events and news related to hazardous waste activities in Ohio. If you haven't already, we encourage you to sign-up for this free service. You can find more information at the following Web link http://ohioepa.custhelp.com/cgi-bin/ohioepa.cfg/php/enduser/doc_serve.php?2=subscriptionpage. Please feel free to share this information with your colleagues.

If you have any questions, please feel free to contact me at (419) 373-3074. You can find copies of the rules and other information on the division's web page at <http://www.epa.ohio.gov/dhwm/>.

Mr. Ron Piper
November 18, 2010
Page 5

Ohio EPA also has helpful information about pollution prevention at the following web address:
<http://www.epa.ohio.gov/ocapp>.

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
Jeremy Scoles, DSIWM, NWDO
Harry Sarvis, DHWM, CO
DHWM, NWDO, Butch Piper Junkyard, Mercer County File.

ec: Don North, DHWM, 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.