



State of Ohio Environmental Protection Agency

Northwest District Office

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

**RE: Butch Piper Junkyard
OHR 000 148 817
Mercer County
DHWM, NWDO
Complaint 2524 and 2820
Return to Compliance**

December 18, 2008

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

Dear Mr. Piper:

Thank you for accompanying Amber Hicks and me during the Ohio Environmental Protection Agency's (Ohio EPA's) December 3, 2008, site visit and complaint investigation of Butch Piper Junkyard (BPJ) located at 5395 Mudpike Road, Celina, Ohio. I investigated a complaint alleging that BPJ drains oil onto the ground and burns the oil off after dark. This letter will explain the validity of the complaint and any resulting violations found in response to this complaint.

During the site visit, Ohio EPA received documentation that included a non-hazardous waste manifest for the drum of used oil contaminated material. My review of this documentation reveals that BPJ has abated all violations discovered during the December 4, 2007, complaint investigation.

New Complaint

Upon Ohio EPA's arrival to the site, you stated that the used oil from the cars brought to BPJ is drained into drums and burnt in your used oil burner located at your shop. This shop is part of another business you own. You also stated that you do not burn used oil or other material at this site. Since the price of metal has dropped in recent weeks, BPJ has not been receiving many automobiles for scrap. You estimated that approximately 3 have been on site in the past month. Ohio EPA only observed one automobile on site at the time of the inspection. Ohio EPA found no evidence that used oil is being drained on the ground or burnt off the ground. This complaint is considered closed.

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The following is a summary of the violations cited in Ohio EPA's Notice of Violations (NOVs) dated December 27, 2007, January 10, 2008, March 7, 2008, April 1, 2008, and September 5, 2008, and your compliance status with each:

Violations

1. **Ohio Administrative Code (OAC) Rule 3745-279-22 (D), Used Oil Requirements for Generators:** "Response to releases. Upon detection of a release of used oil to the environment that is not subject to the requirements of Chapter 1301:7-9 of the Administrative Code and which has occurred after October 20, 1998, a generator must perform the following cleanup steps: (1) Stop the release; (2) Contain the released used oil; (3) Clean up and manage properly the released used oil and other materials; and (4) If necessary, repair or replace any leaking used oil storage containers or tanks prior to returning them to service."

BPJ failed to clean up and properly manage the used oil and other materials located in the water puddle in the middle of the main drive of the facility and also near the tractor on the east side of the main drive.

Ohio EPA sampled the drum of used oil contaminated material on July 2, 2008. On August 8, 2008, Ohio EPA received the results from the sampling event. According to the results, this waste is non-hazardous.

On December 3, 2008, Ohio EPA received a copy of a non-hazardous waste manifest showing that the waste was properly disposed.

With this information, this violation is considered abated on December 3, 2008.

2. **OAC Rule 3745-52-11, Hazardous Waste Determination:** "Any person who generates a waste, as defined in rule 3745-51-02 of the Administrative Code, must determine if that waste is a hazardous waste..."

BPJ failed to evaluate the used oil contaminated material to determine if it was a hazardous waste in accordance with OAC 3745-52-11, prior to sending it off site.

On December 3, 2008, Ohio EPA received a copy of a non-hazardous waste manifest showing that the waste was properly disposed.

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With this information, this violation is considered abated on December 3, 2008.

I have enclosed the copy of the non-hazardous waste manifest that BPJ gave to Ohio EPA on December 3, 2008. Should you have any questions or if I can be of assistance, please contact me at (419) 373-3065.

Sincerely,

Kara Reynolds

Kara Reynolds
Environmental Specialist
Division of Hazardous Waste Management

/cs/

Enclosure

cc: Colleen Weaver, DHWM, NWDO
Kara Reynolds, DHWM, NWDO
Cindy Lohrbach, DHWM, NWDO
†DHWM, NWDO Mercer County File: Butch Piper Junkyard

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.