



State of Ohio Environmental Protection Agency

Northwest District Office

347 North Dunbridge Road
Bowling Green, OH 43402-9398

TELE: (419) 352-8461 FAX: (419) 352-8468
www.epa.state.oh.us

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

**RE: Butch Piper Junkyard
Mercer County
DHWM, NWDO
Complaint 2524
Fifth Notice of Violation**

September 5, 2008

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

Dear Mr. Piper:

The Ohio Environmental Protection Agency (Ohio EPA) sent Butch Piper Junkyard (BPJ) Notice of Violations (NOVs) dated December 27, 2007, January 10, 2008, March 7, 2008, and April 1, 2008. During this time, Ohio EPA was in contact with BPJ several times. Ohio EPA received a response from BPJ on March 24, 2008. However, this response did not completely abate the outstanding violations. Since Ohio EPA had not received the requested analytical, Ohio EPA decided to sample the used oil contaminated material. The sampling event took place on July 2, 2008. Ohio EPA received sampling results from Stantec Consulting Services Inc. (SCSI), Ohio EPA's laboratory, on August 8, 2008. BPJ's compliance with the outstanding violations is listed below.

BPJ remains in violation of the following and must submit the requested information within 14 days of receipt of this letter:

- 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

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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. A copy of the results has been enclosed.

In order to abate this violation, BPJ must dispose of the wastes at a proper disposal facility. Since the waste is non-hazardous, BPJ may elect to send this waste to the local landfill. However, BPJ must receive a receipt or bill of lading that the waste was properly disposed. *A copy of this receipt or bill of lading must be submitted to Ohio EPA within 14 days of receipt of this letter.*

- 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.

To abate this violation, BPJ must properly dispose of the waste and submit a receipt or bill of lading to *Ohio EPA within 14 days of receipt of this letter.*

BPJ does not need to submit any information regarding the general concerns listed in the December 27, 2007, NOV. These concerns have been addressed.

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Please note that Ohio EPA considers these violations serious in nature and the company's failure to respond to this and past NOV's may result in referral of BPJ's violations to our Central Office Enforcement Section for consideration of escalated enforcement.

Should you have any questions or if I can be of assistance, please contact me at (419) 373-3065. Please send all requested correspondence to Ohio EPA, Northwest District Office, Attn: Kara Reynolds, 347 North Dunbridge Road, Bowling Green, Ohio 43402.

Sincerely,

Kara Reynolds

Kara Reynolds
Environmental Specialist
Division of Hazardous Waste Management

/lb

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.