



State of Ohio Environmental Protection Agency

Northwest District Office

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

**RE: Butch Piper Junkyard
Mercer County
DHWM, NWDO
Complaint 2524**

April 1, 2008

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

Dear Mr. Piper:

Thank you for sending the March 20, 2008, response to the Ohio Environmental Protection Agency's (Ohio EPA's) notice of violations (NOVs) dated December 27, 2007, January 10, 2008, and March 7, 2008. Butch Piper Junkyard's (BPJ's) response was received by Ohio EPA on March 24, 2008. This response included photographs showing the used oil spill areas located in the water puddle in the middle of the main drive and near the tractor east of the main drive. BPJ's response also included an outline of the procedure to be used by BPJ for future used oil spills.

In the March 24, 2008, response, BPJ states that the used oil spill information given to Ohio EPA previously was inaccurate; the used oil contaminated material was not sent out with the scrap metal but was placed in a barrel and sealed. BPJ also states that area laboratories are currently being contacted and that test results will be sent to Ohio EPA.

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 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.

In a phone conversation on January 3, 2008, you stated that you cleaned up the used oil prior to receiving the NOV. You stated that straw was thrown into the water puddle to soak up the used oil. The straw was then placed into the drum of a washing machine. This appliance was then sent to Fort Wayne, Indiana to be shredded with a load of other scrap metal. The waste was not sampled.

On March 24, 2008, BPJ submitted documentation that included photographs showing the used oil spill areas located in the water puddle in the middle of the main drive and near the tractor east of the main drive. It appears from the photographs that the used oil spill areas have been properly cleaned. BPJ's response also states that the used oil spill information given to Ohio EPA previously was inaccurate; the used oil contaminated material was not sent out with the scrap metal but was placed in a barrel and sealed.

In order to abate this violation, BPJ must determine whether the contaminated soils, waters, and cleanup materials exhibit any hazardous waste characteristics. BPJ must obtain a chemical analysis of a representative sample of the contaminated soil or water. BPJ will need to contract the services of an environmental laboratory to analyze this material. BPJ must sample the used oil contaminated media to determine the concentration of Resource Conservation and Recovery Act (RCRA) metals. The results must document if the waste is hazardous or not and, if hazardous, whether it is restricted from land disposal. These results must be sent to Ohio EPA. If the waste is hazardous, BPJ must also explain what treatment, storage, or disposal facility the waste will be sent to.

Based on the results of the analytical test(s), BPJ shall label the container(s) appropriately (as hazardous waste or non-hazardous waste) and dispose of the wastes at a proper disposal facility.

BPJ shall submit the analytical results indicating the proper evaluation of the contaminated soil or water and appropriate manifest documents or shipping papers indicating proper disposal of the contaminated soil, water, and cleanup materials to Ohio EPA within 14 days of receipt of this letter.

If the waste is hazardous, Ohio EPA will determine the status of BPJ's compliance with other hazardous waste laws and notify BPJ of the findings in a separate letter.

Please notify Ohio EPA at least five days prior to taking the sample(s) so that Ohio EPA may be present during sampling.

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..."

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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 submit a management plan that states how BPJ will evaluate wastes in the future. This should be submitted to Ohio EPA within 14 days of receipt of this letter.

On March 24, 2008, BPJ submitted documentation that included an outline of the procedure used by BPJ for future used oil spills. This response also states that the used oil contaminated material was not sent off site with the scrap metal but was placed in a barrel and sealed. Since the waste is still on site and can be sampled, this violation is not abated with the submitted used oil spill procedure.

To abate this violation, BPJ must sample the waste as described above and submit the analytical results to Ohio EPA.

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

Please note that Ohio EPA considers these violations serious in nature and the company's failure to respond to this and past NOVs 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
Environmental Specialist
Division of Hazardous Waste Management

/llr

pc: Colleen Weaver, DHWM, NWDO
Kara Reynolds, DHWM, NWDO
Cindy Lohrbach, DHWM, NWDO
DHWM, NWDO Mercer County File: Mercer County General 2002-

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.