



State of Ohio Environmental Protection Agency

Northwest District Office

347 North Dunbridge Road
Bowling Green, OH 43402-9398

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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
Third Notice of Violation**

March 7, 2008

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

Dear Mr. Piper:

On December 4, 2007, Amy Heller and I investigated a complaint at Butch Piper Junkyard (BPJ) located at 5395 Mudpike Road, Celina, Ohio. According to the complaint received by the Ohio Environmental Protection Agency (Ohio EPA), the complainant alleged that BPJ disposes of oil, antifreeze, and gasoline haphazardly.

The following is a description of the outstanding violations at this site. BPJ must submit the requested information within 14 days of receipt of this letter.

On December 27, 2007, Ohio EPA sent a notice of violation (NOV) for a used oil violation found during the December 4, 2007, investigation. I issued a second NOV to BPJ on January 10, 2008. To date, BPJ has failed to respond to the December 27, 2007, and January 10, 2008, NOV letters and remains in violation of the following:

- 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.

Since this waste stream was not sampled, analytical results cannot be submitted to Ohio EPA. **In order to abate this violation, BPJ should submit pictures indicating that the releases in the water puddle and near the tractor have been cleaned up and the name and address of the facility in Fort Wayne, Indiana that accepted the scrap metal and waste. This information should be sent to Ohio EPA within 14 days of receipt of this letter.**

As a result of our phone conversation on January 3, 2008, in which you stated that you had not sampled the used oil materials prior to shipping them to Fort Wayne, Indiana, the following violation was cited in my second NOV dated January 10, 2008. To date, BPJ has failed to respond to the January 10, 2008, NOV and remains in violation of the following:

- 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 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.

During a phone conversation on February 27, 2008, you stated that you were waiting for your daughter to type up a response to these violations. Your response to these violations does not need to be typed. A hand written description of how you will properly evaluate your wastes is acceptable. This description can also reference the fact sheets that I sent to you in previous letters. Please don't forget to submit photographs of the cleaned areas and also the name and address of the location in Fort Wayne where the waste and scrap metal was taken.

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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 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

Kara Reynolds
Environmental Specialist
Division of Hazardous Waste Management

/llr

Enclosures

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.