



State of Ohio Environmental Protection Agency

**Northwest District Office**

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Bowling Green, OH 43402-9398

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

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

January 10, 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.

On December 27, 2007, Ohio EPA sent a notice of violation (NOV) for a used oil violation found during the December 4, 2007, investigation. This violation is listed as follows with a summary of the facility's current compliance status:

- 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.

To abate this violation, BPJ must immediately begin properly cleaning up used oil releases in a timely manner.

BPJ must clean up all visible contamination located in and around the water puddle and also near the tractor. This material shall be placed in containers in good condition prior to disposal.

In order for BPJ to 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 at least determine the concentrations of the Resource Conservation and Recovery Act (RCRA) metals in the waste.

Based on the results of the analytical test(s), BPJ shall label the container(s) appropriately 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, appropriate manifest documents or shipping papers indicating proper disposal of the contaminated soil, water, and cleanup materials, and pictures indicating the releases have been cleaned up to Ohio EPA **within 30 days of receipt of this letter**. The results must document if the waste is hazardous or not and, if hazardous, whether it is restricted from land disposal. If the waste is hazardous, BPJ must explain what treatment, storage, or disposal facility the waste will be sent to.

If the waste is hazardous, I will determine the status of your compliance with other hazardous waste laws and notify you of my findings in a separate letter.

Please notify me at least five days prior to taking the sample(s) so that I may be present.

*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 30 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 is being cited as well:

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 30 days of receipt of this letter**. To assist with this task, I have enclosed the following fact sheets titled Identifying Your Hazardous Waste, dated November 2006 and Use of Generator Knowledge In Complying with OAC Rule 3745-52-11, Hazardous Waste Evaluation dated July 18, 2005.

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, 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-  
ec: Amy Heller, 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.