



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
Notice of Violation**

December 27, 2007

Mr. Ron Piper
Butch Piper Junkyard
512 Cron Street
Celina, OH 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. This letter will explain the validity of the complaint, the violation found at the facility, what should be done to correct the violation, other general concerns found at the facility, and what you need to do to respond to our concerns.

BPJ operates a salvage yard. Automobiles, appliances, and other metals are brought to this facility where the metal is sorted and sold for scrap. Used oil is generated at this facility.

Complaint

Upon Ohio EPA's arrival to the site, you stated that the cars brought to BPJ do not contain antifreeze or gasoline. The only liquid contained in the cars is oil. You stated that the oil is drained into drums and burnt in your used oil burner located at your shop. This shop is part of another business you own.

While on site, Ohio EPA observed an area located on the main drive of the site where water was standing. You stated that approximately six inches of water was here. In the center of the water was a black substance that appeared to be oil. You stated that

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while moving a washing machine earlier in the day, the appliance was squeezed too hard by the heavy equipment and the oil leaked out.

Ohio EPA also noted a smaller area of soil near a tractor located on the east side of the main drive that appeared to be stained with oil.

Violation

As a result of the complaint investigation, Ohio EPA found the following violation of Ohio's used oil regulations:

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.

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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.

General Concerns

- A. Batteries:** Ohio EPA observed used batteries at the junkyard. Most of these batteries were stored on a pallet outside. Ohio EPA recommends that all batteries be stored in the same location on a pallet that is located inside one of the on-site buildings to further inhibit a release to the environment. For more information on the proper management of batteries, please refer to the enclosed fact sheet titled Universal Waste, December 2004.
- B. Used Oil Burner:** During the complaint investigation, you stated that the used oil generated at BPJ is burned at another business owned by yourself at another site location. This practice is acceptable as long as you comply with OAC rules 3745-29-23 and 3745-29-24. These rules can be paraphrased by the following: you must only burn the used oil generated by your business or household do-it-yourself generators; the heater may only have a maximum of 0.5 million Btu per hour; the combustion gases from the heater must be vented to the ambient air; you must transport the used oil in a vehicle owned by yourself; and you must only transport less than 55 gallons of used oil at a time. For more information, I have enclosed the fact sheets titled The Regulation of Used Oil: An Overview for Ohio Businesses Who Generate Used Oil, April 2006, and The Regulation of Used Oil: Used Oil Burners, August 2005.

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For other valuable information, I have also included the Small Business Assistance Office's March 2003 guide titled Environmental Compliance Guide for Motor Vehicle Salvage Yards and the fact sheet Universal Waste Rules for Handlers of Lamps dated June 2005. Please be advised that a full compliance evaluation inspection was not conducted at this facility. Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve you from having to comply with all applicable regulations.

Ohio EPA will issue an EPA ID number to track our inspection activity at BPJ. BPJ can not use this number for manifesting hazardous waste shipments. If BPJ wants to use an EPA ID number for manifesting and other hazardous waste, used oil or universal waste activities, BPJ must complete and submit a Notification of Regulated Waste Activity form (EPA Form 9029 (Rev. 11/2002)) to Ohio EPA. This form is available on our Web page at <http://www.epa.state.oh.us/dhwm/notiform.html> or BPJ can call the Division of Hazardous Waste Management, Central Office, RIS at (614) 644-2977 and a copy will be sent through the mail.

The Division of Hazardous Waste Management (DHWM) has created an electronic news service to provide you with quick and timely updates on events and news related to hazardous waste activities in Ohio. If you haven't already, we encourage you to sign-up for this free service. You can find more information at the following Web link <http://www.epa.state.oh.us/dhwm/listserv.html>. Please feel free to share this information with your colleagues.

You can find copies of the rules and other information on the division's web page at <http://www.epa.state.oh.us/dhwm>. Ohio EPA has helpful information about pollution prevention at the following web address: <http://www.epa.state.oh.us/ocapp/ocapp.html>.

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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

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Enclosures

cc: 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.

Ohio Environmental Protection Agency
**RCRA SUBTITLE C SITE
IDENTIFICATION/VERIFICATION FORM**

For Ohio EPA use only

E-mail this completed form to
tammy.mcconnell@epa.state.oh.us or mail it to Tammy
McConnell, Central Office

2. Site EPA ID No.	EPA ID Number:									
3. Site Name	Name: Butch Piper Junkyard					Website: (Optional)				
4. Site Location Information	Street Address: 5395 Mudpike Road									
	City, Town, or Village: Celina					State: OH				
	County Name: Mercer					Zip Code: 45822				
5. Site Land Type (check only one)	Private <input type="checkbox"/>	County <input type="checkbox"/>	District <input type="checkbox"/>	Federal <input type="checkbox"/>	Indian <input type="checkbox"/>	Municipal <input type="checkbox"/>	State <input type="checkbox"/>	Other <input type="checkbox"/>		
6. NAICS code(s) www.census.gov/epcd/www/naics.html										
7. Facility Representative Additional names can be recorded in number 12 Only provide address information if it is different than the site address	First Name: Ron (Butch)			MI:	Last Name: Piper					
	Phone Number:				Phone Number Extension:					
	E-Mail Address:									
	Fax Number:				Fax Number Extension:					
	Street or P.O. Box: 512 Cron Street									
	City, Town or Village: Celina					State: Ohio		Country: USA		Zip Code: 45822
	8. Legal Owner and Operator of the Site List Additional Owners and/or Operators in the Comment Section or on another copy of this form page	Name of Site's Legal Owner: Ron (Butch) Piper				Date Became Owner (mm/dd/yyyy): ~1997				
Owner Type:		Private <input type="checkbox"/>	County <input type="checkbox"/>	District <input type="checkbox"/>	Federal <input type="checkbox"/>	Indian <input type="checkbox"/>	Municipal <input type="checkbox"/>	State <input type="checkbox"/>	Other <input type="checkbox"/>	
Street or P.O. Box: 512 Cron Street										
City, Town or Village: Celina					Owner Phone #:		Country: USA		Zip Code: 45822	
Name of Site's Operator: Butch Piper Junkyard				Date Became Operator (mm/dd/yyyy):						
Owner Type:		Private <input type="checkbox"/>	County <input type="checkbox"/>	District <input type="checkbox"/>	Federal <input type="checkbox"/>	Indian <input type="checkbox"/>	Municipal <input type="checkbox"/>	State <input type="checkbox"/>	Other <input type="checkbox"/>	
Street or P.O. Box:										
City, Town or Village:					Operator Phone #:		State:		Country:	
							Zip Code:			
9. Violations Cited?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No									
10A. Type of Regulated Waste Activity: (Mark "X" in all of the appropriate boxes)										
<input type="checkbox"/> Not Regulated					<input type="checkbox"/> Conditionally Exempt Small Quantity Generator					
<input type="checkbox"/> UNKNOWN: Cited for violation of 3745-52-11					<input type="checkbox"/> United States Importer of Hazardous Waste					
<input type="checkbox"/> Large Quantity Generator (LQG)					<input type="checkbox"/> Mixed Waste (Hazardous and Radioactive) Generator					
<input type="checkbox"/> Small Quantity Generator (SQG)										
<input type="checkbox"/> Hazardous Waste Transporter					<input type="checkbox"/> Exempt Boiler and/or Industrial Furnace					
<input type="checkbox"/> Treater, Storer or Disposer of Hazardous Waste					<input type="checkbox"/> Small Quantity On-Site Burner Exemption					
<input type="checkbox"/> Recycler of Hazardous Waste					<input type="checkbox"/> Smelting, Melting, Refining Furnace Exemption					
<input type="checkbox"/> Underground Injection Control Facility										

10B. Universal Waste Activities (Indicate types of universal waste managed (check all boxes that apply))

<input type="checkbox"/> Small Quantity Handler of Universal Waste	<input type="checkbox"/> Large Quantity Handler of Universal Waste (accumulates 5,000 kg. or more)
<input type="checkbox"/> Destination Facility for Universal Waste	

Check all boxes below that apply for each of the three types of facilities above

Managed:	10C. Used Oil Activities (Indicate Type(s) of Activity(ies))		
Batteries	<input type="checkbox"/>	<input checked="" type="checkbox"/> Used Oil Generator	<input type="checkbox"/> Off-Specification Used Oil Burner
Pesticides	<input type="checkbox"/>	<input type="checkbox"/> Used Oil Transporter	<input type="checkbox"/> Used Oil Fuel Marketer Who Directs Shipment of Off-Spec. Oil
Mercury containing equipment	<input type="checkbox"/>	<input type="checkbox"/> Used Oil Transfer Facility	<input type="checkbox"/> Used Oil Fuel Marketer to Off-Specification Used Oil Burner
Lamps	<input type="checkbox"/>	<input type="checkbox"/> Used Oil Processor	
		<input type="checkbox"/> Used Oil Re-refiner	

11. Waste Codes for Federally Regulated Hazardous Wastes. Please list the codes for the federally regulated hazardous waste handled at the site. List them in the order they are presented in the regulations (e.g., D001, D003, F007, U112). Use an additional page if more space is needed. If there are more than 7 waste codes and they are the same as listed in the most recent RCRAInfo source record, you do not need to list them all. Instead just indicate the date of the most recent source record.

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12. Comments: Use this area to describe whether the inspection was announced, whether the waste is stored in tanks or containers, etc.

Announced	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Additional Facility Representatives:
Tanks	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Other Comments: Butch stated that he has owned the property for around ten years. The site address does not have a mailing address, letters should be sent to Mr. Piper's home address.
Containers	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	

13. Name of Inspector(s)	Name of Inspector(s)	Date of Inspection/Time (mm/dd/yyyy) (hh:mm)
Kara Reynolds	Amy Heller	12/4/2007 11:00 AM

14. OPTIONAL CERTIFICATION: I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature of Owner, Operator, or an Authorized Representative	Name and Title (Print)	Date (mm/dd/yyyy)