



State of Ohio Environmental Protection Agency

**Northwest District Office**

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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: Carroll's Junkyard  
Richland County  
Hazardous Waste  
Complaint #2600  
**2<sup>nd</sup> Notice of Violation**

August 1, 2007

**CERTIFIED MAIL**

Myron Carroll  
1098 Burger Avenue  
Mansfield, Ohio 44906

Dear Mr. Carroll:

On December 28, 2006, Chris Maslo and I investigated a complaint at Carroll's Junkyard (Carroll's) located at 1111 Burger Avenue, Mansfield, Ohio. The complaint was received by the Division of Hazardous Waste Management on December 13, 2006. The complainant alleged you were cutting up cars and allowing the fluids to drain from the automobiles onto the ground. This letter will explain the violation that was observed as a result of this investigation, what you need to do to correct this violation, and two areas of concern.

Upon arriving at Carroll's, we discussed these allegations with you. You stated the following: your business is no longer open; you are no longer accepting cars; you have been "closed" since September of 2006; the only activity occurring at your business is cleaning up of the property and getting rid of all the vehicles and parts; you currently have no cars which you will be draining fluids from (since you have not brought in any new vehicles); you currently have no used oil on-site in storage as this has been disposed; and that the used oil you did generate from vehicles you took to a guy to burn in his used oil burner.

We toured your property. The property was mostly vacant with some vehicles and parts still left to be cleaned up. We observed one area toward the back of your property which had a green oily liquid staining and black staining on the ground. One of your employees stated that he had spilled product transmission fluid that morning in this area. In addition, we did observe an area with oil staining around some old empty drums near your office. I observed the room where you stated you service your vehicles. I did not observe any drums of stored oil.

While still on site, we observed your employees cleaning up the staining mentioned above. They were placing this material into buckets to be stored.

During the investigation, I provided you with the Ohio EPA Fact Sheets, The Regulation of Used Oil: An Overview for Ohio Businesses, Used Oil Generators; Identifying your Hazardous Waste and the publication Environmental Compliance Guide for Motor Vehicle Salvage Yards.

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***This is your 2<sup>nd</sup> notice of this violation. You must respond within 15 days of receipt of this letter. The original Notice of Violation was issued to you on January 9, 2007.***

Based on the December 28, 2006, investigation, I found the following violation of Ohio's used oil regulations. In order to correct this violation you must do the following and send me the required information upon receipt of this letter:

1. **Clean up and proper management of used oil releases.  
OAC 3745-279-22 (D) (3)**

Generators shall clean up and manage properly a release of used oil.

A release of transmission fluid/used oil at the back of your property and an area of used oil staining by your office was not properly cleaned up.

Carroll's shall clean up all visible contamination of this material on the ground in both of these areas. This contaminated soil shall be placed in containers in good condition.

In order for you to properly evaluate this waste, you will need to determine the characteristics of the contaminated soil. You may do this through one of three options: 1) You must apply generator knowledge of the hazardous characteristic(s) of the waste in light of the materials or the processes used through adequate documentation, or 2) You must take a representative sample of this waste to properly evaluate this waste stream through a laboratory analysis which lists constituents present and at what concentration, or 3) a combination of options one and two.

Carroll's should obtain a chemical analysis to determine the characteristics of the oil contaminated soil by obtaining a representative sample of the contaminated soil in both areas. Carroll's will need to contract the services of an environmental laboratory to analyze this material. Carroll's must determine, at least, the Toxicity Characteristic Leaching Procedure (TCLP) concentrations of the Resource Conservation and Recovery Act (RCRA) metals cadmium (D006), chromium (D007), and lead (D008) (OAC Rule 3745-51-24). In addition, Carroll's must determine the concentration of benzene (D018). Carroll's should also determine the concentrations for any other characteristics or constituents that could reasonably be expected to be found in this waste stream. Carroll's may screen for these constituents by starting with an analysis of the total concentrations. If the results of the totals analysis indicate any of the concentrations are above the regulatory limit, Carroll's must either dispose as a hazardous waste or proceed to run the TCLP analytical to either confirm or deny the totals concentration(s) above regulatory limits.

Based on the results of the waste evaluation, you shall label the container(s) appropriately and dispose at a proper disposal facility.

- ***You shall submit to me the appropriate manifest documents, disposal receipt, or shipping papers indicating proper disposal of the contaminated***

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***soil, and pictures indicating the release has been cleaned up to abate this violation.***

Your results must document if the waste is hazardous or not, any waste codes that apply, and whether it is restricted from land disposal. If it is hazardous, you must explain what treatment, storage, or disposal facility you will send it 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.

If you utilize generator knowledge to evaluate your waste stream, please explain the circumstances where this waste was generated outlining the known source of this waste.

If you perform sampling, Ohio EPA will use the data you provide, in addition to other documentation, to make regulatory decisions concerning the wastes tested. The data you submit should be reviewed using a data review process, referred to as data validation, to confirm the validity of your data prior to submission. Data validation includes a review of the following components: laboratory test methods, laboratory data completeness, documentation of holding time(s), chain(s) of custody, and quality assurance/quality control (QA/QC) data. To confirm the validity of your data, you may use Ohio EPA's tier 1 data validation plan review form which can be obtained from Ohio EPA's web page: [http://www.epa.state.oh.us/dhwm/tier1\\_data\\_validation\\_manual.html](http://www.epa.state.oh.us/dhwm/tier1_data_validation_manual.html). Ohio EPA may request the documentation needed to confirm the validity of the data submitted. Please submit a brief narrative of each sampling event which includes: process generating the waste, point in the process the sample was obtained, sampling techniques used to obtain the sample and a description of how this sample was determined to be a representative sample of the waste tested.

*In addition, if sampling is performed please notify me at least seven days prior to taking the samples so that I or an Ohio EPA representative may be present.*

**Areas of Concern:**

1. During the investigation, you stated that the used oil you generated at your business was taken by a guy to burn in his used oil burner. I explained that as a business, you cannot perform this activity unless you are a used oil marketer. I stated that you need to have your used oil picked up by a transporter with a U.S. EPA identification number or you may take it to a registered used oil collection center. You stated that you understood and that you will not be generating any more used oil. I stated that if you do generate used oil, you will have to ensure you comply with this requirement or additional violations may be cited. Please consult the Used Oil fact sheet given to them during the investigation.
2. During the investigation, I gave you the fact sheet Identifying your Hazardous Waste. I told you to ensure to consult this fact sheet during the clean-up of your property to ensure that you properly evaluate all waste generated during this cleanup prior to your selling of the property.

Please be advised that a full compliance evaluation inspection was not conducted. 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.

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Ohio EPA will issue an EPA ID number to track our investigation activity at the property in question. You cannot use this number for manifesting hazardous waste shipments. If you want to use an EPA ID number for manifesting and other hazardous waste, used oil or universal waste activities, you 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 you can call me or the Division of Hazardous Waste Management, Central Office, RIS at (614) 644-2977 and we will mail you a copy.

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: [www.epa.state.oh.us/dhwm/listserv.html](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>.

If you should have any questions, please feel free to call me at (419) 373-3082.

Sincerely,



Amber M. Hicks  
Division of Hazardous Waste Management

/lb

pc: Colleen Weaver, DHWM, NWDO  
Cindy Lohrbach, DHWM, NWDO  
~~DHWM, NWDO File: Richland County General~~  
7005 1160 0002 4566 0054

ec: Amber Hicks, 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.

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Sent To Ms Myron Carrick  
 Street, Apt. No.,  
 or PO Box No. 1098 Burger Ave  
 City, State, ZIP+4 Mansfield Oh 44906

PS Form 3800, June 2002

See Reverse for Instructions