



State of Ohio Environmental Protection Agency

Northwest District Office

347 North Dunbridge Road
Bowling Green, Ohio 43402

TELE: (419) 352-8461 FAX: (419) 352-8468
www.epa.state.oh.us

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Laura H. Powell, Acting Director

Re: Carroll's Junkyard
Richland County
Hazardous Waste
Complaint #2600
Notice of Violation

January 9, 2007

Myron Carroll
1111 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.

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 **within 30 days** of your 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 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.

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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. 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.

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

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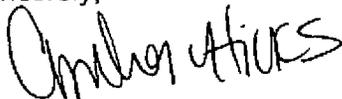
<http://www.epa.state.oh.us/dhwm/notiform.html> or you can call me or the Division of Hazardous Waste Management, Central Office, RIS at (614) 644-2977 and we will mail you a copy.

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. 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~~
Follow up File

ec: John Pasquarette, DHWM, NWDO
Amber Hicks, DHWM, NWDO
Chris Maslo, 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.

E-mail this completed form to tammy.mcconnell@epa.state.oh.us or mail it to Tammy McConnell, Central Office	Ohio Environmental Protection Agency RCRA SUBTITLE C SITE IDENTIFICATION/VERIFICATION FORM		For Ohio EPA use only																		
2. Site EPA ID No.	EPA ID Number:																				
3. Site Name	Name: Carroll's Junkyard		Website (optional:)																		
4. Site Location Information	Street Address: 1111 Burger Avenue																				
	City, Town, or Village: Mansfield	State: OH																			
	County Name: Richland	Zip Code: 44906																			
5. Site Land Type (check only one)	<table border="1" style="width: 100%; text-align: center;"> <tr> <td>Private</td> <td>County</td> <td>District</td> <td>Federal</td> <td>Indian</td> <td>Municipal</td> <td>State</td> <td>Other</td> </tr> <tr> <td>X</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table>			Private	County	District	Federal	Indian	Municipal	State	Other	X									
Private	County	District	Federal	Indian	Municipal	State	Other														
X																					
6. NAICS code(s) www.census.gov/epcd/www/naics.html	A.		B.																		
	C.		D.																		
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: Myron		MI:																		
	Last Name: Carroll																				
	Phone Number: 4199-747-5597		Phone Number Extension:																		
	E-Mail Address:																				
	Fax Number:		Fax Number Extension:																		
	Street or P.O. Box:																				
	City, Town or Village:																				
State: Ohio		Country:	Zip Code:																		
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.	A. Name of Site's Legal Owner:		Date Became Owner (mm/dd/yyyy):																		
	<table border="1" style="width: 100%; text-align: center;"> <tr> <td>Owner Type: Mark with an X</td> <td>Private</td> <td>County</td> <td>District</td> <td>Federal</td> <td>Indian</td> <td>Municipal</td> <td>State</td> <td>Other</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table>			Owner Type: Mark with an X	Private	County	District	Federal	Indian	Municipal	State	Other									
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	Street or P.O. Box:																				
	City, Town, or Village:		Owner Phone #:																		
	State:		Country:	Zip Code:																	
	B. Name of Site's Operator:		Date Became Operator (mm/dd/yyyy):																		
	<table border="1" style="width: 100%; text-align: center;"> <tr> <td>Operator Type: Mark with an X</td> <td>Private</td> <td>County</td> <td>District</td> <td>Federal</td> <td>Indian</td> <td>Municipal</td> <td>State</td> <td>Other</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table>			Operator Type: Mark with an X	Private	County	District	Federal	Indian	Municipal	State	Other									
	Operator Type: Mark with an X	Private	County	District	Federal	Indian	Municipal	State	Other												
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																			
10. Type of Regulated Waste Activity (Mark "X" in all of the appropriate boxes.) <input type="checkbox"/> Not Regulated																					

10. Type of Regulated Waste Activity (Mark "X" in all of the appropriate boxes.)

A. Hazardous Waste Activities
 (choose only one of the following categories)

<input type="checkbox"/>	UNKNOWN: Cited for violation of 3745-52-11	<input type="checkbox"/>	3. Treater, Storer or Disposer of Hazardous Waste
<input type="checkbox"/>	a. Large Quantity Generator (LQG):	<input type="checkbox"/>	4. Recycler of Hazardous Waste
<input type="checkbox"/>	b. Small Quantity Generator (SQG)	<input type="checkbox"/>	5. Exempt Boiler and/or Industrial Furnace
<input type="checkbox"/>	c. Conditionally Exempt Small Quantity Generator	<input type="checkbox"/>	a. Small Quantity On-site Burner Exemption
<input type="checkbox"/>	d. United States Importer of Hazardous Waste	<input type="checkbox"/>	b. Smelting, Melting, Refining Furnace Exemption
<input type="checkbox"/>	e. Mixed Waste (hazardous and radioactive) Generator	<input type="checkbox"/>	6. Underground Injection Control Facility

B. Universal Waste Activities		C. Used Oil Activities	
<input type="checkbox"/>	1. Small Quantity Handler of Universal Waste (Indicate types of universal waste generated and/or accumulated (check all boxes that apply):	<input checked="" type="checkbox"/>	1. Used Oil Generator
<input type="checkbox"/>	2. Large Quantity Handler of Universal Waste (accumulates 5,000 kg or more).	<input type="checkbox"/>	2. Used Oil Transporter Indicate Type(s) of Activity(ies)
<input type="checkbox"/>	3. Destination Facility for Universal Waste (Check all boxes below that apply for each of the three types of facilities above.)	<input type="checkbox"/>	Transporter
		<input type="checkbox"/>	Transfer Facility
		<input type="checkbox"/>	3. Used Oil Processor and/or Re-refiner Indicate Type(s) of Activity(ies)
		<input type="checkbox"/>	Processor
		<input type="checkbox"/>	Re-refiner
		<input type="checkbox"/>	4. Off-Specification Used Oil Burner
		<input type="checkbox"/>	5. Used Oil Fuel Marketer - Indicate Type(s) of Activity(ies)
		<input type="checkbox"/>	a. Marketer Who Directs Shipment of Off-Specification Oil
		<input type="checkbox"/>	b. Used Oil to Off-Specification Used Oil Burner

	<u>Generated</u>	<u>Accumulated</u>
A. Batteries	<input type="checkbox"/>	<input type="checkbox"/>
B. Pesticides	<input type="checkbox"/>	<input type="checkbox"/>
C. Thermostats	<input type="checkbox"/>	<input type="checkbox"/>
D. Lamps	<input type="checkbox"/>	<input type="checkbox"/>

11. Waste Codes for Federally Regulated Hazardous Wastes. Please list the codes for the federally regulated hazardous waste handled at your 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.

N	Announced ?	Additional Facility Representatives:
N	Tanks?	Other comments: Facility is officially closed since September of 2006. Only activity is cleaning up of property.
N	Containers?	

13. Name of Inspector(s)	Name of Inspector(s)	Date of Inspection/ Time (mm-dd-yyyy) (HH:MM)
Amber Hicks	Chris Masio	12-28-06; 13:25-14:00

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)