



State of Ohio Environmental Protection Agency

Northwest District Office

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

**Re: First Avenue Towing
Seneca County
DHWM, NWDO
Complaint 2803
Return to Compliance**

May 20, 2009

Mr. Tim Peacock
First Avenue Towing
221 First Avenue
Tiffin, Ohio 44883

Dear Mr. Peacock:

Thank you for sending the fax in response to the Ohio Environmental Protection Agency's (Ohio EPA's) Notice of Violations (NOVs) dated September 19, 2008, November 12, 2008, January 14, 2009, and March 9, 2009. The fax was received by Ohio EPA on May 13, 2009, and was dated May 13, 2009, by First Avenue Towing (FA). The documentation submitted includes analytical results from the sampling of the facility drain.

After reviewing the submitted documentation, FA will remain a non-generator of hazardous waste and a generator of used oil and batteries.

My review of the documentation reveals that FA has abated all violations discovered during the September 4, 2008, complaint investigation and used oil inspection as listed below.

Violations:

1. **Ohio Administrative Code (OAC) Rule 3745-279-22 (C)(1), Used oil storage requirements for generators:** "Containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words 'Used Oil'".

FA failed to mark thirteen 55-gallon drums located on the west side of the shop with the words "Used Oil."

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This violation was abated on September 4, 2008.

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..."

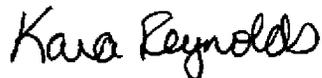
FA removes five gallons of debris from the drain inside the building approximately every four months. FA failed to determine if the debris removed from the drain was a hazardous waste in accordance with OAC Rule 3745-52-11.

On May 13, 2009, Ohio EPA received documentation that included analytical results from the sampling of the facility drain. These results show that the material is non-hazardous waste.

Therefore, this violation is considered abated on May 13, 2009.

Should you have any questions, please feel free to call me at (419) 373-3065.

Sincerely,



Kara Reynolds
Environmental Specialist
Division of Hazardous Waste Management

/llr

pc: Colleen Weaver, DHWM, NWDO
Kara Reynolds, DHWM, NWDO
Cindy Lohrbach, DHWM, NWDO
DHWM, NWDO Seneca County File: First Avenue Towing

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.