



State of Ohio Environmental Protection Agency

**Northwest District Office**

347 North Dunbridge Rd.  
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: First Avenue Towing  
Seneca County  
DHWM, NWDO  
Complaint 2803  
Third Notice of Violation**

January 14, 2009

**CERTIFIED MAIL  
7002 2410 0003 1155 8713**

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

Dear Mr. Peacock:

On September 4, 2008, Amber Hicks and I, representing the Ohio Environmental Protection Agency (Ohio EPA), investigated a complaint and conducted a used oil inspection at First Avenue Towing (FA) located at 221 First Avenue, Tiffin, Ohio. Ohio EPA sent a Notice of Violation (NOV) on September 19, 2008, specifying the violations observed during the inspection on September 4, 2008. No response from FA was received by Ohio EPA. Therefore, a second NOV was sent to FA on November 12, 2008. Ohio EPA still has not received a response from FA concerning either NOV. **OHIO EPA MUST RECEIVE A RESPONSE FROM FA WITHIN 14 DAYS OF RECEIPT OF THIS LETTER. FA REMAINS IN VIOLATION OF THE FOLLOWING:**

**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."

***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.

**In order to abate this violation, FA must submit a description of how this waste will be evaluated prior to disposal, the next time it is generated.** This description should include how a representative sample of the waste stream will be taken and by whom, what chemical analyses will be run on the sample, and the name, address, and phone number of a laboratory that will analyze the sample. FA will need to contract the services of an environmental laboratory to analyze this material.

FA must analyze the sample for Toxicity Characteristic Leaching Procedure (TCLP) Resource Conservation and Recovery Act (RCRA) metals and TCLP volatile organic compounds (VOCs). However, as a screening method, FA has the option of analyzing the debris for total RCRA metals and total VOCs. However, based on the results of these tests, a TCLP test for RCRA metals and a TCLP test for VOCs may also be required.

**Although Ohio EPA is not requiring FA to sample and analyze this material at this time, compliance with this rule will be determined at a later date. FA MUST SUBMIT THE REQUESTED INFORMATION WITHIN 14 DAYS OF RECEIPT OF THIS LETTER.**

Please note that Ohio EPA considers these violations serious in nature and the company's failure to respond to this and past NOV's may result in referral of FA's violations to our Central Office Enforcement Section for consideration of escalated enforcement.

Mr. Tim Peacock  
January 14, 2009  
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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 correspondence **within 14 days of receipt of this letter** to Ohio EPA, Northwest District Office, Attn: Kara Reynolds, 347 North Dunbridge Road, Bowling Green, Ohio 43402.

Sincerely,

*Kara Reynolds*

Kara Reynolds  
Environmental Specialist  
Division of Hazardous Waste Management

/csl

Enclosures

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

**NOTICE:**

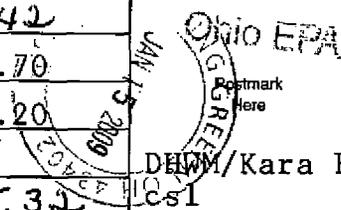
Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve your company from having to comply with all applicable regulations.

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ETLR 55TT E000 0742 2002

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DHW/Kara R, .  
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Sent To	FIRST AVENUE TOWING
Street, Apt. No., or PO Box No.	221 FIRST AVE
City, State, ZIP+4	TIEFIN OH 44883

PS Form 3840, June 2002 See Reverse for Instructions