



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: Gary Bauerschmidt
Hazardous Waste
Complaint # 2725
Wood County
Notice of Violation

March 6, 2008

Mr. Gary Bauerschmidt
5113 Weckerly Road
Monclova, Ohio 43542

Dear Mr. Bauerschmidt:

On February 29, 2008, Ed Pulido and I investigated a complaint at your business located on 698 W. Boundary Street, Perrysburg, Ohio. The complaint was received by the Division of Hazardous Waste Management on December 20, 2007. The complainant stated that at the Grogan Drive property (access to property is Grogan Drive, but street address is W. Boundary) oil and radiator fluids were being dumped onto the stone area from scrapping of vehicles. This letter will explain the validity of the complaint, the violation we found as a result of our investigation, what you need to do correct this violation, and two general comments.

I spoke to you by phone on February 27, 2008. You stated the following: you rent this property from Sandy Dombey; you do scrap out some trucks and sell the parts; you only scrap a truck when someone needs something; you do not just buy vehicles to have parts "on hand"; you are not a junk yard; you put all fluids from the vehicles that you may collect into drums; you re-use any gasoline, diesel fuel, antifreeze you generate; you collect your used oil and give it to a guy to burn in his used oil furnace; and you do not allow fluids to drain or in any way spill onto the ground.

We set up a date (2-29-08) to meet at this property. I told you that I would bring information for you on the proper management of used oil including your options for disposal. In addition, I informed you that you may not give your used oil to this guy. You stated you would not give to this guy any more and that you would review the information I provide and dispose of your used oil properly. At this time you stated you would probably just begin taking less than 55-gallons to a registered used oil collection center in Toledo.

On February 29, 2008, we met Mrs. Sandy Dombey at your business. Mrs. Dombey is the owner of the property you rent. We walked around the property. We observed the blue drums you use to collect fluids. These drums were empty. We did not observe any staining on the ground or any indication that fluids were being dumped.

During the investigation, I provided Mrs. Dombey with the following materials to give to you: the Ohio EPA Fact Sheet: The Regulation of Used Oil: An Overview for Ohio Businesses, Used Oil Generators; a list of Used Oil Recyclers; a list of Used Oil Collection Centers; and the publication Environmental Compliance Guide for Motor Vehicle Salvage Yards.

As a result of my 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. Off-site shipments of used oil by generators.
OAC Rule 3745-279-24**

Generators shall ensure that their used oil is transported only by transporters who have obtained U.S. EPA identification numbers.

You stated that your used oil is not being picked up by a transporter with a U.S. EPA identification number. Currently, a man is picking up your used oil and burns it in his furnace. You may be considered a used oil marketer (see general comment number 1 below). Used oil generators have three options for handling their used oil: 1) Generators must have their used oil transported by an entity that has a U.S. EPA identification number and ensure their used oil is recycled; 2) Generators may transport less than 55-gallons of their own used oil to a registered used oil collection center; or 3) You may burn your own used oil in an on-site space heater as long as all applicable requirements are met.

Mr. Gary Bauerschmindt
March 6, 2008
Page 2

In order to abate this violation, you must either 1) submit a copy to me of a contract or some type of documentation indicating a transporter with a U.S. EPA identification number will be picking up your used oil and appropriately recycling it or 2) a disposal receipt from the off-site shipment of their used oil (if you are due for a pick-up) indicating that a transporter with a U.S. EPA identification number is now transporting your used oil and that the used oil is taken to an appropriate recycling facility or 3) you must submit a copy of a receipt from the drop-off of your used oil at a registered used oil collection center or 4) a summary outlining how you plan to manage your used oil if you do not have used oil to dispose of at this time.

General Comments:

1. Shipping used oil off-site to burn.

You shall note that you may be considered a used oil marketer if you continue to allow your used oil to be burned off-site. As a used oil marketer, you would be required to determine if your used oil was on or off specification, notify Ohio EPA of your marketing activities, and retain records of the analysis of the used oil. Based on whether the used oil was determined to be on or off specification, other requirements such as ensuring the used oil burner has a U.S. EPA identification number and ensuring delivery of the used oil to the burner may apply. The specific requirements can be found in OAC Rule 3745-279-70 through 3745-279-74 at the following web address: http://www.epa.state.oh.us/dhwm/l_ruom.html.

2. Used Oil Labeling.

At the time of the investigation, you did not have any used oil on the property. On February 27, 2008, we discussed the used oil labeling requirements on the telephone. Please consult the fact sheet The Regulation of Used Oil: An Overview for Ohio Businesses, Used Oil Generators given to Mrs. Dombey to ensure all containers that contain used oil are properly labeled "Used Oil" and for other applicable used oil regulations. In addition, I provided Mrs. Dombey with some used oil labels that you may use.

We did not observe any evidence that you were not properly collecting your auto fluids, or that fluids were being dumped, however as a result of our investigation we did observe the violation as listed above. 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 <http://www.epa.state.oh.us/dhwm/notiform.html> or you can call the Division of Hazardous Waste Management, Central Office, RIS at (614) 644-2977 and they will mail you a copy.

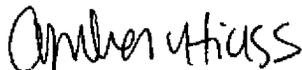
The Division of Hazardous Waste Management (DHWM) has created an electronic news service to provide you with quick and timely updates on events and news related to hazardous waste activities in Ohio. If you haven't already, we encourage you to sign-up for this free service. You can find more information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

Please address all correspondence to Amber Hicks, Ohio EPA, 347 N. Dunbridge Road, Bowling Green, Ohio 43402. Should you have any questions, please feel free to call me at (419) 373-3082.

Mr. Gary Bauerschmidt
March 6, 2008
Page 3

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>.

Sincerely,



Amber M. Hicks
Division of Hazardous Waste Management

/csi

pc: Colleen Weaver, DHWM, NWDO
Cindy Lohrbach, DHWM, NWDO
DHWM, NWDO File: Wood County General

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.

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: Gary Bauerschmindt					Website: (Optional)			
4. Site Location Information	Street Address: 698 W. Boundary Street								
	City, Town, or Village: Perrysburg					State: OH			
	County Name: Wood					Zip Code: 43551			
5. Site Land Type (check only one)	Private <input checked="" 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: Gary			MI:	Last Name: Bauerschmindt				
	Phone Number: 419-779-7354				Phone Number Extension:				
	E-Mail Address:								
	Fax Number:				Fax Number Extension:				
	Street or P.O. Box: 5113 Weckerly Road								
	City, Town or Village: Monclova					State: Ohio		Country: USA	Zip Code: 43542
	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: Sandra Dombey				Date Became Owner (mm/dd/yyyy):			
Owner Type:		Private <input checked="" 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:				Owner Phone #: 419-290-9931					
State:				Country:		Zip Code:			
Name of Site's Operator:				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	10C. Used Oil Activities (Indicate Type(s) of Activity(ies))	
	Managed	<input checked="" type="checkbox"/> Used Oil Generator
Batteries	<input type="checkbox"/>	<input type="checkbox"/> Used Oil Transporter
Pesticides	<input type="checkbox"/>	<input type="checkbox"/> Used Oil Transfer Facility
Mercury containing equipment	<input type="checkbox"/>	<input type="checkbox"/> Used Oil Processor
Lamps	<input type="checkbox"/>	<input type="checkbox"/> Used Oil Re-refiner
<input type="checkbox"/> Off-Specification Used Oil Burner <input type="checkbox"/> Used Oil Fuel Marketer Who Directs Shipment of Off-Spec. Oil <input type="checkbox"/> Used Oil Fuel Marketer to Off-Specification Used Oil Burner		
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.		
12. Comments: Use this area to describe whether the inspection was announced, whether the waste is stored in tanks or containers, etc.		
Announced	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Additional Facility Representatives:
Tanks	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Other Comments: Stopped by property on 2-27-08, but did not know if correct property. Called rental property and spoke with Sandra Dombey who said her tenant Gary B. sometimes scraps large trucks on property. Thus, talked with Gary B. on 2-27-08, and set up visit for 2-29-08. He does not seem to have a business "name" as he only provides parts from vehicles sporadically.
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)
Amber Hicks	Ed Pulido	2/29/2008 9:59-10:10
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)