



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: Complaint # 2682
Former Dearborn Towing
OHD 018369926
Lucas County
Hazardous Waste/Used Oil
Notice of Violation

Certified Mail

November 1, 2007

Mr. Ed Brown
Mr. Jeff Gartz
AutoMotivations
828 Phillips Ave.
Toledo, Ohio 43612

Dear Messrs. Brown and Gartz:

On October 11, 2007, I investigated a complaint, regarding waste management at the former Dearborn Towing, located at 875 Dearborn Ave., in Toledo, Ohio. The complaint was received by Ohio-EPA on July 27, 2007. The complainant alleged that drums had been abandoned at this facility. This letter will explain the validity of the complaint and the result of my investigation.

On October 11, 2007, I observed and photographed many containers of waste scattered throughout the back lot, including: numerous 5-gallon containers, a blue poly 55-gallon drum to the left of the rear door, a black steel 55-gallon drum at the front of the lot, labeled "BAD", and a large tank more than half full of waste. I also observed numerous containers inside the building. Therefore, the complaint appeared to be valid.

I called Mr. Ed Brown, of AutoMotivations, on October 17, 2007, to discuss with him the situation with the waste that I found. Mr. Brown explained that he and Mr. Jeff Gartz co-owned the property now, formerly known as Dearborn Towing. Mr. Brown stated that both he and Mr. Gartz set up Greenbelt Leasing, the property owner. Mr. Brown said that Safety-Kleen pumped out four, 55-gallon drums on Monday, October 8, 2007. He said he was sure of the date since it was a holiday. He gave me the name and phone number for the Safety-Kleen representative. Mr. Brown and I agreed to meet at the site on October 18, 2007, at 10:00AM.

I met Mr. Brown at the Dearborn Ave. site and he accompanied me during my further investigation. Mr. Brown demonstrated that the blue poly, 55-gallon drum was antifreeze with a film of used oil on top. He explained that he could use the antifreeze. Mr. Brown explained that the black steel drum contained some kind of fuel. He opened

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it and it appeared to look and smell like some type of fuel. If this can be burned for energy recovery it would not be a waste. All of the small containers had been moved inside the building at the front of the property. Each was opened and the used oil was poured into the small tank outside the back door of the building. Mr. Brown identified other small containers of useful materials, such as paints, oils and antifreeze.

However, Mr. Brown did not know what was in the large tank on the back lot. He said it had been sampled by Safety-Kleen. This large tank was more than half full and open. I spoke to Mr. Brown by phone on October 26, 2007. He still did not have any knowledge of the contents of this tank.

Therefore, as a result of my investigation, I found the following violation of Ohio's hazardous waste laws. In order to correct this violation, you must do the following and send me the required information:

**1. Waste Evaluation
OAC Rule 3745-52-11**

A generator must determine whether its waste is hazardous by first determining if the waste is listed as a hazardous waste in rules 3745-51-30 to 3745-51-35; by testing the waste according to the methods set forth in rules 3745-51-20 to 3745-51-24 or by applying knowledge of the hazardous characteristic of the waste in light of the materials or the processes used.

Messrs. Brown and Gartz have failed to evaluate the waste inside the large tank (photo enclosed) in the rear of the former Dearborn Towing, according to this rule. Messrs. Brown and Gartz must obtain a representative sample of the waste in this tank, according to OAC Rule 3745-51-20. You must evaluate all samples, through laboratory analysis, for all appropriate characteristics, including TCLP metals and TCLP VOCs (volatile organic compounds). You will need to give Ohio EPA a five day advance notice of sampling activities, in order for an inspector to make arrangements to view the sampling.

Your analytical results must document if the waste is hazardous or not and if it is restricted from land disposal. You must submit the laboratory results to me as soon as they become available. Please submit, with your laboratory data, a brief narrative of the 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.

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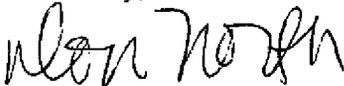
In order to assist you in evaluating your wastes I have enclosed a copy of the following document: Managing Your Hazardous Waste. I strongly urge you to review this document carefully and contact me immediately, if you have any questions.

On October 30, 2007, I was present at the site as Mr. Brown was completing sampling of the tank. Greenbelt Leasing, LLC and AutoMotivations must submit to me a copy of the analytical report within 30 days of receipt of this letter.

The Division of Hazardous Waste Management has created an electronic news service to provide you with quick and timely updates on events and news related to hazardous waste, used oil and universal 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.

If you have any questions, please feel free to contact me at (419) 373-3074. 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 also has helpful information about pollution prevention at the following web address: <http://www.epa.state.oh.us/opp>.

Sincerely,



Don North
District Representative
Division of Hazardous Waste Management

/lb

pc: Colleen Weaver, DHWM, NWDO
Cindy Lohrbach, DHWM, NWDO
~~DHWM, NWDO, Lucas County Dearborn Towing File~~
7006 3450 0001 0661 2324

ec: Don North, 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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Postage	\$ 1.48
Certified Fee	2.65
Return Receipt Fee (Endorsement Required)	2.15
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$6.28



Sent To: Mr. Ed Brown / Mr. Jeff Startz
 Street, Apt. No. or PO Box No.: 828 Phillip Ave
 City, State, ZIP+4: Toledo OH 43612

PS Form 3800, August 2006 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
Mr. Ed Brown
Mr. Jeff Startz
Auto Motivations
828 Phillip Ave
Toledo OH 43612

2. Article Number
 (Transfer from service label)

COMPLETE THIS SECTION ON DELIVERY

A. Signature [Signature] Agent Addressee

B. Received by (Printed Name) _____ C. Date of Delivery J.S. 11/5

D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below: _____

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

7006 3450 0001 0661 2324

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

Site EPA ID No.	EPA ID Number: <u>OH0018369426</u>	
Site Name	Name: <u>Dearborn Towing</u>	Website: (Optional)
Site Location Information	Street Address: <u>875 Dearborn Ave.</u>	State: <u>OH</u>
	City, Town, or Village: <u>Toledo</u>	Zip Code:
	County Name: <u>Lucas</u>	
Site Land Type (check only one)	<input checked="" type="checkbox"/> 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	
NAICS code(s) www.census.gov/epcd/www/naics.html		
Facility Representative Additional names can be recorded in number 12. Only provide address information if it is different than the site address.	First Name: <u>EA</u>	MI:
	Last Name: <u>Brown</u>	
	Phone Number: <u>419-476-2277</u>	Phone Number Extension:
	E-Mail Address:	
	Fax Number: <u>419-720-4977</u>	Fax Number Extension:
	Street or P.O. Box: <u>828 Phillips Ave.</u>	
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.	City, Town or Village: <u>Toledo</u>	State: <u>OH</u>
	Country: <u>Lucas</u>	Zip Code: <u>43612</u>
	Name of Site's Legal Owner: <u>Greenbelt Leasing LLC</u>	Date Became Owner (mm/dd/yyyy): <u>9-4-2007</u>
	Owner Type: <input checked="" type="checkbox"/> 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	
	Street or P.O. Box: <u>1702 Expressway Dr. South</u>	
	City, Town or Village: <u>Toledo</u>	Owner Phone #:
	State: <u>OH</u>	Country: <u>Lucas</u>
	Zip Code: <u>43608</u>	
	Name of Site's Operator: <u>same</u>	Date Became Operator (mm/dd/yyyy):
	Owner Type: <input type="checkbox"/> 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	
Street or P.O. Box:		
City, Town or Village:	Operator Phone #:	
State:	Country:	
	Zip Code:	
Violations Cited?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Type of Generator	<input type="checkbox"/> Not Regulated <input checked="" type="checkbox"/> UNKNOWN: Cited for violation of 3745-52-11 <input type="checkbox"/> Large Quantity Generator (LQG) <input type="checkbox"/> Small Quantity Generator (SQG)	
	<input type="checkbox"/> Conditionally Exempt Small Quantity Generator <input type="checkbox"/> United States Importer of Hazardous Waste <input type="checkbox"/> Mixed Waste (Hazardous and Radioactive) Generator	
Type of Regulated Waste Activity (Mark "X" in all of the appropriate boxes)	<input type="checkbox"/> Recycler of Hazardous Waste <input type="checkbox"/> Underground Injection Control Facility <input type="checkbox"/> Hazardous Waste Transporter <input type="checkbox"/> Treater, Storer or Disposer of Hazardous Waste	
	<input type="checkbox"/> Exempt Boiler and/or Industrial Furnace <input type="checkbox"/> Small Quantity On-Site Burner Exemption <input type="checkbox"/> Smelting, Melting, Refining Furnace Exemption	

Universal Waste Activities (Indicate types of universal waste generated and/or accumulated (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)		Used Oil Activities (Indicate Type(s) of Activity(ies))	
	Managed	<input type="checkbox"/> Used Oil Generator	<input type="checkbox"/> Off-Specification Used Oil Burner
Batteries	<input type="checkbox"/>	<input type="checkbox"/> Used Oil Transporter	<input type="checkbox"/> Used Oil Fuel Marketer Who Directs Shipment of Off-Spec. Oil
Pesticides	<input type="checkbox"/>	<input type="checkbox"/> Used Oil Transfer Facility	<input type="checkbox"/> Used Oil Fuel Marketer to Off-Specification Used Oil Burner
Mercury containing equipment	<input type="checkbox"/>	<input type="checkbox"/> Used Oil Processor	
Lamps	<input type="checkbox"/>	<input type="checkbox"/> Used Oil Re-refiner	
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 RCRA info source record, you do not need to list them all. Instead just indicate the date of the most recent source record.			
Comments: Use this area to describe whether the inspection was announced, whether the waste is stored in tanks or containers, etc.			
Announced	<input type="checkbox"/> Yes <input type="checkbox"/> No	Additional Facility Representatives:	
Tanks	<input type="checkbox"/> Yes <input type="checkbox"/> No	Other Comments:	
Containers	<input type="checkbox"/> Yes <input type="checkbox"/> No		
Name of Inspector(s)		Date of Inspection/Time (mm/dd/yyyy) (hh:mm)	
DON WORTH		10-11 + 10-18-07	
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)