



State of Ohio Environmental Protection Agency

Southeast District Office

2195 Front Street
Logan, OH 43138

TELE: (740) 385-8501 FAX: (740) 385-6490
www.epa.state.oh.us

Bob Taft, Governor
Bruce Johnson, Lieutenant Governor
Joseph P. Koncelik, Director

Gallia County
Site - Gen

January 5, 2007

**GALLIA COUNTY
GENERAL FILE
(CARMICHAEL EQUIP., INC.)
DHWM/SEDO
NON-NOTIFIER**

Mr. John Carmichael
Carmichael Equipment, Inc.
668 Pinecrest Drive
Bidwell, Ohio 45614

Dear Mr. Carmichael:

On December 19, 2006, this office received a complaint regarding the management of used oil and scrap tires at your business. Specifically, the complaint alleged that used oil containers were leaking, some containers of used oil were buried and scrap tires were stored around the property improperly. On December 27, 2006, Trevor Irwin (Division of Solid and Infectious Waste Management) and I performed a complaint investigation to determine the validity of the complaint and to determine compliance with Ohio's hazardous waste laws regulations as found in Chapter 3734. of the Ohio Revised Code (ORC) and Chapter 3745. of the Ohio Administrative Code (OAC). This letter will explain the violations we found and what you need to do to correct the violations.

We observed used oil is being stored in drums that are leaking or in poor condition and scrap tires that are stored improperly. We did not see evidence of burial of wastes.

Based on these observations, you are in violation of the following hazardous waste rules:

- (1) **OAC rule 3745-279-22(D), Response to releases:** Upon detection of a release of used oil to the environment...a generator must perform the following steps: 1) Stop the release; 2) Contain the released used oil; 3) Clean up and properly manage the released used oil and other materials; and 4) If necessary, repair or replace any leaking used oil containers or tanks prior to returning them to service.

We observed used oil staining around several drums and a tote, see attached photographs. Any soil that is contaminated with used oil must be excavated and placed into a container and disposed at a permitted solid waste landfill. All containers that are in poor condition must be replaced. To demonstrate compliance, provide photographs of areas where used oil staining was evident, once the contaminated soil has been removed, and provide the name and address of the landfill that accepts this soil for disposal. I have included a fact-sheet on used oil management for your use.

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

Most drums and totes of used oil we observed were not labeled properly, see attached photographs. Please provide photographs of your drums and totes showing that they are properly labeled.

General Comments:

- (a) Any materials that cannot be identified must be sampled to determine if it is hazardous waste prior to disposal. If you find there are any materials like this, please contact me.
- (b) If you will be storing a total capacity of 1,320 gallons for all oil products (including new, used, hydraulic, etc.), the Spill Prevention, Control and Countermeasures Requirements will apply to your facility; please see attached fact sheet). They require you to have a plan for releases and secondary containment around all stored petroleum products. If you store less than this amount, you may still consider storing your used oil in indoor tanks or in outside, double-walled tanks to minimize future releases and management concerns.

During the course of this inspection, tires were observed being stored behind a building near the back portion of the property. Some of these tires were for resale and some were scrap tires. Improper storage of scrap tires poses several potential problems for the local residents, environment, and the emergency crews in the area. Scrap tires provide an optimal breeding ground for mosquitoes. Mosquitoes identified at tire piles in Ohio can carry St. Louis Encephalitis, La Crosse Encephalitis, Yellow Fever, Dengue Fever and West Nile Virus. These scrap tires need to be stored in a manner so that mosquito breeding is inhibited.

Scrap tire fires are a source of air pollution and can cause respiratory problems for those that breathe the smoke. Tire fires are also difficult for emergency crews to extinguish.

These tires need to be stored inside or under cover to inhibit the accumulation of rain water within the tire and to inhibit the incidence of fire.

Ohio law requires that anyone removing scrap tires for disposal must take the tires to either a licensed or registered scrap tire collection, recovery or disposal facility. Receipts from these facilities need to be on file at your facility to provide proof of proper disposal. Also, anyone transporting more than ten (10) scrap tires must be registered with Ohio EPA as a Scrap Tire Transporter.

Mr. John Carmichael
Carmichael Equipment, Inc.
January 5, 2007
Page 3

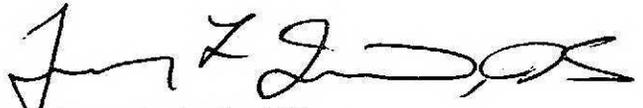
Also, observed on the rear portion of the property was a large pile of wood pallets. During this inspection, you stated that the Rio Grande Fire Department had been contacted regarding burning these pallets as a training exercise. In order for this to occur, Ohio EPA Division of Air Pollution Control needs to provide prior approval to the fire department. If approval is not obtained, you will be responsible for removal of these pallets for proper disposal or recycling.

Please provide documentation required above **within 30 days of the date of this letter**. If you have any questions regarding waste management or pollution prevention activities, please call me at (740) 380-5278.

Sincerely,



Richard Stewart
District Representative
Division of Hazardous Waste Management



Trevor L. Irwin, RS
Environmental Specialist II
Division of Solid and Infectious
Waste Management

Attachments

cc: Stuart Lentz, Gallia County Health Department

RS/mlm

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.