



Environmental
Protection Agency

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

Re: **Moyer's Auto Wrecking**
OHR000158550
Crawford County
DMWM, NWDO
Complaint 2946

October 26, 2011

Mr. Terry Moyer
Moyer's Auto Wrecking
735 Bauer Avenue
Crestline, Ohio 44827

Dear Mr. Moyer:

The Ohio Environmental Protection Agency (Ohio EPA) received documentation from Chem-Tech Consultants, Inc. (CCI) on behalf of Moyer's Auto Wrecking (MAW) in response to Ohio EPA's Notices of Violation (NOVs) dated February 25, 2010, May 17, 2010, August 3, 2010, January 27, 2011, and July 26, 2011. MAW's response was received by Ohio EPA on September 16, 2011. The response included a cover letter, analytical results, waste disposal documents, and a non-hazardous waste manifest.

My review of the submitted information and a site visit conducted on September 27, 2011, reveals that MAW has addressed all violations discovered during the January 13, 2010, January 22, 2010, January 28, 2010, and February 4, 2010, compliance evaluation inspection and complaint investigation as outlined below. MAW will remain a conditionally exempt small quantity generator of hazardous waste and a generator of used oil, universal waste lamps, and spent lead-acid batteries.

In an attempt to streamline this letter, details concerning previously abated violations or general concerns which have been addressed in previous correspondence have been omitted.

Violations:

1. Ohio Administrative Code (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..."

a. **Spent Lamps-** *This violation is considered abated on August 31, 2010.*

- b. Used oil contaminated soil from the clean-up of used oil spills in the yard-This violation is considered abated on September 22, 2010.
- c. Used oil contaminated material from the clean-up of used oil spills in the buildings- This violation is considered abated on September 22, 2010.
- d. **Waste paint booth filters**-On September 16, 2011, Ohio EPA received documentation that the waste paint booth filters were sampled and analyzed for total Resource Conservation and Recovery Act (RCRA) metals and total volatile organic compounds (VOCs). The cover letter to these results states "The results indicate that the total RCRA metals and VOC's are below possible TCLP concentrations. The filters are non-hazardous waste."

As discussed with John Moyer on September 27, 2011, in order to determine a waste is non-hazardous based on the Toxicity Characteristic Leaching Procedure (TCLP) regulatory limits, the waste must be analyzed using the TCLP. In this case, the waste paint booth filters were analyzed for total concentrations and did not use the TCLP. In order to be confident that the waste paint booth filters are a non-hazardous waste, MAW must analyze the waste for TCLP RCRA metals and TCLP VOCs.

This violation is considered abated on May 10, 2011, through previously submitted information.

- 2. OAC Rule 3745-279-22 (C)(1), Used Oil Storage Requirements for Generators-
This violation is considered abated on August 23, 2010.
- 3. OAC Rule 3745-279-22 (D), Used Oil Requirements for Generators "Response to releases. Upon detection of a release of used oil to the environment... a generator must perform the following cleanup steps: (1) Stop the release; (2) Contain the released used oil; (3) Clean up and manage properly the released used oil and other materials; and (4) If necessary, repair or replace any leaking used oil storage containers or tanks prior to returning them to service."

On September 16, 2011, Ohio EPA received documentation that the used oil contaminated soil had been removed from the site. According to documents received by Ohio EPA, the contaminated soil was disposed at the Rumpke Noble Road Landfill, in Shiloh, Ohio as a non-hazardous waste.

This violation is considered abated on September 16, 2011.

4. Ohio Revised Code (ORC) Section 3734.02(E)&(F), Unpermitted Hazardous

Waste Treatment, Storage & Disposal: "No person shall store, treat, or dispose of hazardous waste identified or listed under this chapter and rules adopted under it, regardless of whether generated on or off the premises where the waste is stored, treated, or disposed of, or transport or cause to be transported any hazardous waste identified or listed under this chapter and rules adopted under it to any other premises, except at or to any of the following: (1) A hazardous waste facility operating under a permit issued in accordance with this chapter; (2) A facility in another state operating under a license or permit issued in accordance with the "Resource Conservation and Recovery Act of 1976" 90 Stat. 2806, 42 U.S.C.A. 6921, as amended ..."

During a February 4, 2010, inspection, Ohio EPA observed MAW's paint booth and gathered information concerning the wastes generated from this area. On June 7, 2010, Ohio EPA received additional information concerning the paint booth wastes, in response to the May 17, 2010, NOV. The June 7, 2010, response, states that MAW generates spent solvent from the cleaning of their paint guns utilized in the paint booth. The solvent is sprayed through the paint guns and into a container. Based on the material safety data sheet (MSDS) provided to Ohio EPA for the multi-purpose solvent used by MAW, the waste solvent generated by MAW is a listed hazardous waste (D001, F003, F005). MAW generates less than 0.5 gallons of this waste per month. MAW allows this spent solvent to evaporate into the atmosphere.

MAW conducted unpermitted treatment and disposal by evaporating and disposing of the hazardous waste paint gun clean up solvent into the atmosphere. MAW must immediately cease unpermitted treatment and disposal of its hazardous waste.

During the September 27, 2011, site visit, Ohio EPA observed MAW's hazardous waste management practices. MAW had properly labeled and closed containers storing hazardous wastes from the paint booth.

No further action is required in response to this violation. This violation is considered addressed on September 27, 2011.

Additional Information Requested:

- A. Loader Storage Building**-This general concern is considered addressed on September 22, 2010.
- B. Paint Booth**-This general concern is considered addressed on September 27, 2011.

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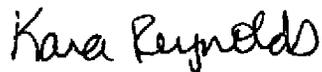
C. **Lead-Acid Batteries**-This general concern is considered addressed on March 30, 2010.

D. **Contaminated Soil from Emergency Response Spill**-Ohio EPA's Emergency Response responded to a diesel spill at MAW on January 22, 2010. As part of the clean-up, MAW removed contaminated soil and staged it on-site while awaiting analytical results from the contaminated soil sampling. Analytical results showed this contaminated soil is a non-hazardous waste.

On September 16, 2011, Ohio EPA received documentation that the contaminated soil had been removed from the site. According to documents received by Ohio EPA, the contaminated soil was disposed at the Rumpke Noble Road Landfill, in Shiloh, Ohio as a non-hazardous waste.

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

Sincerely,



Kara Reynolds
Environmental Specialist
Division of Materials and Waste Management

/llr

pc: ~~Colleen.Weaver, DMWM, NWDO~~
Kara Reynolds, DMWM, NWDO
Cindy Lohrbach, DMWM, NWDO
DMWM/HW, NWDO Crawford County File: Moyer's Auto Wrecking

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.