



Environmental
Protection Agency

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

January 5, 2012

Ms. Theresa Love
L&M Lawn & Garden Equipment, Inc.
1179 Hollander St.
Newark, OH 43055

**Re: L & M Lawn & Garden Equipment, Inc.
12/2/2011 Complaint Investigation
Licking County**

Dear Ms. Love:

Thanks for your time and assistance during my visit to your facility at 1179 Hollander St. on December 2nd. The purpose of my visit was to investigate a complaint that Ohio EPA had received regarding materials stored at your facility. Ohio's laws under Chapter 3745 of the Ohio Administrative Code and Chapter 3734 of the Ohio Revised Code establish a system for safe and responsible management of used oil and hazardous wastes.

Used oil was being generated and accumulated in containers, and the following problems or violations were noted:

1. **Used Oil Container Condition, OAC rule 3745-279-22(B):** Containers of used oil must be kept in good condition with no visible leaks.

At least two of the used oil drums in the storage yard were bulging on the tops and/or bottoms, and were in poor condition. Several containers were open and one of them had oil pooled on top of it with visible leaks or spills evident.

Ensure that only containers in good condition with no signs of leaks are utilized for this purpose. Transfer the contents from any containers which do not meet these requirements, into other containers that do.

2. **Used Oil Container Marking, OAC rule 3745-279-22(C):** Containers of used oil must be clearly labeled or marked, as "Used Oil".

Approximately fourteen (14) 55-gallon drums of used oil being held in the storage yard about 200 feet behind the main building on the site, were unmarked.

Please provide proper labeling/marketing of the containers and send photos showing that you have corrected this problem.

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3. **Used Oil Releases, OAC rule 3745-279-22(D):** Any release or spillage of used oil must be stopped, contained, cleaned up and properly managed, and containers in deficient condition be repaired or replaced.

An area of spilled used oil was evident on the ground in about a 6 foot by 6 foot area next to the used oil drums in the storage yard about 200 feet behind the main building. The spillage had not been cleaned up, and the source may have been the open, overfull and/or bulging containers in the vicinity.

Please stop, contain and clean up the spilled oil as soon as possible. Send a description of actions taken to accomplish this, and photos showing the cleaned up area.

In addition to the above noted violation, are the following comments and/or concerns:

- The used oil accumulation barrels should be kept closed when contents are not being added, in order to prevent rainfall from entering and displacing/spilling the oil.
- It is advisable to keep used oil collection containers under cover to prevent contact with rainfall. A lean-to roof that exists on the premises could work for this purpose.
- I am enclosing information about requirements for used oil fired space heaters in case you are interested in that option.

Please send me a response in 15 days, describing actions being taken to correct the violations noted above. If you have any other questions about my visit or this letter, do not hesitate to contact me by phone at (614) 728-3885.

Sincerely,



J. David Hohmann
Environmental Specialist
Division of Materials and Waste Management
Central District Office

c: CDO File

JDH/nsm L&M NOV

USED OIL INSPECTION CHECKLIST FOR GENERATORS + COLLECTION CENTERS & AGGREGATION POINTS

PROHIBITIONS

1. Does the generator manage used oil in a surface impoundment or waste pile? Yes No N/A
If yes: [N/A]
2. Is used oil used as a dust suppressant? [3745-279-12(B)] Yes No N/A
3. Is off-specification used oil fuel burned for energy recovery in devices specified in 3745-279-12(C)? Yes No N/A

GENERATOR STANDARDS

4. Does the generator mix hazardous waste with used oil? If so [N/A] Yes No N/A
5. Does the generator of a used oil containing greater than 1,000 ppm total halogens manage the used oil as a hazardous waste unless the presumption is rebutted successfully? [3745-279-21(B)] Yes No N/A
6. Does the generator store used oil in tanks; or containers; or a unit(s) subject to regulation as a hazardous waste management unit? [3745-279-22(A)] Yes No N/A
7. Are containers and aboveground tanks used to store used oil in good condition with no visible leaks? [3745-279-22(B)] Yes No N/A
8. Are containers, above ground tanks, and fill pipes used for underground tanks clearly labeled or marked as "Used Oil?" [3745-279-22(C)] Yes No N/A
9. Has the generator, upon detection of a release of used oil, done the following: [3745-279-22(D)]
RMK: An area approximately 6 feet by 6 feet next to an oil accumulation drum needed to be cleaned up.
- a. Stopped the release? Yes No N/A
- b. Contained the release? Yes No N/A
- c. Cleaned up and properly managed the used oil and other materials? Yes No N/A
- d. Repaired or replaced the containers or tanks prior to returning them to service, if necessary? Yes No N/A

ON-SITE BURNING IN SPACE HEATER

10. Does the generator burn used oil in used-oil fired space heaters? [3745-279-23] If so: Yes No N/A

GENERATOR TRANSPORTATION [N/A]

COLLECTION CENTERS AND AGGREGATION POINTS [N/A]

