



**Environmental  
Protection Agency**

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

Certified Mail: 7010 1060 0001 7896 3515

December 8, 2011

**GALLIA COUNTY  
GENERAL FILE  
(EASTERN AUTO SALES, LLC)  
DMWM/SEDO  
OHR000165480**

Mr. Jim Mink  
Owner  
Eastern Auto Sales, LLC  
1725 Eastern Ave.  
Gallipolis, Ohio 45631

Dear Mr. Mink:

On September 12, 2011, Ohio EPA received a complaint alleging that hazardous waste was being improperly managed on your property. On October 11, 2011, Donna Goodman and I performed a complaint investigation of your company to determine the validity of the complaint and to determine its compliance with Ohio's hazardous waste laws and regulations as found in Chapter 3734 of the Ohio Revised Code (ORC) and Chapter 3745 of the Ohio Administrative Code (OAC).

During the investigation, we found that the 12 five-gallon cans of paint that were stored next to the auto shop were no longer there. You stated that you did not know where the cans were taken, that you hired a man by the name of Mike Spencer to "clean up" the property, and that he took them. Based on this information, a notice of violation was issued to you on October 19, 2011 which requested information regarding these wastes. I have received no response from you and on December 1, 2011, I met with you to discuss these issues. You stated that you have shut down the body shop and you stated that you did not have time to discuss these issues further at that time.

Based on this investigation, Eastern Auto Sales, LLC remains in violation of the following regulation:

**(1) 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 using the following method...determine if the waste is listed as a hazardous waste in rules 3745-51-30 to 3745-51-35, and then determine whether the waste is identified in rules 3745-51-20 to 3745-51-24 of the Administrative Code by either: (1) Testing the waste according to the methods set forth in rules 3745-51-20 to 3745-51-24 of the Administrative Code, or according to an equivalent method approved by the Region V Administrator of U.S. EPA pursuant to 40 CFR 260.21; or (2) Applying knowledge of the hazardous characteristic of the waste in light of the materials or the processes used.

To document compliance with this rule for the 12 five-gallon containers of waste that were stored outside the shop, you should provide copies of the receipts you have from when Safety-Kleen collected these paint wastes. If you cannot find these manifests, provide the MSDS sheets for the paint thinners/solvents that were recently used in the auto shop. This information will help determine the correct waste-codes and therefore proper treatment needed for these wastes.

Additionally, as I observed on December 1, 2011, there appears to be as much as 30 gallons of paint waste left in the shop in five-gallon containers. This waste also must be characterized and properly disposed. Please provide documentation indicating that you have properly characterized and disposed of this waste.

**Additional Compliance Issues:**

- (a) As we discussed, as the property owner where the wastes were generated, you are responsible for all wastes generated on your property (as is the generator of the waste) and must ensure they are properly disposed. You must provide all information you have on who removed this waste and any information regarding its current location.

You must immediately take the necessary measures to return to compliance with Ohio's environmental laws. **Within 10 days** of receipt of this letter, you are requested to provide documentation to this office including the steps taken to abate the violations cited above. Documentation of steps taken to return to compliance includes written correspondence, updated policies, and photographs, as appropriate, and may be submitted via the postal service or electronically to [rich.stewart@epa.ohio.gov](mailto:rich.stewart@epa.ohio.gov).

Please be advised that violations cited above will continue until the violations have been properly abated. Failure to comply with Chapter 3734 of the Ohio Revised Code and rules promulgated thereunder may result in a civil penalty of up to \$10,000 per day for each violation. It is imperative that you return to compliance. If circumstances delay the abatement of violations, you are requested to submit written correspondence of the steps that will be taken by a date certain to attain compliance.

Nothing in this letter shall be construed to authorize any waiver from the requirements of any applicable state or federal laws or regulations. This letter shall not be interpreted to release the owner or operator, or others, from responsibility under Chapters 3704, 3714, 3734, or 6111 of the Ohio Revised Code or under the Federal Clean Water Act, Resource Conservation and Recovery Act, or Comprehensive Environmental Response, Compensation, and Liability Act for remedying conditions resulting from any release of contaminants to the environment.

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Additionally, as we discussed on December 1, 2011, if you fail to address these issues you will be referred for escalated enforcement. If you have any questions, please call me at (740) 380-5278.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Stewart", written in a cursive style.

Richard Stewart  
District Representative  
Division of Materials and Waste Management

RS/mlm

