Ohio | Environmental Protection Agency
John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

C

November 22, 2011

Wayne Reinke
ACME Automotive
360 S. Main St., Lot 662
West Salem, OH 44287

RE: ACME AUTOMOTIVE, OHR 000 165 704, COMPLAINT 7477, MEDINA COUNTY NOV-RTC

Dear Mr. Reinke:

On October 18, 2011, this writer, representing Ohio EPA, Division of Materials and Waste Management (DMWM), visited ACME Automotive located at 9069 Spencer Road in Homersville, Ohio, to conduct a complaint inspection. The complaint alleged the storage of used oil in barrels behind the building.

ACME Automotive was represented by you during the inspection.

The purpose of the inspection was to determine ACME Automotive's compliance with Ohio's hazardous waste laws as found in Chapter 3734 of the Ohio Revised Code (ORC) and Chapter 3745 of the Ohio Administrative Code (OAC). The inspection included a review of the facility's operations, as well as the management of wastes. ACME Automotive was inspected for the requirements of a used oil generator.

Upon inspection of the rear of the facility, no barrels/drums of used oil were found. However, six, one-gallon containers of used oil were observed and then moved indoors to the facility.

Based on the inspection, Ohio EPA identified the following violations:

1. OAC rule 3745-279-22(C), Used Oil Storage Requirements for Generators: Used oil generators must store used oil in containers and tanks which must be in good condition and not leaking. The containers and tanks must be labeled with the words "Used Oil." If used oil is released to the environment, the generator must stop the release, contain the used oil, and clean-up and properly manage the released oil and other materials.

   ACME Automotive failed to label one collection pan and six, one-gallon containers with the words "Used Oil." During the inspection, you labeled the collection pan and containers with the words "Used Oil." **This violation has been adequately addressed. No further response is requested.**

Northeast District Office
2110 East Aurora Road
Twinsburg, OH 44087-1924

330 | 963 1200
330 | 487 0769 (fax)
www.epa.ohio.gov

2. OAC rule 3745-279-71(A)(B), Prohibitions on Used Oil Fuel Marketers: A used oil fuel marketer may only ship off-specification used oil to a used oil burner who: (A) Has a U.S. EPA identification number; and (B) Burns the used oil in an industrial furnace or boiler identified in OAC rule 3745-279-61(A).

   ACME Automotive shipped off-specification used oil to a facility where it was burned in a used oil space heater. Used oil space heaters are not considered an industrial furnace or boiler. As a result of the off-specification used oil shipment, ACME Automotive also violated OAC rules 3745-279-12(C), 3745-279-24, 3745-279-73(A), 3745-279-74(A)(1) through (A)(5) and 3745-279-75(A). During our telephone conversation on October 25, 2011, you indicated that used oil will be taken to a recycling facility in Medina. Enclosed, please find a copy of used oil recycling facilities in Ohio. **This violation has been adequately addressed. No further response is requested.**

Ohio EPA offers the following comments:

3. Please find attached the following guidance document entitled "Before You Light It, Know Ohio's Open Burning Regulations."

4. You may find copies of the hazardous waste rules and other information on Ohio EPA's web page at: http://www.epa.state.oh.us/dhwm.

5. Ohio EPA has created an electronic news service to provide facilities with quick and timely updates on news and events related to hazardous waste activities in Ohio. For more information, please refer to: http://www.epa.state.oh.us/dhwm/listserv.html.

6. You may be able to reduce the amount of waste your facility generates by finding ways to recycle, reduce or eliminate it. Ohio EPA's Office of Compliance Assistance and Pollution Prevention (OCAPP) provides free compliance and pollution prevention assistance on environmental issues related to air, land and water. Should your facility be interested in receiving a free pollution prevention assessment in the future, please contact me or OCAPP. OCAPP may be contacted at (800) 329-7518 or via the internet at: http://epa.ohio.gov/ocapp/contact.aspx.

7. Ohio EPA issued an EPA ID number (OHR000165704) to track our inspection activity at ACME Automotive. If ACME Automotive wishes to use an EPA ID number for manifesting and other hazardous waste, used oil or universal waste activities, ACME Automotive must complete and submit a Notification of Regulated Waste Activity form (EPA Form 9029). This form is available on Ohio EPA's internet site at http://epa.ohio.gov/Default.aspx?tabid=3915, or you may contact me for a copy.

Enclosed, please find a copy of the completed inspection checklist. Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve ACME Automotive from having to comply with all applicable regulations.

Should you have any questions, please contact me at (330) 963-1108.

Sincerely,

Frank A Zingales

Frank A. Zingales
Environmental Specialist
Division of Materials and Waste Management

FAZ:cl
Enclosure

ec: Natalie Oryshkewych, DMWM, NEDO
Frank Popotnik, DMWM, NEDO
Jeff Mayhugh, DMWM, CO
Marlene Kinney, DMWM, NEDO

Send to Central Office ☒	Ohio Environmental Protection Agency **RCRA SUBTITLE C SITE** **IDENTIFICATION/VERIFICATION FORM**	For Ohio EPA use only

Completed verification forms required to be submitted to CO should be e-mailed to brad.hauser@epa.state.oh.us.

Site EPA ID No.
Site Name

EPA ID Number: **OHR000165704**

Name: **ACME Automotive** | Website: (Optional)

Site Location Information

Street Address: **9069 Spencer Rd.**

City, Town, or Village: **Homersvile** | State: OH

County Name: **Medina** | Zip Code: **44235**

Site Land Type (check only one)

Private	County	District	Federal	Indian	Municipal	State	Other
☒	☐	☐	☐	☐	☐	☐	☐

NAICS code(s) www.census.gov/epcd/www/naics.html

811111

Facility Representative

Additional names can be recorded in number 12

Only provide address information if it is different than the site address

First Name: **Wayne** | MI: | Last Name: **Reinke**

Title:

Phone Number: **330-421-2765** | Phone Number Extension:

E-Mail Address:

Fax Number: | Fax Number Extension:

Street or P.O. Box: **360 S. Main St., Lot 662**

City, Town or Village: **West Salem**

State: **OH** | Zip Code: **44287**

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

Name of Site's Legal Owner: | Date Became Owner (mm/dd/yyyy):

Owner Type:	Private	County	District	Federal	Indian	Municipal	State	Other
	☐	☐	☐	☐	☐	☐	☐	☐

Street or P.O. Box:

City, Town or Village: | Owner Phone #:

State: | Country: | Zip Code:

Name of Site's Operator: | Date Became Operator (mm/dd/yyyy):

Operator Type:	Private	County	District	Federal	Indian	Municipal	State	Other
	☐	☐	☐	☐	☐	☐	☐	☐

Street or P.O. Box:

City, Town or Village: | Operator Phone #:

State: | Country | Zip Code:

VIOLATIONS CITED? ☒ Yes ☐ No

TYPE OF HANDLER - MARK "X" AS APPROPRIATE

☒ Not a HW Generator	☐ UNKNOWN: Cited for violation of 3745-52-11	☐ Large Quantity Generator (LQG)
	☐ Short-Term/Temporary Generator (generates from a short-term or one-time event and not from on-going processes). *Check the box for the applicable generator status and provide a comment.*	☐ Small Quantity Generator (SQG) ☐ Conditionally Exempt Small Quantity Generator ☐ U.S. Importer of Hazardous Waste ☐ Mixed Waste (Hazardous and Radioactive) Generator

TYPE OF REGULATED WASTE ACTIVITY (MARK "X" IN ALL OF THE APPROPRIATE BOXES)

- ☐ Hazardous Waste Transporter
- ☐ Hazardous Waste Transfer Facility
- ☐ Treater, Storer or Disposer of Hazardous Waste
- ☐ Recycler of Hazardous Waste
- ☐ 72-Hour Recycler
- ☐ Exempt Boiler and/or Industrial Furnace
  - ☐ Small Quantity On-Site Burner Exemption
  - ☐ Smelting, Melting, Refining Furnace Exemption
- ☐ Underground Injection Control Facility
- ☐ Receives Hazardous Waste from Off-site

UNIVERSAL WASTE ACTIVITIES (INDICATE TYPES OF UNIVERSAL WASTE MANAGED (CHECK ALL BOXES THAT APPLY)

- ☐ Small Quantity Handler of Universal Waste
- ☐ Large Quantity Handler of Universal Waste (accumulates 5,000 kg. or more)
- ☐ Destination Facility for Universal Waste

CHECK ALL BOXES BELOW THAT APPLY FOR THE TYPES OF UNIVERSAL WASTE THE FACILITY MANAGES

- ☐ Batteries
- ☐ Pesticides
- ☐ Mercury containing equipment
- ☐ Lamps

USED OIL ACTIVITIES (INDICATE TYPE(S) OF ACTIVITY(S)

- ☒ Used Oil Generator
- ☐ Used Oil Transporter
- ☐ Used Oil Transfer Facility
- ☐ Used Oil Processor
- ☐ Used Oil Re-refiner
- ☐ Off-Specification Used Oil Burner
- ☐ Used Oil Fuel Marketer who directs shipment of Off-Spec Used Oil
- ☐ Used Oil Fuel Marketer who first claims the Used Oil meets the specifications

Eligible Academic Entities with Laboratories: Facility has previously notified that they are opting into managing laboratory hazardous waste pursuant to OAC rules 3745-52-200 through 3745-52-216. Check the box(es) below to indicate the laboratory type.

- ☐ College or University
- ☐ Teaching hospital that is owned by or has a formal written affiliation agreement with a college or university
- ☐ Non-profit Institute that is owned by or has a formal written affiliation agreement with a college or university

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 or list them in the comments if more space is needed. If the waste codes are the same as listed in the most recent RCRAInfo source record, you do not need to list them. 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	☐ Yes	☒ No	Additional Facility Representatives:
Tanks	☐ Yes	☒ No	
Containers	☒ Yes	☐ No	

Name of Inspector(s)	Name of Inspector(s)	Date of Inspection/Time (mm/dd/yyyy) (hh:mm)
Frank Zingales		**10/18/2011 1015**

Comments:

Revised 09.05.10

USED OIL INSPECTION CHECKLIST
GENERATORS, COLLECTION CENTERS AND AGGREGATION POINTS

NOTE: 1. A facility is subject to the federal SPCC regulations (40 CFR 112) if it is non-transportation related (e.g., fixed) and has an aggregate above ground storage capacity greater than 1,320 gallons or a total underground storage capacity greater than 42,000 gallons of oil (including used oil), and there is reasonable expectation of a discharge to navigable waters.

2. Inspectors can check BUSTR's web-site at https://www.comapps.ohio.gov/sfm/fire_apps/bust/bustr/PublicInquiry.asp to determine if a UST containing used oil is registered with BUSTR. Inspectors may call BUSTR at 614-752-7938 or a BUSTR site coordinator to report an unregistered UST or a UST that appears to not be in compliance with BUSTR regulations. A list of BUSTR coordinators by county are at: https://www.comapps.ohio.gov/sfm/fire_apps/bust/bustr/SearchByCounty.asp.

PROHIBITIONS

1.	Does the generator manage used oil in a surface impoundment or waste pile? If yes:		Yes ☐ No ☒ N/A ☐
	a.	Is the surface impoundment or waste pile regulated as a hazardous waste management unit? [3745-279-12(A)]	Yes ☐ No ☐ N/A ☒
NOTE: For example, used oil contaminated scrap metal stored in a pile.			
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 ☐
NOTE: Multiple used oil checklists may be applicable if used oil handler is performing multiple tasks (e.g., If generating used oil and shipping directly to a burner, complete generator and marketer checklists at a minimum).			

GENERATOR STANDARDS

4.	Does the generator mix hazardous waste with used oil? If so,		Yes ☐ No ☒ N/A ☐
	a.	Is the mixture managed as specified in 3745-279-10(B)? [3745-279-21(A)]	Yes ☐ No ☐ N/A ☒
NOTE: Used Oil mixed with listed (3745-51-30 to 3745-51-35) or characteristic (3745-51-20 to 3745-51-24) hazardous waste are subject to regulation as a hazardous waste, <u>unless</u> the listed hazardous waste is listed solely because it exhibits a hazardous characteristic, and the resultant mixtures do not exhibit a characteristic. Mixtures of used oil and CESQG hazardous waste are subject to OAC Chapter 3745-279.			
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 ☒
NOTE: If used oil contains greater than 1000 ppm total halogens, it is presumed to be listed hazardous waste until the presumption is successfully rebutted.			
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 "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)]		Yes ☐ No ☐ N/A ☒
	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 ☐
	a.	Does the heater burn only used oil that owner/operator generates or used oil received from household do-it-yourself (DIY) used oil generators?	Yes ☐ No ☐ N/A ☒
	b.	Is the heater designed to have a maximum capacity of not more that 0.5 million BTU per hour?	Yes ☐ No ☐ N/A ☒
	c.	Are the combustion gases from heater vented to the ambient air?	Yes ☐ No ☐ N/A ☒
NOTE: Ash accumulated in a space heater must be managed in accordance with 3745-279-10(E).			