



State of Ohio Environmental Protection Agency

Northeast District Office

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Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

September 29, 2009

David Johnston
1721 Dennison Rd
Cleveland, OH 44109

**RE: NORMAN DISCOUNT TIRE, CUYAHOGA COUNTY COMPLAINT #7208
NOTICE OF VIOLATION/RETURN TO COMPLIANCE**

Dear Mr. Johnston:

On Tuesday, September 15, 2009, Ohio EPA, represented by Ed D'Amato and Robert Almquist, spoke with you regarding a complaint concerning Norman Discount Tire in Cleveland. The complaint alleged that you picked up a load of used oil from Norman Discount Tire on April 1, 2009, without a used oil transporter registration.

You explained that you did transport used oil from Norman Discount Tire to C&R Service on West 105th St. in Cleveland as a favor to C&R Service. Based upon your statement, Ohio EPA has determined that the complaint is valid. As a result, you have violated the following provision of the Ohio Administrative Code (OAC):

**1. Notification by used oil transporters
3745-279-42(A)**

Used oil transporters must notify Ohio EPA and obtain an EPA identification number.

You explained that this was the only time you have transported used oil, and that you will not transport used oil again without notifying Ohio EPA and obtaining an identification number.

Please be advised that C&R Service cannot accept used oil from another business unless each shipment is tracked per OAC rule OAC 3745-279-74(B), and it is documented that each shipment meets the specifications for metals content, flashpoint, and total halogens as defined in OAC rule 3745-279-11.

Per our conversation, C&R Service may take used oil from "Do-it-Yourselfer" oil changers, provided C&R Service registers with Ohio EPA as a Used Oil Collection Center.

During the investigation, I provided you with copies of Ohio EPA's Used Oil Generator and Used Oil Burner fact sheets.

No response to this letter is required.

DAVID JOHNSTON
SEPTEMBER 29, 2009
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Failure to list specific deficiencies in this communication does not relieve you from the responsibility of complying with all applicable Ohio EPA laws and regulations. Please be advised that present or past instances of non-compliance can continue as subjects of pending or future enforcement actions.

Please feel free to contact me at (330) 963-1170 if you have any questions about the inspection or this letter.

Sincerely,



Edward J. D'Amato
Environmental Specialist
Division of Hazardous Waste Management

EJD:ddw

cc: Marlene Kinney, DHWM, NEDO
ec: Frank Popotnik, DHWM, NEDO
Harry Sarvis, DHWM, CO
Natalie Oryshkewych, DHWM, NEDO