

Northwest District Office

347 North Dunbridge Road
Bowling Green, OH 43402-9398

TELE: (419) 352-8461 FAX: (419) 352-8468
www.epa.state.oh.us

Bob Taft, Governor
Bruce Johnson, Lieutenant Governor
Joseph P. Koncelik, Director

Re: Hill Avenue Marathon Station
Lucas County
Hazardous Waste
Notice of Violation #3

January 3, 2007

CERTIFIED MAIL

Mr. Sam Gabrail, Owner
Gabrail Investment
6130 Hill Avenue
Toledo, Ohio 43615

Dear Mr. Gabrail:

Ohio EPA conducted an inspection of your gas station at 6130 Hill Avenue, Toledo, Ohio on August 12, 2005. As a result of violations observed during this inspection, Ohio EPA sent you Notice of Violation (NOV) letters on September 23, 2005, and November 30, 2005. You did not respond to either of these NOV's.

You must respond to this third NOV immediately. You must correct the violations in a time frame acceptable to Ohio EPA.

1. Waste Evaluation - OAC Rule 3745-52-11

A generator must determine whether its waste is hazardous by testing the waste according to the methods set forth in rules 3745-51-20 to 3745-51-24 or by applying knowledge of the hazardous characteristic of the waste in light of the materials or the processes used.

You have failed to evaluate all of your waste properly, according to these rules. During the August 12, 2005, inspection, I observed two 55-gallon drums of gasoline and water. It is likely that this mixture would be an ignitable hazardous waste (Waste Number D001) and a toxic hazardous waste containing benzene (D018) if not properly managed, since the flash point of gasoline is well below the regulatory limit of 140°F and gasoline contains benzene above the regulatory limit.

Therefore, in order to correct this violation you have two options for handling the waste:

1. This mixture may be handled as a fuel and not as a waste (and therefore not a hazardous waste) **if it is burned for energy recovery**; or
2. Evaluate the mixture and discard it as a hazardous waste or an industrial solid waste.

If you dispose of this waste, you must submit to me a copy of the laboratory analytical report demonstrating its characteristics, and whether it is hazardous or non-hazardous, before you send the waste off-site.

Gabrail Investment must submit to me a legible copy of the manifest or shipping paper that is either signed by a representative of the permitted treatment, storage or disposal facility (if the mixture is handled as a hazardous waste), or the facility that will burn it for energy recovery (if the mixture is handled as a fuel), that documents the proper off-site shipment of the fuel/water mixture.

2. Container Labeling – OAC Rule 3745-279-22(C)

Containers used to store used oil at generator facilities must be labeled or marked clearly with the words "Used Oil." Gabrail Investment has failed to mark or label one 55-gallon drum of used oil, located behind the storage building at 6130 Hill Avenue Station, in this manner.

It appears to Ohio EPA that the container behind your business contains fuel filters and not used oil filters. Therefore, no further action is required regarding this violation.

3. Condition of Container - OAC Rule 3745-279-22(B)

Containers used to store used oil at generator facilities must be in good condition: no apparent structural defects or deterioration. Gabrail Investment has failed to store its used oil in a container in good condition since the lid of the drum is split open and the lid was also not closed.

It appears to Ohio EPA that the container behind your business contains fuel filters and not used oil filters. Therefore, no further action is required regarding this violation.

The following is a newly cited violation of Ohio's hazardous waste management regulations:

4. Waste Evaluation - OAC Rule 3745-52-11

A generator must determine whether its waste is hazardous by testing the waste according to the methods set forth in rules 3745-51-20 to 3745-51-24 or by applying knowledge of the hazardous characteristic of the waste in light of the materials or the processes used.

Ohio EPA has determined that the 55-gallon, blue, poly drum behind the storage building at your station contains used fuel filters. You have created a new waste by allowing rain water to mix with the used fuel filters. Therefore, this waste must be evaluated, through laboratory analysis, to determine its TCLP benzene concentration. If a waste has a TCLP benzene concentration equal to or greater than 0.5 mg/L it is a hazardous waste and must be shipped to a facility that is permitted to accept hazardous waste.

Please be aware that your failure to respond to these NOV's may make it necessary for Ohio EPA to pursue further enforcement action against you. If you have any questions or comments, please feel free to contact me immediately at (419) 373-3074.

Mr. Sam Gabrail, Owner
January 3, 2007
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You can find copies of the rules and other information on the division's web page at www.epa.state.oh.us/dhwm. Ohio EPA also has helpful information about pollution prevention at www.epa.state.oh.us/opp.

Sincerely,



Don North
Division of Hazardous Waste Management

//lr

pc: Colleen Weaver, DHWM, NWDO
Cindy Lohrbach, DHWM, NWDO
~~DHWM, NWDO File: Lucas County General File~~
ec: Don North, DHWM, NWDO

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.

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Sent To
 MR. SAM GABRIEL OWEN - GABRIEL INVESTMENT
 Street, Apt. No.,
 or PO Box No. 6130 1111 AVENUE
 City, State, ZIP+4
 TOLEDO, OH 43615