



**Environmental
Protection Agency**

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



March 15, 2011

**RE: BIG M MOTORS BUS GARAGE
COMPLAINT # 7402
ASHTABULA COUNTY
NON-GENERATOR**

Ms. Sarah Frain
4616 North Ridge East
Geneva, OH 44041

Dear Ms. Frain:

On March 10, 2011, Paul Dolensky and I of the Ohio EPA Division of Hazardous Waste Management conducted a hazardous waste complaint investigation at Big M Motors Bus Garage (Big M), located at 399 South Eagle St., Geneva, Ohio. The purpose of the visit was to investigate a complaint received by Ohio EPA alleging that hazardous materials are being dumped along the fence line at Big M Motors. You represented the business during our inspection.

Big M is in the process of closing this location. While in operation, used oil and spent antifreeze were generated from servicing vehicles. We walked the fence line and although we did not note any areas of dumping, we did note an area of stained soil where the used oil containers are stored outside.

I have enclosed copies of the inspection checklists used for this investigation and copies of the pictures that I took.

The following violations were noted:

- 1. Ohio Administrative Code (OAC) 3745-279-22(C)(1); Containers and above ground tanks that are used to store used oil must be labeled with the words, "Used Oil".**

We noted three 55-gallon drums and twelve 5-gallon pails containing used oil. None of the containers were labeled with the words "used oil".

To abate the violation please provide paperwork that shows that the containers were shipped off site to an authorized used oil collection site.

- 2. OAC 3745-279-22(D); Generator must respond to used oil releases and perform clean-up steps.**

We observed an area of stained soil along the fence line where the containers of used oil and antifreeze are stored.

OAC rule 3745-279-22(D) requires that a generator of used oil, upon detection of a release of used oil, must stop the release, contain the release, and cleanup and properly manage the used oil and other materials generated during cleanup.

Ms. Sarah Frain
March 15, 2011
Page 2

As we discussed during our visit, contaminated soil and debris from the cleanup may be managed as solid waste in a trash dumpster, provided that this is acceptable to your trash hauler.

Ohio EPA uses a visual standard when determining whether a cleanup of released used oil and any media absorbing that used oil is adequate. Ohio EPA does not require confirmatory soil sampling and analysis to demonstrate that the release has been cleaned up.

To return to compliance with this violation you must:

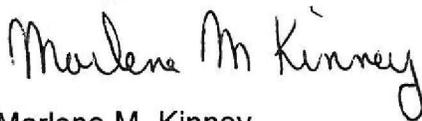
- a. Cleanup and remove all releases of used oil and contaminated soils identified by me and any additional releases you may find.
- b. Contain all used oil in a closed container that is in good condition and labeled with the words used oil.
- c. Provide photos of the areas after cleanup.

Please respond to this letter within 30 days of the date on the letter. Failure to list specific deficiencies and or violations in this communication does not relieve you from the responsibility of complying with all applicable laws, rules and regulations.

You can find copies of the rules and other information on the division's web page at <http://www.epa.ohio.gov.dhwm>.

Should you have any questions, please feel free to call me at (330) 963-1162.

Sincerely,



Marlene M. Kinney
Environmental Specialist
Division of Hazardous Waste Management

MMK/cl
Enclosure

ec : Harry Sarvis, DHWM, CO
Niall McKenna, DHWM, NEDO
Paul Dolensky, DHWM, NEDO
Natalie Oryshkewych, DHWM, NEDO

Send to Central Office <input checked="" type="checkbox"/>	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 Site Location Information Site Land Type (check only one) NAICS code(s) www.census.gov/epcd/www/naics.html	EPA ID Number: Name: Big M Motors Bus Garage Website: (Optional) Street Address: 399 South Eagle St. City, Town, or Village: Geneva State: OH County Name: Ashtabula Zip Code: 44041 Private <input checked="" type="checkbox"/> County <input type="checkbox"/> District <input type="checkbox"/> Federal <input type="checkbox"/> Indian <input type="checkbox"/> Municipal <input type="checkbox"/> State <input type="checkbox"/> Other <input type="checkbox"/>		
Facility Representative Additional names can be recorded in number 12 Only provide address information if it is different than the site address	First Name: Sarah MI: Last Name: Frain Title: Phone Number: 440-466-2490 Phone Number Extension: E-Mail Address: Fax Number: Fax Number Extension: Street or P.O. Box: 4616 North Ridge East City, Town or Village: Geneva State: Ohio Zip Code: 44041		
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 <input type="checkbox"/> County <input type="checkbox"/> District <input type="checkbox"/> Federal <input type="checkbox"/> Indian <input type="checkbox"/> Municipal <input type="checkbox"/> State <input type="checkbox"/> Other <input type="checkbox"/> 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 <input type="checkbox"/> County <input type="checkbox"/> District <input type="checkbox"/> Federal <input type="checkbox"/> Indian <input type="checkbox"/> Municipal <input type="checkbox"/> State <input type="checkbox"/> Other <input type="checkbox"/> Street or P.O. Box: City, Town or Village: Operator Phone #: State: Country: Zip Code:		
VIOLATIONS CITED? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
TYPE OF HANDLER - MARK "X" AS APPROPRIATE			
<input checked="" type="checkbox"/> Not a HW Generator	<input type="checkbox"/> UNKNOWN: Cited for violation of 3745-52-11 <input type="checkbox"/> 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. <input type="checkbox"/> Large Quantity Generator (LQG) <input type="checkbox"/> Small Quantity Generator (SQG) <input type="checkbox"/> Conditionally Exempt Small Quantity Generator <input type="checkbox"/> U.S. Importer of Hazardous Waste <input type="checkbox"/> Mixed Waste (Hazardous and Radioactive) Generator		

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

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

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

<input type="checkbox"/> Small Quantity Handler of Universal Waste	<input type="checkbox"/> Destination Facility for Universal Waste
<input type="checkbox"/> Large Quantity Handler of Universal Waste (accumulates 5,000 kg. or more)	

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	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Additional Facility Representatives:
Tanks	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
Containers	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	

Name of Inspector(s)	Name of Inspector(s)	Date of Inspection/Time (mm/dd/yyyy) (hh:mm)
Marlene Kinney	Paul Dolensky	03-10-2011

Comments:
 Complaint investigation and cited 2 used oil violations. Big M did some automotive repairs, oil changes, and is in process of moving from this location. While we were there it was obvious that they were in the process of moving.

OHIO EPA

Complaint #: 7402

COMPLAINT INVESTIGATION FORM

Date/Time Reported: 12/13/2010

COMPLAINANT:	anon
ADDRESS:	
CITY, STATE, ZIP	
PHONE NUMBER:	Caller id 440-224-0646
CONFIDENTIAL?:	

SUSPECTED SOURCE:	Sarah Frain
NAME/FACILITY:	Big M Motors Bus Garage
ADDRESS:	399 South Eagle St
CITY, STATE, ZIP:	Geneva, Ohio
COUNTY:	Ashtabula
PHONE NUMBER:	
USEPA ID #:	None
LISTED STATUS:	None

STATEMENT OF COMPLAINT: Rcvd voice mail message that Sarah Frain is dumping hazardous materials along the fence line at Big M Motors. The fence line is only about 200 yds from Eagle Creek. I left message at above number requesting additional information but no one has called back.

Associated individuals/companies:

COMPLAINT RECEIVED BY: Slone

INVESTIGATION SUMMARY:

Investigated 3/10/11 by Marlene Kinney

Investigators Notified:

Ohio EPA Division of Hazardous Waste Management Priority:

Investigation status/ resolution:

*Used oil stored in containers had leaked a little bit,
Noted some discoloration but no evidence of dumping
3/10/11*

**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 <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
a.	Is the surface impoundment or waste pile regulated as a hazardous waste management unit? [3745-279-12(A)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>

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 <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
3.	Is off-specification used oil fuel burned for energy recovery in devices specified in 3745-279-12(C)?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>

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 <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
a.	Is the mixture managed as specified in 3745-279-10(B)? [3745-279-21(A)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>

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, unless 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 <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
----	--	--

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 <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
7.	Are containers and aboveground tanks used to store used oil in good condition with no visible leaks? [3745-279-22(B)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
8.	Are containers, above ground tanks, and fill pipes used for underground tanks clearly labeled or marked "Used Oil?" [3745-279-22(C)]	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
9.	Has the generator, upon detection of a release of used oil, done the following: [3745-279-22(D)]	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
a.	Stopped the release?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
b.	Contained the release?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
c.	Cleaned up and properly managed the used oil and other materials?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
d.	Repaired or replaced the containers or tanks prior to returning them to service, if necessary?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>

[Facility Name/Inspection Date]

[ID Number]

Used Oil Checklist for Generators/August 2009

Page 1 of 2

ON-SITE BURNING IN SPACE HEATER

10.	Does the generator burn used oil in used-oil fired space heaters? [3745-279-23] If so:		
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 <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	
b.	Is the heater designed to have a maximum capacity of not more than 0.5 million BTU per hour?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	
c.	Are the combustion gases from heater vented to the ambient air?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	

NOTE: Ash accumulated in a space heater must be managed in accordance with 3745-279-10(E).

GENERATOR TRANSPORTATION

11.	Does the generator have the used oil hauled only by transporters that have obtained a U.S. EPA ID#? [3745-279-24]	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
12.	If the generator self-transported used oil to an approved collection site or to an aggregation point owned by the generator: [3745-279-24]	
a.	Does the generator transport used oil in a vehicle owned by the generator or an employee of the generator? [3745-279-24]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
b.	Does the generator transport more than 55 gallons of used oil at any time? [3745-279-24]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>

NOTE: Used oil generators may arrange for used oil to be transported by a transporter without a U.S. EPA ID # if the used oil is reclaimed under a contractual agreement (i.e., tolling arrangement).

COLLECTION CENTERS AND AGGREGATION POINTS

13.	Is the DIY used oil collection center in compliance with the generator standards in 3745-279-20 to 3745-279-24? [3745-279-30]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
14.	Is the non-DIY used oil collection center registered with Ohio EPA? [3745-279-31]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
15.	Is the used oil aggregation point in compliance with the generator standards in 3745-279-20 to 3745-279-24? [3745-279-32]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>

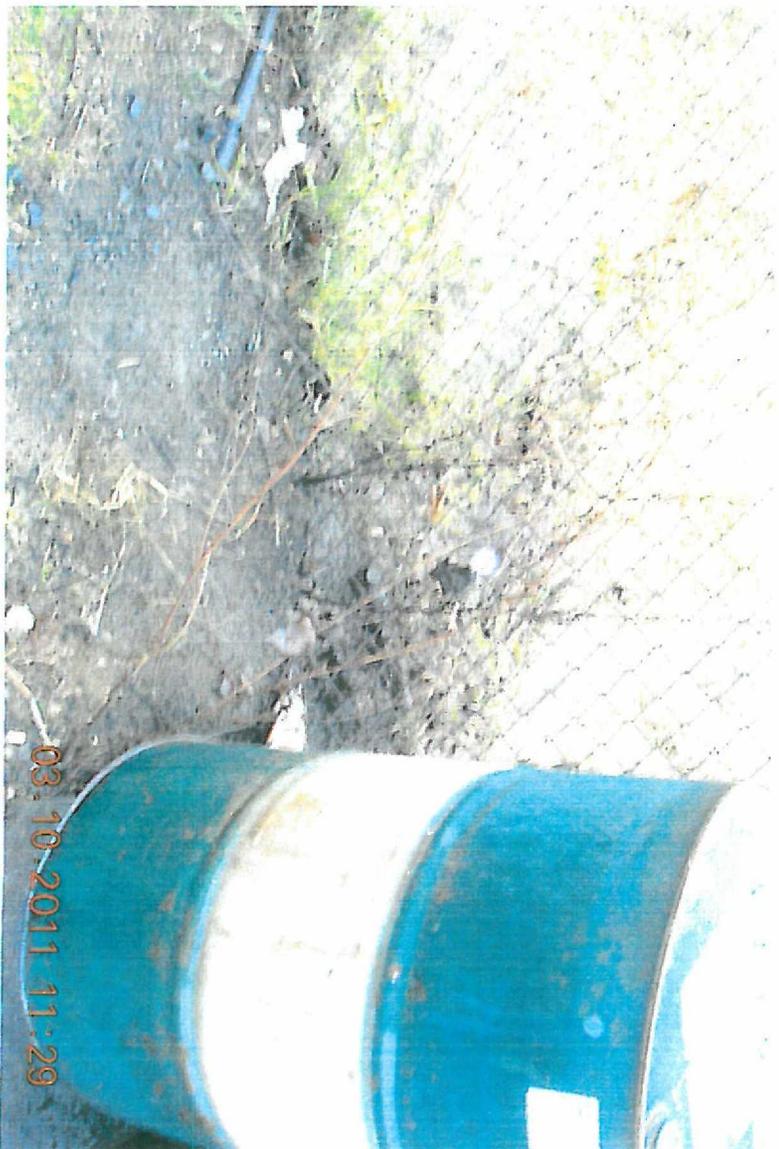
NOTE: Complete Used Oil Generator and any other applicable used oil handler checklist (e.g., marketer, burner, etc.) for used oil collection centers and aggregation points.

11/10/11



More stained soil

Big M MFC's River Storage
3/10/11



oil stained soil

Compliant 7402

March 10, 2011

Arrive 11:30 AM

Big M Motors Bus Garage
399 South Eagle Street, Geneva, Ohio

Ohio EPA—Marlene Kinney (lead) and Paul Dolensky (back up)
We met with Sarah Frain. Explained we were there to investigate a complaint that Big M was dumping hazardous materials along the fence line. Asked what Big M does—Big M is in the process of closing. They did some automotive repairs which generated used oil and antifreeze. She stated that they did not use any solvents.

Used oil was hauled away by the City of Geneva Garage. She didn't have any paperwork from them.

We walked outside and noted 1 55-gallon drum of antifreeze, 3 55-gallon drums of used oil and 12 5-gallon pails of used oil. None of the containers were labeled. Noted some staining of the soil where the drums are located. Paul took pictures of the containers. Walked the fence and couldn't find any evidence of dumping. Looked into the dumpster, didn't see anything out of the ordinary in there. Did not see any fluorescent bulbs in the dumpster or on the property didn't see any batteries either.

Told Sarah I would be sending a letter. Used oil needs to be transported off-site and the stained soil removed.

We gave her some fact sheets and then left around 11:45 AM

440-466-2490 is the phone number for the other Big M location.

Send letter to
Sarah Frain
4616 North Ridge East
Geneva, Ohio 44041