



**Environmental
Protection Agency**

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

September 14, 2011

RE: JR'S TRUCKS AND PARTS
CUYAHOGA COUNTY
NOTICE OF VIOLATION (NOV)
OHO 000 000 554
COMPLAINT NUMBER 7449

James Dupre
JR's Trucks and Parts
P.O. Box 93823
Cleveland, OH 44101

CERTIFIED MAIL

Dear Mr. Dupre:

On August 10, 2011 I, as a representative of the Ohio EPA's Division of Materials and Waste Management, conducted an inspection of JR's Trucks and Parts, located at 16606 S. Waterloo Road, Cleveland, Ohio 44110, for compliance with Ohio's hazardous waste and used oil regulations. You and Ed Haddad, your environmental consultant, represented JR's Trucks and Parts during that inspection. Ohio EPA had received a complaint in June 2011 alleging that this facility had waste oil on the ground. (The complaint also made the same allegation for JD Services located at 16100 S. Waterloo. My inspection of 16100 S. Waterloo will be the subject of a separate letter.) Valerie Shaffer of the Cleveland Division of Air Quality was also present during this inspection.

I am aware that letters regarding previous violations at this site in 2005 were addressed to you under the name Jimmy Hill. However, I have used the name James Dupre for this letter because that is the name you provided to me during the April 20, 2010 inspection of JD Services.

Observations made by me during the August 10, 2011 inspection of the 16606 S. Waterloo Road facility include:

- Car and truck dismantling is done outdoors. You reported that the facility has an area with a concrete base that is often used for dismantling of trucks and/or cars. You reported that this area is diked, but I did not observe any dikes, possibly because they were not visible because of recent precipitation and partial flooding of the pad. Because recent rainfall had largely flooded the concrete pad, at the time of the inspection dismantling was being conducted in an area in which no concrete pad was observed. Reportedly dismantling is moved off the concrete pad to other locations on the property when the concrete pad area is flooded as it was at the time of the inspection.
- Some of the soil appears to be heavily oiled. Much of the soil looked dark in color probably from oil but this was not confirmed.
- Many of the water puddles had oil sheens and a few had oil globules. (Several brief rain showers occurred shortly before and during the inspection, so accumulated stormwater was present.)
- An oil sheen was present on the stormwater running off the site through the driveway onto S. Waterloo Rd.
- Oil sheens were present on some of the accumulated stormwater. (Several brief rain showers occurred shortly before and during the inspection, so accumulated stormwater was present.)
- Three lead acid batteries were on the ground among metal pieces and parts. Battery cases were intact. These batteries were picked up when I called them to your attention. A picture of one battery taken during the inspection is attached.

Based on the observations made during the facility visit/inspection of August 10, 2011, Ohio EPA has determined that JR's Trucks and Parts is in violation of the following state used oil regulation:

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

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

1. OAC 3745-279 22(D) Generator must respond to used oil releases and perform cleanup steps

Some of the soil appeared to be heavily oiled from used oil and/or possibly diesel fuel. Much of the soil looked dark in color probably from oil but this was not confirmed.

Many of the water puddles had oil sheens and a few had oil globules. (Several brief rain showers occurred shortly before the inspection, so accumulated stormwater was present.)

Pictures taken during the inspection are attached.

OAC rule 3745 279 22(D) requires JR's Trucks and Parts, as a generator of used oil, to respond to releases of used oil. JR's Trucks and Parts must take the following steps to respond to this violation:

- Stop conducting work that releases used oil to the environment;

AND EITHER

- Begin to remove soils visibly contaminated with used oil and provide a schedule for completion.

OR

- Assess the site for presence of soils visibly contaminated with used oil;
- Identify the locations of soils visibly contaminated with used oil on a facility plot plant; and
- Develop a schedule for removal of soils visibly contaminated with used oil.

AND

- Submit documentation of the above steps to this office within 30 days of receipt of this letter.

Ohio EPA uses a visual standard when determining whether a clean-up of released used oil and any media (for example, soil) containing used oil is adequate. Ohio EPA does not require confirmatory soil sampling and lab analysis to demonstrate that the release has been cleaned up.

Submit the above requested documents to this office with 30 days of receipt of this letter. In addition, for all shipments of oil contaminated soils provide documentation in the form of a landfill manifest.

Enclosed you will find a copy of the checklist completed during the August 10, 2011 inspection.

Response correspondence should be sent to: Neil Wasilk, Northeast District Office, Ohio Environmental Protection Agency, 2110 East Aurora Road, Twinsburg, OH 44087

Please call me within 15 days of the date of receipt of this letter to discuss required actions.

CONCERNS

Lead Acid Batteries

During the inspection I observed three lead acid batteries on the ground among metals parts and pieces. We discussed that greater care must be taken to better manage lead acid batteries. Any spills of acid from lead acid batteries, (for example, spill from cracked casings) must be cleaned up promptly and the clean-up residue evaluated to determine whether or not it must be managed as hazardous waste.

Present or past instances of non-compliance may be subjects of pending or future enforcement actions.

Should you have any questions regarding this letter, please contact me at (330) 963-1165.

Sincerely,



Neil J. Wasilk
Environmental Specialist
Division of Materials and Waste Management

NJW:ddw

Enclosure

cc: Marlene Kinney, Ohio EPA, DMWM, NEDO
Jeff Clark, City of Cleveland, Building Department
Valerie Shaffer, Cleveland Division of Air Quality
Scott Broski, NEORS
Rachid Zoghaib, City of Cleveland Department of Water Pollution Control

ec: Natalie Oryshkewych, Ohio EPA, DMWM, NEDO
Nyall McKenna, Ohio EPA, DMWM, NEDO
Jeff Mayhugh, Ohio EPA, DMWM, CO

NOTICE: Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve your facility from its obligation to comply with all applicable regulations.

Send to Central Office <input checked="" type="checkbox"/>	Ohio Environmental Protection Agency RCRA SUBTITLE C SITE IDENTIFICATION/VERIFICATION FORM	For Ohio EPA use only
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Completed verification forms required to be submitted to CO should be e-mailed to brad.hauser@epa.state.oh.us.

Site EPA ID No.	EPA ID Number: OHO 000 000 554	
Site Name	Name: JR's Trucks and Parts	Website: (Optional)
Site Location Information	Street Address: 16606 S. Waterloo Road	
	City, Town, or Village: Cleveland	State: OH
Site Land Type (check only one)	County Name: CUYAHOGA	
NAICS code(s) www.census.gov/epcd/www/naics.html	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	First Name: James	MI:	Last Name: Dupre
Additional names can be recorded in number 12	Title:		
Only provide address information if it is different than the site address	Phone Number: 216-481-2293		Phone Number Extension:
	E-Mail Address:		
	Fax Number:		Fax Number Extension:
	Street or P.O. Box: P.O. Box 93823		
	City, Town or Village: Cleveland		Zip Code: 44101

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 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"/>	
	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
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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). <i>Check the box for the applicable generator status and provide a comment.</i>
	<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 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)
N. Wasilk		08/10/2011 10:00 a.m.

Comments:
 Current Site ID No. on RCRA Info is incorrectly given as OH0 000 000 554.

**USED OIL INSPECTION CHECKLIST
GENERATORS, COLLECTION CENTERS AND AGGREGATION POINTS**

NOTE: 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.

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"/>
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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 checked="" 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 checked="" type="checkbox"/> No <input 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 type="checkbox"/> N/A <input type="checkbox"/>
a.	Stopped the release?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
b.	Contained the release?	Yes <input type="checkbox"/> No <input 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 type="checkbox"/>

ON-SITE BURNING IN SPACE HEATER

10.	Does the generator burn used oil in used-oil fired space heaters? [3745-279-23] If so:	NO
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#?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
12.	If the generator self-transport 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.