



State of Ohio Environmental Protection Agency

Northeast District Office

2110 East Aurora Rd.  
Twinsburg, Ohio 44087

TELE: (330) 963-1200 FAX: (330) 487-0769  
www.epa.state.oh.us

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

August 27, 2007

RE: LIFETIME BRAKE AND LUBE  
NON-NOTIFIER  
SUMMIT COUNTY  
COMPLAINT #6959  
NOTICE OF VIOLATION

George Malone  
Lifetime Brake and Lube  
2185 Romig Road  
Akron, OH 44320

Dear Mr. Malone:

On August 8, 2007, the Ohio EPA, represented by Ed D'Amato and Shirley Phillips, conducted a complaint inspection at Lifetime Brake and Lube. The complaint alleged that used oil had been pumped into sewer drains in the facility.

Lifetime Brake and Lube is an auto repair shop. George Malone represented Lifetime Brake and Lube during the inspection.

Lifetime Brake and Lube was found to be in violation of the following provisions of the Ohio Administrative Code (OAC). To abate the violations, you must do the following and submit all requested information **within 30-days** of the date of this letter:

**1. Response to Releases of Used Oil  
OAC 3745-279-22(D)**

*Upon the detection of a release of used oil to the environment, a generator shall...clean up and manage properly the released used oil...*

There were releases of used oil in the vicinity of the dumpster used by Lifetime Brake and Lube. The release must be cleaned up to the visual extent of contamination. The used oil contaminated soil may be placed in your solid waste dumpster, provided your solid waste hauler agrees to handle it. You must submit photos showing that the contaminated soil has been excavated and you must submit a photograph showing the material in the solid waste dumpster or other proper disposal container. You must submit copies of disposal documentation showing that the material has been properly disposed.

Ohio EPA also noted some used oil staining in the soil in the storm water pit. You explained that the origin of this release is a sump in the shop that collects oil and water. Periodically, Lifetime Brake and Lube will pump out the water layer of the sump and discharge it, via a black hose, to a storm drain behind the shop that drains to the pit. This soil must also be excavated and properly disposed. You must submit photographs showing it has been done and submit copies of disposal documentation to this office.

Please note that Ohio EPA's Division of Surface Water has been notified of this activity.

**2. Used Oil Storage Requirements for Generators (Labels)  
OAC 3745-279-22(C)**

*Containers and above ground tanks used to store used oil at generator facilities shall be labeled or marked clearly with the words "Used Oil"*

There are two tanks in the shop that are used to collect used oil – a green tank and a red tank. The red tank was not labeled per this rule. To abate this violation, you must label the tank with the words "Used Oil", photograph it, and send the photograph to this office.

**3. Universal Waste Management– Labeling (Batteries)**  
**OAC 3745-273-14**

*Each universal waste battery, or a container in which universal waste batteries are contained, shall be marked clearly with one of the following phrases: "Universal Waste Battery(ies)", or "Waste Battery(ies)", or "Used Batteries".*

There were four batteries stored on a concrete pad behind the shop that were not labeled per this rule. To correct this violation, you must label the batteries, photograph them and send the photograph to this office.

**3. Hazardous Waste Determination**  
**OAC 3745-52-11**

*Any person who generates a waste in the state of Ohio...shall determine if the waste is a listed hazardous waste...*

There were four 55-gallon steel drums located behind the tire shed that contained unknown liquids. You must properly characterize and dispose of these liquids. You must submit a copy of documentation that support the characterization and a copy of the disposal documentation.

Failure to list specific deficiencies in this communication does not relieve Lifetime Brake and Lube 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.

Enclosed is a copy of the checklist used for the inspection.

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  
Enclosure

ec: Frank Popotnik, DHWM, NEDO  
Shirley Phillips, DHWM, NEDO  
cc: Phil Rhodes, DSW, NEDO

Ohio Environmental Protection Agency  
**RCRA SUBTITLE C SITE  
 IDENTIFICATION/VERIFICATION FORM**

For Ohio EPA use only

E-mail this completed form to  
[tammy.mcconnell@epa.state.oh.us](mailto:tammy.mcconnell@epa.state.oh.us) or mail it to Tammy  
 McConnell, Central Office

2. Site EPA ID No.	EPA ID Number:								
3. Site Name	Name: <i>Lifetime Brake and Lube</i>			Website: (Optional)					
4. Site Location Information	Street Address: <i>2185 Puning Rd</i>						State: OH		
	City, Town, or Village: <i>Akron</i>			Zip Code: <i>44320</i>					
	County Name: <i>Summit</i>								
5. Site Land Type (check only one)	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"/>	
6. NAICS code(s) <a href="http://www.census.gov/epcd/www/naics.html">www.census.gov/epcd/www/naics.html</a>									
7. Facility Representative  Additional names can be recorded in number 12  Only provide address information if it is different than the site address	First Name: <i>George</i>		MI:	Last Name: <i>Malone</i>					
	Phone Number: <i>(330) 745 2662</i>			Phone Number Extension:					
	E-Mail Address:						Fax Number Extension:		
	Fax Number:			Fax Number Extension:					
	Street or P.O. Box:								
	City, Town or Village:			State:		Country:		Zip Code:	
	Name of Site's Legal Owner:								
8. 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	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 #:		Country:		Zip Code:	
	State:			Date Became Operator (mm/dd/yyyy):					
	Name of Site's Operator:								
	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:			Operator Phone #:		Country:		Zip Code:	
	State:								
9. Violations Cited?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No								
10A. Type of Regulated Waste Activity (Mark 'X' in all of the appropriate boxes)									
<input type="checkbox"/> Not Regulated				<input type="checkbox"/> Conditionally Exempt Small Quantity Generator					
<input type="checkbox"/> UNKNOWN: Cited for violation of 3745-52-11				<input type="checkbox"/> United States Importer of Hazardous Waste					
<input type="checkbox"/> Large Quantity Generator (LQG)				<input type="checkbox"/> Mixed Waste (Hazardous and Radioactive) Generator					
<input type="checkbox"/> Small Quantity Generator (SQG)									
<input type="checkbox"/> Hazardous Waste Transporter				<input type="checkbox"/> Exempt Boiler and/or Industrial Furnace					
<input type="checkbox"/> Treater, Storer or Disposer of Hazardous Waste				<input type="checkbox"/> Small Quantity On-Site Burner Exemption					
<input type="checkbox"/> Recycler of Hazardous Waste				<input type="checkbox"/> Smelting, Melting, Refining Furnace Exemption					
<input type="checkbox"/> Underground Injection Control Facility									

10B. Universal Waste Activities (Indicate types of universal waste managed (check all boxes that apply))			
<input checked="" type="checkbox"/> Small Quantity Handler of Universal Waste		<input type="checkbox"/> Large Quantity Handler of Universal Waste (accumulates 5,000 kg. or more)	
<input type="checkbox"/> Destination Facility for Universal Waste			
Check all boxes below that apply for each of the three types of facilities above		10C. Used Oil Activities (Indicate Type(s) of Activity(ies))	
	Managed	<input checked="" type="checkbox"/> Used Oil Generator	<input type="checkbox"/> Off-Specification Used Oil Burner
Batteries	<input checked="" type="checkbox"/>	<input type="checkbox"/> Used Oil Transporter	<input type="checkbox"/> Used Oil Fuel Marketer Who Directs Shipment of Off-Spec. Oil
Pesticides	<input type="checkbox"/>	<input type="checkbox"/> Used Oil Transfer Facility	<input type="checkbox"/> Used Oil Fuel Marketer to Off-Specification Used Oil Burner
Mercury containing equipment	<input type="checkbox"/>	<input type="checkbox"/> Used Oil Processor	
Lamps	<input checked="" type="checkbox"/>	<input type="checkbox"/> Used Oil Re-refiner	
11. 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 if more space is needed. If there are more than 7 waste codes and they are the same as listed in the most recent RCRAInfo source record, you do not need to list them all. Instead just indicate the date of the most recent source record.			
12. Comments: Use this area to describe whether the inspection was announced, whether the waste is stored in tanks, containers, etc.			
Announced	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Additional Facility Representatives:	
Tanks	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Other Comments:	
Containers	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
13. Name of Inspector(s):		Name of Inspector(s)	Date of Inspection/Time (mm/dd/yyyy) (hh:mm)
Ed D'Amato		Shirley Phillips	8/8/07
14. OPTIONAL CERTIFICATION: I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.			
Signature of Owner, Operator, or an Authorized Representative		Name and Title (Print)	Date (mm/dd/yyyy)

**USED OIL INSPECTION CHECKLIST (Short Version)**

Company: Lifetime Brake & Lube EPA I.D.: \_\_\_\_\_

Street: 2185 Romig Rd City: Akron

County: Summit State: Ohio Zip: 44320

Mailing Address: \_\_\_\_\_  
(IF DIFFERENT FROM ABOVE)

Telephone: (330) 773-3232 Fax: \_\_\_\_\_

Owner/Operator: George Malone  
(IF DIFFERENT FROM ABOVE)

Street: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Inspection Date(s): \_\_\_\_\_ Time(s): \_\_\_\_\_

Inspection announced? Yes \_\_\_\_\_ No \_\_\_\_\_ If so, how much advance notice given? \_\_\_\_\_

	<u>Name</u>	<u>Affiliation</u>	<u>Telephone</u>
Inspectors:	<u>Ed D'Amato</u>	<u>OEPA</u>	<u>(330) 963-1200</u>

Facility Rep(s): George Malone Lifetime Brake (330) 773-3232

**USED OIL MANAGEMENT ACTIVITY**

<input checked="" type="checkbox"/> Generator/Collection Center/Aggregation	_____ Marketer
_____ Transporter/Transfer Facility	_____ Off-Spec Burner
_____ Processor/Re-Refiner	_____ Other (specify)
_____ No Generation	

**NOTE:** *This checklist does not include requirements for used oil transporters and transfer facilities, processors and re-refiners, burners, and marketers.*

**PROHIBITIONS**

- 1. Is used oil being managed in a surface impoundment or waste pile? If so: Yes \_\_\_ No  N/A \_\_\_ RMK# \_\_\_  
Is the surface impoundment or waste pile being regulated under OAC 3745-54 to 3745-57 or 3745-65 to 3745-69? [3745-279-12(A)] Yes \_\_\_ No  N/A  RMK# \_\_\_
- 2. Is used oil being used as a dust suppressant? [3745-279-12(B)] Yes  No  N/A \_\_\_ RMK# \_\_\_
- 3. Is off-specification used oil fuel burned for energy recovery only in devices specified in 3745-279-12(C)? Yes \_\_\_ No  N/A  RMK# \_\_\_

**USED OIL GENERATOR STANDARDS**

- 4. Does the generator mix hazardous waste with used oil only as provided in 3745-279-10(B)? [2745-279-21(A)] Yes \_\_\_ No  N/A  RMK# \_\_\_
- 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  RMK# \_\_\_
- 6. Does the generator only store used oil in tanks, containers, or units subject to OAC 3745-54 to 3745-57 or 3745-65 to 3745-69? [3745-279-22(A)] Yes  No  N/A \_\_\_ RMK# \_\_\_
- 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 \_\_\_ RMK# \_\_\_
- 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 \_\_\_ RMK# \_\_\_  
*one tank not labeled*
- 9. Has the generator, upon detection of a release of used oil, done the following: [3745-279-22(D)]
  - a. Stopped the release? Yes \_\_\_ No  N/A \_\_\_ RMK# \_\_\_
  - b. Contained the release? Yes \_\_\_ No  N/A \_\_\_ RMK# \_\_\_
  - c. Cleaned up and properly managed the used oil and other materials? Yes \_\_\_ No  N/A \_\_\_ RMK# \_\_\_
  - d. Repaired or replaced the containers or tanks prior to returning them to service, if necessary? Yes \_\_\_ No  N/A  RMK# \_\_\_

10. Does the generator burn used oil in used fired space heaters? [3745-279-23] If so: Yes \_\_\_ No  N/A \_\_\_ RMK# \_\_\_
- 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  RMK# \_\_\_
- b. Is the heater designed to have a maximum capacity of not more than 0.5 million BTU per hour? Yes \_\_\_ No  N/A  RMK# \_\_\_
- c. Are the combustion gases from heater vented to the ambient air? Yes \_\_\_ No  N/A  RMK# \_\_\_
11. Does the generator have the used oil hauled only by transporters that have obtained an EPA ID#, unless the generator qualifies for an exemption pursuant to 3745-279-24 (self transportation or tolling agreements)? [3745-279-24] Yes  No  N/A \_\_\_ RMK# \_\_\_

**USED OIL COLLECTION CENTERS AND AGGREGATION POINTS**

12. 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 \_\_\_ No  N/A  RMK# \_\_\_
13. Is the non-DIY used oil collection center registered with Ohio EPA? [3745-279-31] Yes \_\_\_ No  N/A  RMK# \_\_\_
14. Is the used oil aggregation point in compliance with the generator standards in 3745-279-20 to 3745-279-24? [3745-279-32] Yes \_\_\_ No  N/A  RMK# \_\_\_

**WASTE EVALUATION**

15. Have all wastes generated at the facility been evaluated? [3745-52-11] Yes \_\_\_ No  N/A \_\_\_ RMK# \_\_\_

C:\Documents and Settings\EDamato\My Documents\Folder\Forms\inspection forms\USED OIL.SHORT.2001.wpd

↳ ~~Drums~~ 4 Drums behind shop

**REMARKS**

