



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

July 16, 2009

**RE: KIRTLAND AUTO SERVICE  
COMPLAINT # 7187  
LAKE COUNTY  
NON-NOTIFIER/CESQG  
NOTICE OF VIOLATION**

**CERTIFIED MAIL**

Mr. Bill Ray  
Kirtland Auto Service  
7564 Euclid Chardon Road  
Kirtland, Ohio

Dear Mr. Ray:

On March 31, 2009, Robert Almquist and I of the Division of Hazardous Waste Management investigated a complaint at Kirtland Auto Service in Kirtland, Ohio. The complainant alleged that the business is mismanaging oil and other automotive fluids as well as used batteries. You met with us and answered our questions about the facility. This letter will explain the validity of the complaint, describe violations we found and actions you need to take immediately to address the violations.

**Violations:**

- 1. Illegal Disposal:** ORC 3734.02 Hazardous waste was disposed into the air and as a solid waste.

The lid of the distillation unit was left open and the sludge hardened. During that process, volatile organic chemicals (VOC's) have been emitted to the air. Evaporation is not a lawful treatment method for wastes that contain VOCs. The hardened still bottoms were then disposed with the solid waste.

The distillation unit must remain closed until the still bottoms are removed from the unit in the plastic bag liner. The liner should be sealed immediately. If the still bottoms are liquid, your waste management broker may need to solidify the still bottoms before they can be disposed in a hazardous waste landfill. Your waste management broker may be incinerating the still bottoms. You should find out from the broker how your waste is being managed.

Please provide Ohio EPA with a description of how you are now managing and disposing of the hazardous still bottoms waste.

Since Kirtland Auto violated ORC 3735.02(E) and (F), Kirtland Auto is subject to all applicable general facility standards found in OAC chapters 3745-54 and 55.

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Additionally, at any time Ohio EPA may assert its right to have Kirtland Auto begin facility-wide cleanup pursuant to the Corrective Action process under Ohio law.

Although no further action is being required by Ohio EPA at this time, be advised that due to the nature of the violation Ohio EPA may require closure pursuant to OAC rules 3745-55-11 through 3745-55-20 and OAC rules 3745-55-42 through 3745-55-47 at this site.

Information from our inspection related to your distillation unit is being provided to our Division of Air Pollution Control for their appropriate follow-up.

2. **Used Oil Containers Labeled:** OAC 3745-279-22(A) Used oil containers were not labeled with the words "Used Oil".

We observed that used oil was being stored in two tanks outside. We supplied a used oil label for the tanks. We also saw an oil filter draining on top of a screen on a tank that pumped by compressed air. We said that this container needed to be labeled, "used oil" as well. Please label the used oil containers with the words "used oil" and submit photos that document this to Ohio EPA.

3. **Used Oil Transporter:** OAC 3745-279-24 Used oil was not hauled by a transporter with a U.S. EPA ID#.

You mentioned during the inspection that Selbac has taken the used oil. I was not able to find a U.S. EPA ID# for Selbac. Therefore, if you continue to have Selbac pick up your used oil, they must obtain a U.S. EPA ID#. Alternatively, you could use another transporter that has already obtained a USEPA ID# or otherwise comply with this rule.

Please provide proof that Selbac has obtained their USEPA ID # or explain in writing how you will, in the future, comply with this rule.

4. **Universal Waste Batteries Labeled:** OAC 3745-273-14(A) Universal waste batteries were not labeled with the words "Universal Waste – Batteries" or "Waste Battery" or "Used Battery".

Please appropriately label the used batteries and document this by submitting a photograph to Ohio EPA.

5. **Waste Evaluation:** OAC 3745-52-11 Still bottoms were not evaluated.

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The distillation unit which recovers solvents from the facility's paint waste and cleanup generates still bottoms that are F005 and F003 hazardous waste. This hazardous waste needs to be managed appropriately and delivered to a permitted hazardous waste treatment storage or disposal facility.

Describe in writing how you will appropriately manage this waste in the future.

**Comments:**

1. We observed three drums outside by the used oil tanks on the east side with a little bit of liquid in them. One of the drums was missing the bung cap. Please determine what is in the drums and manage it appropriately.

We observed four drums on the west side of the scrap car lot with vegetation on them. Please determine what is in the drums and manage it appropriately. Please forward this information to Ohio EPA.

2. During the inspection, we observed some oil on the ground. Please clean up any oil with an oil absorbing pad or material. The pad or material can then be put in the solid waste. Any oil stained soil should be removed and disposed in the solid waste.
3. If used fluorescent lamps are generated, fluorescent lamps may be hazardous waste. The best management practice for the lamps is handling as a universal waste which includes proper storage, labeling, and destination facility recycling. We gave you a copy of the universal waste lamp guidance document. Please submit a commitment and description of how you will appropriately manage the used fluorescent lamps when they are generated.
4. We observed a five gallon container of waste paint thinner which was not closed or labeled. Ohio EPA suggests that the container of hazardous waste be labeled and kept closed.

Please address each of the above violations and concerns immediately and submit the requested information and/or documentation to my attention within 30 days of the date of this letter.

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.

You may be able to reduce the waste your company generates. If you find ways to recycle, reduce or eliminate the amount of waste that your company generates you may be able to reduce treatment and disposal costs as well as regulatory requirements. If

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you would like a free, non-regulatory on-site compliance assistance or pollution prevention assessment, or if you would like more information about pollution prevention, please contact Adrienne LaFavre at (330) 963-1250. Ohio EPA has helpful information about this at the following web address:<http://www.epa.state.oh.us/ocapp/ocapp.html>.

The Division of Hazardous Waste Management has created an electronic news service to provide you with updates related to hazardous waste activities in Ohio. You can find more information and sign up for this free service at the following Web link [http://ohioepa.custhelp.com/cgi-bin/ohioepa.cfg/php/enduser/doc\\_serve.php?2=subscriptionpage](http://ohioepa.custhelp.com/cgi-bin/ohioepa.cfg/php/enduser/doc_serve.php?2=subscriptionpage).

If you should have any questions, please do not hesitate to contact me at (330) 963-1214.

Sincerely,



Kim Gallagher  
Environmental Specialist  
Division of Hazardous Waste Management

KG:cl  
Attachment

ec: Frank Popotnik, DHWM, NEDO  
Robert Almquist, DHWM, NEDO  
Harry Sarvis, DWHM, DO

cc: Natalie Oryshkewych, DHWM, NEDO  
Dennis Bush, DAPC

Send to Central Office <input type="checkbox"/>	<b>Ohio Environmental Protection Agency</b> <b>RCRA SUBTITLE C SITE</b> <b>IDENTIFICATION/VERIFICATION FORM</b>	For Ohio EPA use only
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Completed verification forms required to be submitted to CO should be e-mailed to [paula.canter@epa.state.oh.us](mailto:paula.canter@epa.state.oh.us).

<b>Site EPA ID No.</b> <b>Site Name</b>  <b>Site Location Information</b>  <b>Site Land Type</b> (check only one) <b>NAICS code(s)</b> <a href="http://www.census.gov/epcd/www/naics.html">www.census.gov/epcd/www/naics.html</a>	EPA ID Number: <b>OHR 000 006 809</b> Name: <b>Kirtland Auto Center</b>   Website: (Optional) Street Address: <b>7564 Chardon Rd.</b> City, Town, or Village: <b>Kirtland</b>   State: <b>OH</b> County Name: <b>Lake</b>   Zip Code: <b>44094</b> <table style="width:100%; border-collapse: collapse;"> <tr> <td style="border: 1px solid black; text-align: center;">Private <input checked="" type="checkbox"/></td> <td style="border: 1px solid black; text-align: center;">County <input type="checkbox"/></td> <td style="border: 1px solid black; text-align: center;">District <input type="checkbox"/></td> <td style="border: 1px solid black; text-align: center;">Federal <input type="checkbox"/></td> <td style="border: 1px solid black; text-align: center;">Indian <input type="checkbox"/></td> <td style="border: 1px solid black; text-align: center;">Municipal <input type="checkbox"/></td> <td style="border: 1px solid black; text-align: center;">State <input type="checkbox"/></td> <td style="border: 1px solid black; text-align: center;">Other <input type="checkbox"/></td> </tr> </table>	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"/>
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<b>Facility Representative</b>  Additional names can be recorded in number 12  Only provide address information if it is different than the site address	First Name: <b>William</b>   MI:   Last Name: <b>Ray</b> Title: Phone Number: <b>(440) 256-1434</b>   Phone Number Extension: <b>35</b> E-Mail Address: Fax Number: <b>(440) 256-0603</b>   Fax Number Extension: Street or P.O. Box: <b>same as above</b> City, Town or Village: State:   Zip Code:
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<b>Legal Owner And Operator of the Site.</b> 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): <table style="width:100%; border-collapse: collapse;"> <tr> <td style="border: 1px solid black; text-align: center;">Owner Type:</td> <td style="border: 1px solid black; text-align: center;">Private <input checked="" type="checkbox"/></td> <td style="border: 1px solid black; text-align: center;">County <input type="checkbox"/></td> <td style="border: 1px solid black; text-align: center;">District <input type="checkbox"/></td> <td style="border: 1px solid black; text-align: center;">Federal <input type="checkbox"/></td> <td style="border: 1px solid black; text-align: center;">Indian <input type="checkbox"/></td> <td style="border: 1px solid black; text-align: center;">Municipal <input type="checkbox"/></td> <td style="border: 1px solid black; text-align: center;">State <input type="checkbox"/></td> <td style="border: 1px solid black; text-align: center;">Other <input type="checkbox"/></td> </tr> </table> Street or P.O. Box: City, Town or Village:   Owner Phone #: State:   Country:   Zip Code: Name of Site's Operator: <b>above</b>   Date Became Operator (mm/dd/yyyy): <table style="width:100%; border-collapse: collapse;"> <tr> <td style="border: 1px solid black; text-align: center;">Operator Type:</td> <td style="border: 1px solid black; text-align: center;">Private <input type="checkbox"/></td> <td style="border: 1px solid black; text-align: center;">County <input type="checkbox"/></td> <td style="border: 1px solid black; text-align: center;">District <input type="checkbox"/></td> <td style="border: 1px solid black; text-align: center;">Federal <input type="checkbox"/></td> <td style="border: 1px solid black; text-align: center;">Indian <input type="checkbox"/></td> <td style="border: 1px solid black; text-align: center;">Municipal <input type="checkbox"/></td> <td style="border: 1px solid black; text-align: center;">State <input type="checkbox"/></td> <td style="border: 1px solid black; text-align: center;">Other <input type="checkbox"/></td> </tr> </table> Street or P.O. Box: City, Town or Village:   Operator Phone #: State:   Country:   Zip Code:	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"/>	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"/>
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<b>VIOLATIONS CITED?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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**TYPE OF HANDLER - MARK "X" AS APPROPRIATE**

<input 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 checked="" 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
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**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 checked="" 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<br>(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.

**F003 F005**

**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)  
**Kim Gallagher**

Name of Inspector(s)  
**Robert Almquist**

Date of Inspection/Time  
 (mm/dd/yyyy) (hh:mm)  
**03/31/2009**

**Comments:**

**No universal waste lamps currently accumulated on-site. In the future they may potentially generate lamps.**



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