



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

February 29, 2008

RE: **J.D. Byrider Autos
Resource Conservation & Recovery
Act (RCRA)
Complaint Investigation
Wayne County**

James Wickemyer, Owner
J.D. Byrider Autos
4536 Cleveland Road
Wooster, OH 44691

Dear Mr. Wickemyer:

On February 14, 2008, this writer and Todd Surrena, representing Ohio EPA, Division of Hazardous Waste Management (DHW), conducted a hazardous waste RCRA complaint investigation of J.D. Byrider Autos (Byrider) located at 4536 Cleveland Road, Wooster, Ohio. The purpose of the visit was to investigate a complaint received by Ohio EPA alleging the potential for mismanagement of used oil generated from onsite operations and processes. Vincent Wagner and Jay Mowrer represented Byrider.

The following represents Ohio EPA's findings:

Ohio EPA understands that Byrider operates an automotive sales and service center at this location. Used oil is generated and placed into 55 gallon drums which are stored outside near a storm water catch basin. On the day of the visit an open funnel was noted in one of the drums and a small amount of spillage was noted coming from this drum. At least two other used oil drums were noted next to the drum with the open funnel. The drums were not marked with the words "Used Oil."

Attached is a used oil checklist where Ohio EPA found the following used oil violation:

Byrider is found in violation of Ohio Administrative Code (OAC) 3745-279-22 (C); failure to mark or label used oil containers with the words "Used Oil." Please within thirty days of the date of this letter, send to my attention at Ohio EPA documentation that the drums of used oil have been properly marked or labeled. An e-mail digital photo can be submitted to my attention at: kris.coder@epa.state.oh.us, or mail a photo documenting that you corrected the violation to my attention at: Ohio EPA, Northeast District Office, 2110 East Aurora Road, Twinsburg, OH 44087.

James Wickemyer, Owner
J.D. Byrider Autos
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Also, please keep used oil drums closed at all times, except when adding used oil to the drum. Clean up any spills immediately. Protect the storm sewer catch basin from receiving any spills or move the used oil drums to a more secure location.

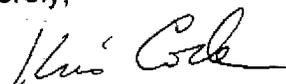
Ohio EPA is providing you with the following information:

- an April 2006, DHWM Guidance Document, "The Regulation of Used Oil: An Overview for Ohio Businesses Who Generate Used Oil";
- a January 2007, DHWM Guidance Document, "Fluorescent Lamps: What You Should Know"; and
- a list of Used Oil Recyclers.

Thank you for your cooperation in this matter. If you have any questions, please call me at (330) 963-1266.

Failure to list specific deficiencies in this communication does not relieve Byrider from the responsibility of complying with all applicable hazardous waste regulations. This letter does not relieve your facility from liability for any past or present violations of the state's hazardous waste laws.

Sincerely,



Kris Coder
Environmental Specialist
Division of Hazardous Waste Management

KC:cl
Enclosure

ec: Todd Surrena, NEDO, DHWM

USED OIL INSPECTION CHECKLIST
GENERATORS, COLLECTION CENTERS AND AGGREGATION POINTS
FOR J.D. BYRIDER AUTO
CONDUCTED BY KRIS CODER AND TODD SURRENA, DHWM
FEBRUARY 14, 2008

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 No N/A
- a. Is the surface impoundment or waste pile regulated as a hazardous waste management unit? [3745-279-12(A)] Yes No N/A
2. Is used oil used as a dust suppressant? [3745-279-12(B)] Yes No N/A
3. Is off-specification used oil fuel burned for energy recovery in devices specified in 3745-279-12(C)? Yes No N/A At the Byrider location in Canton.

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 No N/A
- a. Is the mixture managed as specified in 3745-279-10(B)? [3745-279-21(A)] Yes No N/A

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 No N/A

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 No N/A At least three, 55 gallon drums were noted stored outside next to the maintenance building near a storm

sewer catch basin.

7. Are containers and aboveground tanks used to store used oil in good condition with no visible leaks? [3745-279-22(B)] Yes x ~~No~~ N/A
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
None of the drums were noted marked or labeled with the words "Used Oil".
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
- b. Contained the release? Yes ~~No~~ N/A
- c. Cleaned up and properly managed the used oil and other materials? Yes ~~No~~ N/A
- d. Repaired or replaced the containers or tanks prior to returning them to service, if necessary? Yes ~~No~~ N/A

ON-SITE BURNING IN SPACE HEATER

10. Does the generator burn used oil in used-oil fired space heaters? [3745-279-23] If so: Yes x No N/A But not at this location.
- 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
- b. Is the heater designed to have a maximum capacity of not more than 0.5 million BTU per hour? Yes ~~No~~ N/A
- c. Are the combustion gases from heater vented to the ambient air? Yes ~~No~~ N/A

GENERATOR TRANSPORTATION

11. If the generator self-transport used oil to an approved collection site or to an aggregation point owned by the generator: [3745-279-24] Yes ~~No~~ N/A x
- a. Does the generator transport used oil in a vehicle owned by the generator or an employee of the generator? [3745-279-24] Yes x ~~No~~ N/A x
- b. Does the generator transport more than 55 gallons of used oil at any time? [3745-279-24] ~~Yes~~ No N/A unknown

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

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 x
13. Is the non-DIY used oil collection center registered with Ohio EPA? [3745-279-31] Yes ~~No~~ N/A x

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

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.

Keyword: UsedOilChecklistforGenerators.Oct.2007.doc According to the Mr. Wickemyer, he picks up the used oil from this location and transports it to the Byrider location in Canton where it is used as a fuel.

From: Marlene Kinney
To: Kris Coder
Date: 12/10/2008 11:22 AM
Subject: FOUND!

Kris,
Today the ohr for JD Byrider is showing up in RCRA info.

The number is OHR 000 148 841

Marlene

	Ohio Environmental Protection Agency RCRA SUBTITLE C SITE IDENTIFICATION/VERIFICATION FORM	For Ohio EPA use only
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E-mail this completed form to tammy.mcconnell@epa.state.oh.us or mail it to Tammy McConnell, Central Office

Site EPA ID No.	EPA ID Number: OHR000148841
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Site Name	Name: J.D. Byrider	Website: (Optional)
	Autos	

Site Location Information	Street Address: 4536 Cleveland Road	
	City, Town, or Village: Wooster	State: OH
	County Name: Wayne	Zip Code: 44691

Site Land Type (check only one)	Private <input checked="" type="checkbox"/>	County <input type="checkbox"/>	Distric <input type="checkbox"/>	Federal <input type="checkbox"/>	India <input type="checkbox"/>	Municipal <input type="checkbox"/>
						<input type="checkbox"/> State
						<input type="checkbox"/> Other
						<input type="checkbox"/>

NAICS code(s) www.census.gov/epcd/www/naics.html	811111
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Facility Representative	First Name: James	MI:	Last Name: Wickemyer
Additional names can be recorded in number 12 Only provide address information if it is different than the site address	Phone Number: 330-458-0000		Phone Number Extension:
	E-Mail Address:		
	Fax Number:		Fax Number Extension:
	Street or P.O. Box: 3000 W. Tuscarawas St.		
	City, Town or Village: Canton		
	State: OH	Country: USA	Zip Code: 44708

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: unknown		Date Became Owner (mm/dd/yyyy):			
	Owner Type:	Priv <input type="checkbox"/>	County <input type="checkbox"/>	Distric <input type="checkbox"/>	Federal <input type="checkbox"/>	India <input type="checkbox"/>
		<input type="checkbox"/>				Municipal <input type="checkbox"/>
						<input type="checkbox"/> State
						<input type="checkbox"/> Other
						<input type="checkbox"/>

	Street or P.O. Box:	
	City, Town or Village:	Owner Phone #:
	State:	C <input type="checkbox"/>
		ou <input type="checkbox"/>
		nt <input type="checkbox"/>
		ry: <input type="checkbox"/>
	Zip Code:	

	Name of Site's Operator: J.D. Byrider Autos	Date Became Operator (mm/dd/yyyy): unknown
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	Owner Type:	Private <input type="checkbox"/>	Count <input type="checkbox"/>	District <input type="checkbox"/>	Federal <input type="checkbox"/>	India <input type="checkbox"/>
		<input type="checkbox"/>				Municipal <input type="checkbox"/>
						<input type="checkbox"/> State
						<input type="checkbox"/> Other
						<input type="checkbox"/>

	Street or P.O. Box: same as site location above	
	City, Town or Village:	Operator Phone #:

State:		Country:	Zip Code:
Violations Cited?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Type of Generator			
<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 checked="" type="checkbox"/> Small Quantity Generator (SQG)			
Type of Regulated Waste Activity: (Mark "X" in all of the appropriate boxes)			
<input type="checkbox"/> Recycler of Hazardous Waste	<input type="checkbox"/> Exempt Boiler and/or Industrial Furnace		
<input type="checkbox"/> Underground Injection Control Facility	<input type="checkbox"/> Small Quantity On-Site Burner Exemption		
<input type="checkbox"/> Hazardous Waste Transporter	<input type="checkbox"/> Smelting, Melting, Refining Furnace Exemption		
<input type="checkbox"/> Treater, Storer or Disposer of Hazardous Waste			

Universal Waste Activities (Indicate types of universal waste generated and/or accumulated (check all boxes that apply))

<input 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)

	<input checked="" type="checkbox"/> Used Oil Generator	<input type="checkbox"/> Off-Specification Used Oil Burner
Batteries	<input type="checkbox"/> Used Oil Transporter	<input type="checkbox"/> Used Oil Fuel Marketer Who Directs Shipment of Off-Spec. Oil
Pesticides	<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"/> Used Oil Processor	
Lamps	<input type="checkbox"/> Used Oil Re-refiner	

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 RCRA info source record, you do not need to list them all. 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 type="checkbox"/> No	Other Comments: Complaint investigation, #7060; used oil violation, OAC 3745-279-22 (C) cited on February 29, 2008, resolved, May 7, 2008.
Containers	<input type="checkbox"/> Yes	<input type="checkbox"/> No	

Name of Inspector(s)	Name of Inspector(s)	Date of Inspection/Time (mm/dd/yyyy) (hh:mm)
Kris Coder	Todd Surrena	February 14, 2008

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)

Revised May 2007