



State of Ohio Environmental Protection Agency

Northeast District Office



2110 East Aurora Rd.
Twinsburg, Ohio 44087

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www.epa.state.oh.us

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

July 15, 2008

RE: JOE'S AUTO WRECKING
LORAIN COUNTY
NON-NOTIFER
NOTICE OF VIOLATION (NOV)
COMPLAINT NUMBER 7128

Mr. Joe Yousef
Joe's Auto Wrecking
7218 Case Road
North Ridgeville, OH 44039

Dear Mr. Yousef:

On June 25, 2008, I, as a representative of the Ohio EPA's Division of Hazardous Waste Management, conducted an inspection of Joe's Auto Wrecking, located at 7218 Case Road, North Ridgeville, OH, for compliance with Ohio's hazardous waste and used oil regulations. You represented Joe's Auto Wrecking during the inspection. Ohio EPA had received a complaint alleging that the facility was mismanaging oil and anti-freeze at the facility.

The facility is in the business of purchasing used and damaged automobiles for recycling and/or removal and sale of parts, such as starters, alternators, doors, etc.

Materials observed to be present included: vehicles for recycling, used tires, parts removed from vehicles, several containers of used oil, several containers of used anti-freeze and several used lead-acid batteries.

You reported that no parts washers or solvents were used to clean salvaged parts. No parts washers or solvents were observed.

Based on observations made during the facility walk-through, Ohio EPA has determined that Joe's Auto Wrecking has violated the following state used oil regulations:

1. **OAC 3745-279-22(C)(1) Used oil containers must be labeled with the words Used Oil**

Joe's Auto Wrecking collects used oil from the vehicles that it accepts. I observed one partially full 55 gallon drum and a partially full five gallon pail of used oil in the front (i.e., east) part of the facility.

Neither of the containers of used oil was marked with the words "Used Oil". The drum was marked while I was on-site; the pail containing used oil was not marked during the inspection.

To return to compliance, Joe's Auto Wrecking must:

- Determine if any other containers of used oil are on-site in addition to those observed by me;
- Label all containers holding used oil with the words "Used Oil"; and,

- Provide photos of all used oil containers labeled with the words "Used Oil" to this office within 30 days of the date of this letter.

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

I observed several patches (roughly 3 to 5 feet in diameter) of gravel and/or soil near the front (i.e., east) part of the facility in the working area which were stained with what appeared to be used oil.

OAC rule 3745-279-22(D) requires Joe's Auto Wrecking, as a generator of used oil, to respond to releases of used oil by taking the following cleanup steps upon detection of a release:

- 1) stop the release;
- 2) contain the released used oil;
- 3) clean up and manage properly the released used oil and other materials; and
- 4) if necessary, repair or replace any leaking used oil storage containers prior to returning them to service.

Contaminated soils and debris from the clean up 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 clean up 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, Joe's Auto Wrecking must:

- Determine if any other releases of used oil are on-site in addition to those observed by me;
- Immediately initiate a response to all releases of used oil in accordance with the following discussion;
- Clean up and remove all released used oil and contaminated soils and debris identified by me as well as any additional releases identified by Joe's Auto Wrecking; and,
- Provide photos of the areas after clean up, to this office, within 30 days of the date of this letter.

All above requested documentation is to be submitted to this office within 30 days of the date of this letter.

Enclosed you will find a copy of the checklists completed during the inspection.

Concerns:

Anti-freeze should not be stored in open top containers that are outdoors and exposed to the weather, as they could be overtopped by precipitation.

To substantiate any claims of recycling, I suggest keeping records (e.g., invoices, bills of lading, etc.) of used oil and anti-freeze that is recycled, even if such records are not explicitly required by the rules.

To assist you in management of used oil, I have attached a copy of an Ohio Environmental Protection Agency guidance document on used oil. The document is also available on the internet at:

http://www.epa.state.oh.us/dhwm/pdf/Used_Oil_Generators_Guidance.pdf

Other Information

A list of Ohio EPA DHWM guidance documents can be found at the following Internet site: <http://www.epa.state.oh.us/dhwm/guidancedocuments.html>. You can find copies of Ohio's hazardous waste laws and regulations at our web page at: <http://www.epa.state.oh.us/dhwm/Law&Regs.html>.

The Division of Hazardous Waste Management has created an electronic news service to provide you with quick and timely updates on events and news related to hazardous waste activities in Ohio. If you haven't already, we encourage you to sign up for this free service. You can find more information at the following Web link: <http://www.epa.state.oh.us/dhwm/listserv.html>.

The OEPA strongly encourages pollution prevention as the preferred approach for waste management. The first priority of pollution prevention is to eliminate the generation of wastes and pollutants at the source (source reduction). For those wastes and pollutants that are generated, the second priority is to recycle or reuse them in an environmentally sound manner. You can benefit economically, help preserve the environment and improve your public image through pollution prevention. More information about pollution prevention can be found on our website at <http://www.epa.state.oh.us/ocapp/ocapp.html>.

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

Sincerely,



Neil J. Wasilk
Environmental Specialist
Division of Hazardous Waste Management

NJW:ddw
Enclosure

cc: Natalie Oryshkewych, Ohio EPA, DHWM, NEDO
ec: Clarissa Gereby, Ohio EPA, DSIWM, NEDO
Ron Fodo, Ohio EPA, DERR, 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 or mail it to Tammy
McConnell, Central Office

2. Site EPA ID No.	EPA ID Number: NON-NOTIFIER								
3. Site Name	Name: Joe's Auto Wrecking				Website: (Optional)				
4. Site Location Information	Street Address: 7218 Case Road								
	City, Town, or Village: North Ridgeville				State: OH				
	County Name: Lorain				Zip Code: 44039				
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 checked="" type="checkbox"/>	Other <input type="checkbox"/>	
6. NAICS code(s) www.census.gov/epcd/www/naics.html									
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: Joe		MI:	Last Name: Yousef					
	Phone Number: 440-327-3066				Phone Number Extension:				
	E-Mail Address:								
	Fax Number:				Fax Number Extension:				
	Street or P.O. Box:								
	City, Town or Village:								
	State:			Country:		Zip Code:			
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	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):				
	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 #:				
	State:			Country:		Zip Code:			
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 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 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.			
Same Annual report			
12. 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: Inspected for used oil and antifreeze management.	
Containers	<input 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)
Neil Wasilk			6/25/2008 8:10 a.m.
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)

**PROCESS DESCRIPTION
and
Hazardous Waste Compliance Inspection Notes**

Facility:

Joe's Auto Wrecking
7218 Case Road
North Ridgeville, OH 44039

Inspector: N. Wasilk

Arrived at about 8:30 a.m. on 6-25-08.

(This was an unscheduled complaint inspection.)

Facility contact during the inspection was Joe Yousef (proprietor).

Opening Meeting

Informed facility that OEPA DHWM had received a complaint alleging that the facility was mismanaging oil and anti-freeze.

The facility is in the business of purchasing used and damaged automobiles for recycling or sale of parts, such as starters, alternators, doors, etc.

Facility covers several acres and consists of:

- an outdoor area for storage of used motor vehicles and certain parts, removal of parts from used motor vehicles; and,
- a building that is used for office space and storage of some parts.

Approximately one acre near the back of the facility (i.e., near west end of property) recently had materials from demolition of a shopping center placed on it. This activity was the subject of a May 6, 2008 NOV letter from Clarissa Gereby to Mr. Yousef. Ron Fodo had also visited the facility as a result of the placement of these materials, but did not issue a letter.

Plant Walk Through

Outdoors.

A plastic pan, approximately 2'x2'x1', was full of anti-freeze and setting on the ground near the dismantling area. In the event of rain the pan would probably have overflowed.

Three lead-acid batteries were setting on the ground near the dismantling area. Approximately a dozen lead-acid batteries were setting on a pallet near the dismantling area. All batteries appeared to be intact. No leaking batteries were observed.

A five gallon plastic pail approximately half full of used oil was setting on the ground near the dismantling area. Pail not covered and not labeled with words "Used Oil".

Several relatively small spots with oil stained of soil were observed near the dismantling area. Very rough estimate of approximate size of stains is about 3-5 feet in diameter.

A plastic container for fluid collection, roughly 2-3 feet in diameter, was observed under a vehicle from which parts were being removed.

One 55 gallon plastic drum and one 55 gallon plastic drum were being used for collection of anti freeze. Facility reported that anti freeze is re-used.

One partially full drum of used oil was observed. Drum was not labeled with words "Used Oil"; it was labeled during the inspection.

Facility reported that used oil is added to the engines of vehicles prior to sending off for recycling.

Several piles of gasoline tanks from motor vehicles were located near back of facility. Appeared to be empty.

Reportedly the facility does not use any parts washers or use solvents for parts cleaning; none were observed.

Records review.

Facility did not provide any documentation for any off site shipments of used oil and/or anti-freeze or recycled used lead acid batteries.

Departed facility at about 10:00 a.m.

**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 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

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
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
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

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 No N/A
- 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
- a. Does the generator transport used oil in a vehicle owned by the generator or an employee of the generator?[3745-279-24] Yes No N/A
- b. Does the generator transport more than 55 gallons of used oil at any time?[3745-279-24] Yes No N/A

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