



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

June 3, 2008

RE: MR. CARPARTS AKA
IMPACT AUTO RECYCLERS
MEDINA COUNTY
FIFTH NOTICE OF VIOLATION

Matt Ternes
Mr. Carparts
9410 Chatham Road
Spencer, OH 44275

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Dear Mr. Ternes:

Your facility was re-inspected on April 30, 2007, relative to compliance with Ohio hazardous waste laws found in chapters 3734 of the Ohio Revised Code (ORC) and 3745 of the Ohio Administrative Code (OAC). Based on phone conversations it appears you have made several improvements to the facility and corrected some, if not all violations. However, you have not provided the required documentation to this office to abate these violations. To abate these violations you must respond in writing with the information requested as identified below.

NOTICE OF VIOLATIONS

The following violations of Ohio's hazardous waste regulations were found during the inspection:

1. **Labeling/Marking of Universal waste, OAC 3745-273-14(A):** Universal waste batteries, or a container in which the batteries are contained, shall be labeled or marked clearly with any one of the following phrases: "Universal Waste-Batteries or Waste Batteries, or Used Batteries".

The universal waste batteries that were on the storage rack and in the yard and garage were not visibly labeled per this rule.

To abate this violation, you must label the spent battery storage per the rule and provide a photograph of the labeled storage.

Guidance for the management of "Universal Waste" is found at:

[http://www.epa.state.oh.us/dhwm/pdf/Universal Waste Rules for Handlers of Lamps.pdf](http://www.epa.state.oh.us/dhwm/pdf/Universal%20Waste%20Rules%20for%20Handlers%20of%20Lamps.pdf).

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".

You failed to label drums containing collected oils, which were stored inside and in outside areas, as "Used Oil" per the rule

To abate this violation, you must label all drums that contain used oil with the words "Used Oil" and provide representative photographs showing the proper labeling has been provided. Ohio EPA recommends labeling all drums of collected fluids as per their contents. As a CESQG you may mix spent solvent or collected fuels with used oil for burning in your onsite used oil burner. A Fact Sheet, "The Regulation of Used Oil" may be online at: [http://www.epa.state.oh.us/dhwm/pdf/Used Oil Generators Guidance.pdf](http://www.epa.state.oh.us/dhwm/pdf/Used%20Oil%20Generators%20Guidance.pdf).

3. **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 observed at least two locations where release of used oil occurred to the ground below drums. You failed to clean up these releases. Additionally, it was observed that gravel was spread on top of these areas to cover them up.

To abate this violation, you must stop any release and clean up oil and other fluid spills when they occur, or are first encountered, and properly dispose of this material. Clean up requires all visually stained ground be removed and properly disposed. Stained soils containing only used oils may be sent to a licensed solid waste landfill. **You must document in writing that stained soils were removed and properly disposed and send photographs to the Ohio EPA.** It is understood that you have constructed a location and process where vehicle fluids are captured. Please provide photo or written documentation of this process for capturing fluids.

4. **OAC 3745-273-13(A) Waste management-standards for SQHUW:** A small quantity handler of universal waste (SQHUW) shall manage universal waste batteries in a way that prevents release of any universal waste or component of universal waste to the environment....

You failed to contain waste lead-acid batteries at your site. Batteries were located on the ground in the yard area and were among various parts in the garage. They were not stored in a manner to protect from damage, leaking or prevent release.

Damaged and leaking batteries or batteries missing cell covers must be contained to prevent release to the environment. All batteries must be immediately collected for proper storage in a labeled accumulation area. To demonstrate abatement of this violation, **provide a photograph and written verification that batteries have been collected and are now stored per the rule.**

CONCERNS and RECOMMENDATIONS

In addition to the above violations, the following concerns were noted that may require your action:

1. It appears you disposed of the waste and scrap contained within the burn containers by sending this material for recycle. It is further understood that burning has ceased at the site.
2. It appears that you have reduced the amount of scrap tires onsite. However, a significant number of tires remain. Any questions regarding scrap tire rules should be directed to Jarnal Singh, of this office, in the Division of Solid and Infectious Waste Management at (330) 963-1200.
3. Mercury switches were used for convenience lighting in hoods and trunks in older models and in some anti-lock braking systems of many vehicles **manufactured until 2003**. You were not removing mercury switches prior to crushing or shredding. You should locate and remove mercury switches from vehicles prior to sending them offsite as scrap. Recycling locations may be found at: <http://www.epa.state.oh.us/ocapp/mercuryswitches.pdf>, or may be taken by one of the facilities listed on the enclosed sheet you were provided during a previous inspection. Additional information is at: <http://www.epa.gov/mercury/switch.html>.

On September 13, 2006, you were sent an email regarding a program that will provide licensed auto salvage yards **\$3.00 dollars for each mercury** switch they remove prior to dismantling or crushing vehicles.

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4. The following are links regarding coolant recycling opportunities:

<http://www.cuyahogawd.org/business/redirectory.asp>
<http://www.epa.state.oh.us/opp/auto/antfrez1.html>
<http://www.epa.state.oh.us/opp/auto/antfrez2.html>

5. Under Ohio EPA's Storm Water Program, recycling facilities including: scrap yards, battery reclaimers, salvage yards, automobile junkyards and sites classified as SIC 5015 and 5093, are required to obtain NPDES permit coverage. As such, you would be required to prepare a Storm Water Pollution Prevention Plan (SWPPP) in which facility stormwater is described and Best Management Practices (BMP's) are developed and implemented to minimize stormwater pollution. You have identified planning to implement surface water control measures and locate operation and storage practices accordingly. You may contact Mike Stevens, of this office, in the Division of Surface Water at (330) 963-1200, for further guidance and assistance.

You must submit the requested documentation to my attention **within 30 days** of receipt of this letter. Failure to respond to this and past Notices of Violations within 30 days will result in referral to our Central Office Enforcement Section for consideration of escalated enforcement. If you have any questions, please contact me at (330) 963-1146 or at ron.shadrach@epa.state.oh.us.

Sincerely,

Ron Shadrach

Ronald J. Shadrach
Environmental Specialist II
Division of Hazardous Waste Management

RJS:ddw

ec: Frank Popotnik, DHWM, NEDO
Harry Sarvis, DHWM, CO
Mike Stevens, DSW, NEDO
Jarnal Singh, DSIWM, NEDO
cc: Medina County Health Department

NOTICE:

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.

