



State of Ohio Environmental Protection Agency

Northeast District Office

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Twinsburg, Ohio 44087

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

May 16, 2007

RE: IMPACT AUTO RECYCLERS
CESQG
MEDINA COUNTY
PARTIAL RETURN TO COMPLIANCE/
THIRD NOTICE OF VIOLATION

Matt Ternes
Impact Auto Recyclers, Inc.
9410 Chatham Road
Spencer, OH 44275

Dear Mr. Ternes:

On April 30, 2007, I re-inspected your facility for violations previously cited in a letter dated November 21, 2006, 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). This letter returns you to compliance for one violation and contains new violations and concerns and recommendations. To abate these violations you must respond in writing with the information requested as identified below. The following violation is abated:

1) Waste Evaluation, OAC 3745-52-11. It is understood that all lamps are being saved and managed as a universal waste and that empty aerosol cans are being recycled as scrap metal. Residual aerosol fluids, if any, are being collected for similar management with other CESGQG fluids.

You may dispose non-empty hazardous waste aerosol cans and spent lamps at the BizMat Center in Akron: <http://www.bizmatcenter.org> or to other licensed hazardous waste disposal facilities. To reduce the generation and disposal of cans you may consider using refillable spray bottles.

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 enclosed and 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_Waste_Rules_for_Handlers_of_Lamps.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. You may also put collected gasoline to use in vehicles. A Fact Sheet: "The Regulation of Used Oil" was previously provided and is also online at:
[http://www.epa.state.oh.us/dhwm/pdf/Used Oil Generators Guidance.pdf](http://www.epa.state.oh.us/dhwm/pdf/Used_Oil_Generators_Guidance.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 cleanup 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.** Also, provide in writing that recognition and clean-up of future releases will be done.

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....

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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 on the entire site have been collected and properly stored per the rule.**

CONCERNS and RECOMMENDATIONS

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

1. You were provided a guidance flyer in regards to open burning during the inspection. As of a conversation on August 29, 2006, Mr. Fussi indicated ceasing burning and establishing a container for the proper disposal of existing burned material and all future generation of solid wastes. This has not been done. The small pick-up bed of burned waste and an apparent burn drum remain onsite. **You must properly dispose of the waste and scrap contained within the burn containers. Send the metal burn containers off as scrap. Provide in writing that the containers previously used for burning have been removed from the facility so that there are no future questions as to whether open burning is continuing 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.htm>. 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.

4. The following are links regarding coolant recycling opportunities:

<http://www.cuyahogawater.com/business/reedirectory.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. Your failure to respond to this and past Notices of Violations may 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
Frank Markunas, Akron Air Authority
Jamal 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.