



**Environmental
Protection Agency**

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

April 11, 2012

**BELMONT COUNTY
GENERAL FILE
(BARKER'S USED CARS)
RCRA/UOG
NON-NOTIFIER**

Mr. Dave Barker
Barker's Used Cars
54308 Ranker Road
Jerusalem, Ohio 43747

Dear Mr. Barker:

On April 9, 2012, Erika Jackson and I conducted a complaint investigation of Barker's Used Cars to determine the validity of a complaint that was received by this office on March 30, 2012, and to determine the company's compliance with Ohio's solid and hazardous waste laws and regulations, as found in the Ohio Revised Code and the Ohio Administrative Code (ORC and OAC, respectively). The complainant alleged that automotive fluids from crushing cars were being disposed of onto the ground and that tires were not being managed properly.

Based on the complaint investigation, we found the following violations of Ohio's solid and hazardous waste regulations:

1. **Used oil storage requirements for generators, OAC rule 3745-279-22(C):**
Containers and aboveground tanks used to store used oil at generator facilities shall be labeled or marked clearly with the words "Used Oil".

During the complaint investigation, used oil containers were not labeled as required by this rule. To demonstrate compliance with this rule, photographic documentation must be submitted to Ohio EPA demonstrating that the containers have been labeled as required.

2. **ORC rule 3734.03 states in part:**
ORC 3734.03 - No person shall dispose of solid wastes by open dumping or open burning.
3. **OAC rule 3745-27-05(C)** - No person shall conduct, permit, or allow open dumping.

Improper storage of scrap tires poses several potential problems for the local residents, environment, and emergency crews in the area. Scrap tires provide an optimal breeding ground for mosquitoes. Mosquitoes identified at tire piles in Ohio can carry St. Louis Encephalitis, La Crosse Encephalitis, Yellow Fever, Dengue Fever and West Nile Virus.

Scrap tire fires are a source of air pollution and can cause respiratory problems for those that breathe the smoke. Tire fires are also difficult for emergency crews to extinguish.

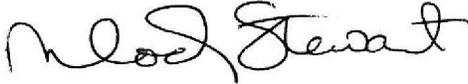
Ohio law requires that anyone removing scrap tires for disposal must take the tires to either a licensed or registered scrap tire collection, recovery or disposal facility. Anyone transporting more than ten (10) scrap tires must be registered with Ohio EPA as a Scrap Tire Transporter. All other solid waste must be removed from the property and disposed of at either a licensed solid waste disposal facility or taken to a legitimate recycling facility. Copies of receipts for disposal or recycling should be submitted to this office as proof of disposal.

Within ***twenty-one (21) days*** of receipt of this letter, Barker's Used Cars is requested to provide documentation to this office verifying abatement of the aforementioned violations. Failure to redress listed violations and respond within this timeframe may result in escalated enforcement against Barker's Used Cars for violation of Chapter 3734. (or 3714.) of the Ohio Revised Code, which carries a civil penalty of up to \$10,000 per day for each violation. Documentation of steps taken to return to compliance includes written correspondence, updated policies, and photographs, as appropriate, and may be submitted electronically to erika.jackson@epa.ohio.gov or melody.stewart@epa.ohio.gov. If Barker's Used Cars is unable to return to compliance within the twenty-one (21) day timeframe, please contact Erika Jackson at (740) 380-5228 or Melody Stewart at (740) 380-5256.

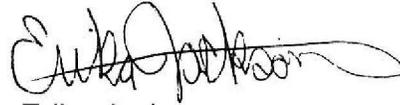
Nothing in this letter shall be construed to authorize any waiver from the requirements of any applicable state or federal laws or regulations. This letter shall not be interpreted to release the owner or operator, or others, from responsibility under Chapters 3704, 3714, 3734, or 6111 of the Ohio Revised Code or under the Federal Clean Water Act, Resource Conservation and Recovery Act, or Comprehensive Environmental Response, Compensation, and Liability Act for remedying conditions resulting from any release of contaminants to the environment.

If you have any questions regarding this letter, please call.

Sincerely,



Melody Stewart
District Representative
DMWM – Hazardous Waste
(740)380.5256



Erika Jackson
District Representative
DMWM – Solid Waste
(740)380-5228

MS/EJ/sb

Enclosures

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 appropriate regulations.

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

Site EPA ID No. Site Name Site Location Information Site Land Type (check only one) NAICS code(s) www.census.gov/epcd/www/naics.html	EPA ID Number:	Name: Barker's Used Cars		Website: (Optional)	
	Street Address: 54308 Ranker Road		City, Town, or Village: Jerusalem		State: OH
County Name: BELMONT		Zip Code: 43747			
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"/>			

Facility Representative Additional names can be recorded in number 12 Only provide address information if it is different than the site address	First Name: Dave		MI:		Last Name: Barker	
	Title:					
	Phone Number: 740-757-2371				Phone Number Extension:	
	E-Mail Address:					
	Fax Number: 740-757-9883				Fax Number Extension:	
	Street or P.O. Box:					
City, Town or Village:						
State: OH				Zip Code:		

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: Buddy Barker				Date Became Owner (mm/dd/yyyy):													
	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"/>	
	Street or P.O. Box:																	
	City, Town or Village:							Owner Phone #: 740-757-2371										
	State:							Country:				Zip Code:						
	Name of Site's Operator:							Date Became Operator (mm/dd/yyyy):										
	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"/>	
	Street or P.O. Box:																	
City, Town or Village:							Operator Phone #:											
State:							Country:				Zip Code:							

VIOLATIONS CITED?	<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"/> Large Quantity Generator (LQG)
	<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"/> Small Quantity Generator (SQG)
		<input 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

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 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
(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.

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 checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | |
| Containers | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | |

Name of Inspector(s)
Melody Stewart

Name of Inspector(s)
Erika Jackson

Date of Inspection/Time
(mm/dd/yyyy) (hh:mm)
4/9/2012 10:00

Comments: