



State of Ohio Environmental Protection Agency

Northeast District Office

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

November 13, 2009

**RE: KIRTLAND AUTO SERVICE
COMPLAINT # 7187
LAKE COUNTY
NON-NOTIFIER/CESQG
PARTIAL RETURN TO COMPLIANCE**

CERTIFIED MAIL

Mr. Bill Ray
Kirtland Auto Service
7564 Euclid Chardon Road
Kirtland, Ohio

Dear Mr. Ray:

On March 31, 2009, Robert Almquist and I of the Division of Hazardous Waste Management investigated a complaint at Kirtland Auto Service in Kirtland, Ohio. The complainant alleged that the business is mismanaging oil and other automotive fluids as well as used batteries. You met with us and answered our questions about the facility. Ohio EPA received a response to the July 16, 2009, Notice of Violation on October 12, 2009 via fax. The response included a letter and attachments: Selbec non-hazardous waste manifest, Max-Tech contact information, Chemtron paperwork for fluorescent light bulbs/universal waste, and still bottoms listed hazardous waste.

My review of this documentation reveals the following abated violations and one unabated violation that requires further clarification. There is also one comment that requires further clarification:

Violations:

- 1. Illegal Disposal:** ORC 3734.02 Hazardous waste was disposed into the air and as a solid waste.

The lid of the distillation unit was left open after the process and the sludge hardened.

Ohio EPA would like to restate that the distillation unit must remain closed during the process and after operation until such time that the still bottoms are removed from the unit in the plastic bag liner. The liner should be sealed immediately. If the still bottoms are liquid, your waste management broker may need to solidify the still bottoms before they can be disposed in a hazardous waste landfill. Your

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waste management broker may be incinerating the still bottoms. You should find out from the broker how your waste is being managed.

Facility has returned to compliance.

- ~~2. **Used Oil Containers Labeled:** OAC 3745-279-22(A) Used oil containers were not labeled with the words "Used Oil".~~

Facility has returned to compliance.

- ~~3. **Used Oil Transporter:** OAC 3745-279-24 Used oil was not hauled by a transporter with a U.S. EPA ID#.~~

Selbac does have a U.S. EPA ID# for the transportation of hazardous waste. Selbac has not notified Ohio EPA that they also transport used oil. Selbac will be asked to notify Ohio EPA, DHWM, by filling out a notification form (9029) or by submitting a letter to Ohio EPA with the appropriate information. I will be sending a copy of the form and instructions to Selbac.

Facility has returned to compliance.

4. **Universal Waste Batteries Labeled:** OAC 3745-273-14(A) Universal waste batteries were not labeled with the words "Universal Waste - Batteries" or "Waste Battery" or "Used Battery".

The Kirtland Auto response states that the used batteries have been disposed at Bull Dog Battery. Please supply Ohio EPA with the paperwork from Bull Dog Battery for the used batteries' disposal.

5. **Waste Evaluation:** OAC 3745-52-11 Still bottoms were not evaluated.

Facility has returned to compliance.

Comment:

1. We observed three drums outside by the used oil tanks on the east side with a small amount of liquid in them. One of the drums was missing the bung cap. Please determine what is in the drums and manage it appropriately.

The original letter from Ohio EPA asked Kirtland Auto to determine what was in the drums. The Kirtland Auto response states that the residue from the drums

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was added to the used oil containers. Please define the residue to demonstrate that Kirtland Auto did determine what was in the drums.

We observed four drums on the west side of the scrap car lot with vegetation on them. Please determine what is in the drums and manage it appropriately.

The Kirtland Auto response states that contents of the drums was antifreeze that was recycled at Max-Tech. Please provide Ohio EPA with the paperwork documenting that Max Tech recycled the antifreeze.

Please clarify Kirtland Auto's responses to the remaining violation and concern immediately and submit the requested information and/or documentation to my attention within 30 days of the date of this letter.

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.

If you should have any questions, please do not hesitate to contact me at (330) 963-1214.

Sincerely,



Kim Gallagher
Environmental Specialist
Division of Hazardous Waste Management

KG:cl
Attachment

ec: Frank Popotnik, DHWM, NEDO
Robert Almquist, DHWM, NEDO
Harry Sarvis, DHWM, DO

cc: Natalie Oryshkewych, DHWM, NEDO
Dennis Bush, DAPC, NEDO
Marlene Kinney, DHWM, NEDO