



**Environmental
Protection Agency**

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

Re: 6 & Diamond Tire and Auto
Hazardous Waste
Complaint #3112
Richland County
Notice of Violation

January 26, 2012

Mr. Derrick Hotzler
6 & Diamond Tire and Auto
31 East 6th Street
Mansfield, Ohio 44902

Dear Mr. Hotzler:

On January 9, 2012, I investigated a complaint at 6 & Diamond Tire and Auto (6 & Diamond) located at 31 East 6th Street, Mansfield, Ohio. The complaint was received by the Division of Materials and Waste Management on November 10, 2011. The complaint stated that 6 & Diamond has tires outside and may be dumping used oil on the ground. This letter will explain the violations I found and what you need to do to correct these violations.

6 & Diamond is an automobile repair shop. 6 & Diamond generates used oil.

Upon arriving at your business, I discussed the complaint with you. You stated you do not dump oil and that you put your used oil in drums which a guy picks up to use in furnace. You also stated that the health department had been to your business about a year ago and you have gotten rid of a lot of your tires. We walked around your shop and you showed me your two drums where you collect used oil.

During the investigation, I gave you the following information: the Ohio EPA fact sheets Universal Waste Rules for Handlers of Lamps; Fluorescent Lamps: What you Should Know; The Regulation of Used Oil: An Overview for Ohio Businesses Who Generate Used Oil; How do Ohio's Scrap Tire Rules Affect Generators of Scrap Tires?; Mosquito Control and Storage of Scrap Tires; the Ohio EPA publication Environmental Compliance Guide for Auto Repair Shops – March 2007; a list of used oil recyclers; a list of used oil collection centers, a sample universal waste management plan for lamps and a list of lamp recyclers in Ohio.

Mr. Derrick Hotzler
January 26, 2012
Page 2

On January 23, 2012, I tried to call you at 419-775-5546 but this number was disconnected. Please respond to this letter with a phone number you can be reached or if you do not have a phone number, the best method to reach you (postal mail, email, etc.)

I found the following violations of Ohio's used oil regulations. 6 & Diamond needs to immediately take the necessary measures to return to compliance with Ohio's environmental laws. **Within 14 days of receipt of this letter**, 6 & Diamond is requested to provide documentation to this office including the steps taken to abate the violations cited below. Documentation of steps taken to return to compliance includes written correspondence, updated policies, and photographs, as appropriate, and may be submitted via the postal service or electronically to amber.hicks@epa.ohio.gov.

1. Used oil storage requirements - proper labels.
OAC Rule 3745-279-22 (C) (1)

Containers used to store used oil shall be labeled or marked clearly with the words "Used Oil."

6 & Diamond failed to mark two drums containing used oil with the words "Used Oil".

- ***To abate this violation, please submit photograph documentation indicating that both of your drums used to store used oil have been properly labeled "Used Oil".***

2. Off-site shipments of used oil by generators.
OAC Rule 3745-279-24

Generators shall ensure that their used oil is transported only by transporters who have obtained U.S. EPA identification numbers.

You stated that your used oil is not being picked up by a transporter with a U.S. EPA identification number. Currently, a guy named Terry Davis picks up your drums of used oil to burn in his furnace. Mr. Davis has not notified Ohio EPA that he is a used oil recycler, used oil collection center or marketer, thus he does not have a U.S. EPA identification number and you are unable to give your used oil to Mr. Davis.

Used oil generators have three options for handling their used oil: 1) Generators must have their used oil transported by an entity that has a U.S. EPA identification number and ensure their used oil is recycled; 2) Generators may transport less than 55-gallons of their own used oil to a registered used oil collection center; or 3) generators may burn their own used oil in an on-site space heater as long as all applicable requirements are met. Please consult the Used Oil fact sheets given to you during the inspection for more information.

- ***In order to abate this violation, you must either 1) submit a copy to me of a contract or some type of documentation indicating a transporter with a U.S. EPA identification number will be picking up your used oil and appropriately recycling it in the future; or 2) a disposal receipt from the off-site shipment of your used oil (if the facility is due for a pick-up) indicating that a transporter with a U.S. EPA identification number is now transporting your used oil and that the used oil is taken to an appropriate recycling facility; or 3) you must submit a copy of a receipt from the drop-off of your used oil at a registered used oil collection center or 4) a summary outlining how you plan to manage your used oil if you decide to purchase a used oil furnace. Please consult the list of used oil recyclers and collection centers given to you during the CEI.***

Please be advised that the violations cited above will continue until the violations have been properly abated. Failure to comply with Chapter 3734. of the Ohio Revised Code and rules promulgated thereunder may result in a civil penalty of up to \$10,000 per day for each violation. It is imperative that you return to compliance. If circumstances delay the abatement of violations, 6 & Diamond is requested to submit written correspondence of the steps that will be taken by date certain to attain compliance.

I did not observe any evidence of used oil being dumped, thus, I did not find validity to the complaint, however; I did find other violations which 6 & Diamond needs to address above.

Pollution Prevention:

If you find additional ways to recycle, reduce, or altogether eliminate the amount of waste that your company generates you may be able to reduce treatment and disposal costs. Furthermore, you may possibly reduce your regulatory requirements. Or if you would like a free, non-regulatory on-site pollution prevention assessment or more information about pollution prevention, please contact me at (419) 373-3082.

Mr. Derrick Hotzler
January 26, 2012
Page 4

Ohio EPA has helpful information about this at the following web address:
<http://www.epa.ohio.gov/ocapp/>

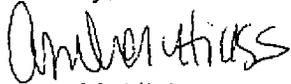
Ohio EPA will issue an EPA ID number to track our investigation activity at 6 & Diamond. You cannot use this number for manifesting hazardous waste shipments. If you want to use an EPA ID number for manifesting and other hazardous waste, used oil or universal waste activities, you must complete and submit a Notification of Regulated Waste Activity form (*EPA Form 9029 (Rev. 9/2010)*) to Ohio EPA. This form is available on our Web page at <http://www.epa.state.oh.us/Default.aspx?tabid=3915> or you can call me or the Division of Materials and Waste Management, Central Office at (614) 644-2621 and we will mail you a copy.

The Division of Materials and Waste Management (DMWM) 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://ohioepa.custhelp.com/cgi-bin/ohioepa.cfg/php/enduser/doc_serve.php?2=subscriptionpage. Please feel free to share this information with your colleagues.

Enclosed you will find a copy of the checklist that I completed during the investigation. Please address all correspondence to Amber Hicks, Ohio EPA, 347 N. Dunbridge Road, Bowling Green, Ohio 43402. Should you have any questions, please feel free to call me at (419) 373-3082 or email at amber.hicks@epa.ohio.gov.

You can find copies of the rules and other information on the division's web page at <http://www.epa.ohio.gov/dmwm.aspx>.

Sincerely,



Amber M. Hicks
Division of Materials and Waste Management

/llr

Enclosure

pc: Cindy Lohrbach, DMWM, NWDO
Colleen Weaver, DMWM, NWDO (w/ enclosure)
ec: Amber Hicks, DMWM, NWDO
Colleen Weaver, DMWM, NWDO

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.

Send to Central Office <input checked="" type="checkbox"/>	Ohio Environmental Protection Agency RCRA SUBTITLE C SITE IDENTIFICATION/VERIFICATION FORM	For Ohio EPA use only
---	---	-----------------------

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: 6 & Diamond Tire and Auto Website: (Optional) Street Address: 31 E. 6th Street City, Town, or Village: Mansfield State: OH County Name: Richland Zip Code: 44902 <table style="width:100%; border: none;"> <tr> <td style="border: none;">Private</td> <td style="border: none;">County</td> <td style="border: none;">District</td> <td style="border: none;">Federal</td> <td style="border: none;">Indian</td> <td style="border: none;">Municipal</td> <td style="border: none;">State</td> <td style="border: none;">Other</td> </tr> <tr> <td style="border: none;"><input checked="" type="checkbox"/></td> <td style="border: none;"><input type="checkbox"/></td> </tr> </table>	Private	County	District	Federal	Indian	Municipal	State	Other	<input checked="" type="checkbox"/>	<input type="checkbox"/>						
Private	County	District	Federal	Indian	Municipal	State	Other										
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<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: Derrick MI: Last Name: Hotzler Title: Phone Number: Phone Number Extension: E-Mail Address: Fax Number: Fax Number Extension: Street or P.O. Box: City, Town or Village: State: 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: <table style="width:100%; border: none;"> <tr> <td style="border: none;">Owner Type:</td> <td style="border: none;">Private</td> <td style="border: none;">County</td> <td style="border: none;">District</td> <td style="border: none;">Federal</td> <td style="border: none;">Indian</td> <td style="border: none;">Municipal</td> <td style="border: none;">State</td> <td style="border: none;">Other</td> </tr> <tr> <td style="border: none;"></td> <td style="border: none;"><input type="checkbox"/></td> </tr> </table> Date Became Owner (mm/dd/yyyy): Street or P.O. Box: City, Town or Village: State: Country: Zip Code: Name of Site's Operator: <table style="width:100%; border: none;"> <tr> <td style="border: none;">Operator Type:</td> <td style="border: none;">Private</td> <td style="border: none;">County</td> <td style="border: none;">District</td> <td style="border: none;">Federal</td> <td style="border: none;">Indian</td> <td style="border: none;">Municipal</td> <td style="border: none;">State</td> <td style="border: none;">Other</td> </tr> <tr> <td style="border: none;"></td> <td style="border: none;"><input type="checkbox"/></td> </tr> </table> Date Became Operator (mm/dd/yyyy): Street or P.O. Box: City, Town or Village: State: Country: Zip Code:	Owner Type:	Private	County	District	Federal	Indian	Municipal	State	Other		<input type="checkbox"/>	Operator Type:	Private	County	District	Federal	Indian	Municipal	State	Other		<input type="checkbox"/>														
Owner Type:	Private	County	District	Federal	Indian	Municipal	State	Other																													
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																													
Operator Type:	Private	County	District	Federal	Indian	Municipal	State	Other																													
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																													

VIOLATIONS CITED? Yes No

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"/> Short-Term/Temporary Generator (generates from a short-term or one-time event and not from on-going processes). Check the box for the applicable generator status and provide a comment.	<input type="checkbox"/> Large Quantity Generator (LQG) <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 Yes No Additional Facility Representatives:
 Tanks Yes No
 Containers Yes No

Name of Inspector(s)	Name of Inspector(s)	Date of Inspection/Time (mm/dd/yyyy) (hh:mm)
Amber Hicks		01/9/12 11:07

Comments:
 This was a complaint investigation involving used oil activities. A full CEI was not conducted. I have no contact information except for the mailing address. In addition, Mr. Hotzler stated that this was his father's shop, however, his father passed away in the Fall of 2011. Unknown if Mr. Hotzler now owns the facility.