OhioEPA

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

File

June 17, 2008

RE: LUCAS AUTO CENTER
CUYAHOGA COUNTY
COMPLAINT #7097
NOTICE OF VIOLATION/
PARTIAL RETURN TO COMPLIANCE

Jim Lucas
Lucas Auto Center
14005 Madison Avenue
Lakewood, OH 44412

Dear Mr. Lucas:

On May 23, 2008, Ohio EPA, represented by Ed D'Amato, conducted a complaint inspection at Lucas Auto Center. Lucas Auto Center was represented by you.

Lucas Auto Center is an auto service and repair business. The complaint alleged that automotive fluids have been mismanaged at the facility. No evidence was found to substantiate the allegations; however, Lucas Auto Center was found to be in violation of the following hazardous waste rules found in Chapter 3745 of the Ohio Administrative Code. To abate the violation, you must do the following and submit all requested information ***within 30-days*** of the date of this letter:

1. **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".

The containers and tank used by Lucas Auto Center were not labeled per this rule. This violation was abated at the time of the inspection when a Lucas Auto Employee labeled the containers and tank.

2. **Evaluation of Waste**
   OAC 3745-52-11

   Any person who generates a waste in the state of Ohio...shall determine if the waste is a listed hazardous waste...

You explained that you dispose of spent fluorescent lamps with your solid waste (regular trash). Fluorescent lamps are often hazardous due to mercury content. To abate this violation, you must evaluate your lamps prior and dispose of them appropriately, or you must begin recycling your spent lamps.

As we discussed, low mercury "green-tipped" lamps are commercially available. Currently, these lamps may be disposed as solid waste.

Enclosed is a list of fluorescent lamp recyclers to assist you. Also included is a list of companies accepting hazardous waste in Ohio, most of will accept fluorescent lamps for recycling.

Failure to list specific deficiencies in this communication does not relieve Lucas Auto Center from the responsibility of complying with all applicable Ohio EPA laws and regulations. Please be advised that present or past instances of non-compliance can continue as subjects of pending or future enforcement actions.

Enclosed is a copy of the checklist used for the inspection.

Please feel free to contact me at (330) 963-1170 if you have any questions about the inspection or this letter.

Sincerely,

Edward J. D'Amato
Environmental Specialist
Division of Hazardous Waste Management

EJD:cl
Enclosure

ec: Frank Popotnik, DHWM, NEDO

cc: Natalie Oryshkewych, DHWM, NEDO

Lucas Auto

USED OIL INSPECTION CHECKLIST
GENERATORS, COLLECTION CENTERS AND AGGREGATION POINTS

NOTE: A facility is subject to the federal SPCC regulations (40 CFR 112) if it is non-transportation related (e.g., fixed) and has an aggregate above ground storage capacity greater than 1,320 gallons or a total underground storage capacity greater than 42,000 gallons of oil (including used oil), and there is reasonable expectation of a discharge to navigable waters.

PROHIBITIONS

1. Does the generator manage used oil in a surface impoundment or waste pile? If yes: — Yes ☐ No ☒ N/A ☐

   a. Is the surface impoundment or waste pile regulated as a hazardous waste management unit? [3745-279-12(A)] — Yes ☐ No ☐ N/A ☒

2. Is used oil used as a dust suppressant? [3745-279-12(B)] — Yes ☐ No ☒ N/A ☐

3. Is off-specification used oil fuel burned for energy recovery in devices specified in 3745-279-12(C)? — Yes ☐ No ☐ N/A ☒

NOTE: Multiple used oil checklists may be applicable if used oil handler is performing multiple tasks (e.g., If generating used oil and shipping directly to a burner, complete generator and marketer checklists at a minimum).

GENERATOR STANDARDS

4. Does the generator mix hazardous waste with used oil? If so, — Yes ☐ No ☒ N/A ☐

   a. Is the mixture managed as specified in 3745-279-10(B)? [3745-279-21(A)] — Yes ☐ No ☐ N/A ☒

NOTE: Used Oil mixed with listed (3745-51-30 to 3745-51-35) or characteristic (3745-51-20 to 3745-51-24) hazardous waste are subject to regulation as a hazardous waste, unless the listed hazardous waste is listed solely because it exhibits a hazardous characteristic, and the resultant mixtures do not exhibit a characteristic. Mixtures of used oil and CESQG hazardous waste are subject to OAC Chapter 3745-279.

5. Does the generator of a used oil containing greater than 1,000 ppm total halogens manage the used oil as a hazardous waste unless the presumption is rebutted successfully? [3745-279-21(B)] — Yes ☐ No ☐ N/A ☒

NOTE: If used oil contains greater than 1000 ppm total halogens, it is presumed to be listed hazardous waste until the presumption is successfully rebutted.

6. Does the generator store used oil in tanks; or containers; or a unit(s) subject to regulation as a hazardous waste management unit? [3745-279-22(A)] — Yes ☒ No ☐ N/A ☐

7. Are containers and aboveground tanks used to store used oil in good condition with no visible leaks? [3745-279-22(B)] — Yes ☒ No ☐ N/A ☐

8. Are containers, above ground tanks, and fill pipes used for underground tanks clearly labeled or marked "Used Oil?" [3745-279-22(C)] — Yes ☐ No ☒ N/A ☐

9. Has the generator, upon detection of a release of used oil, done the following: [3745-279-22(D)]

   a. Stopped the release? Yes ☐ No ☐ N/A ☒

   b. Contained the release? Yes ☐ No ☐ N/A ☒

   c. Cleaned up and properly managed the used oil and other materials? Yes ☐ No ☐ N/A ☒

   d. Repaired or replaced the containers or tanks prior to returning them to service, if necessary? Yes ☐ No ☐ N/A ☒

ON-SITE BURNING IN SPACE HEATER

10. Does the generator burn used oil in used-oil fired space heaters? [3745-279-23] If so: Yes ☒ No ☐ N/A ☐

   a. Does the heater burn only used oil that owner/operator generates or used oil received from household do-it-yourself (DIY) used oil generators? Yes ☒ No ☐ N/A ☐

   b. Is the heater designed to have a maximum capacity of not more that 0.5 million BTU per hour? Yes ☒ No ☐ N/A ☐

   c. Are the combustion gases from heater vented to the ambient air? Yes ☒ No ☐ N/A ☐

GENERATOR TRANSPORTATION

11. If the generator self-transports used oil to an approved collection site or to an aggregation point owned by the generator: [3745-279-24] Yes ☐ No ☐ N/A ☒

   a. Does the generator transport used oil in a vehicle owned by the generator or an employee of the generator?[3745-279-24] Yes ☐ No ☐ N/A ☒

   b. Does the generator transport more than 55 gallons of used oil at any time?[3745-279-24] Yes ☐ No ☐ N/A ☒

NOTE: Used oil generators may arrange for used oil to be transported by a transporter without a U.S. EPA ID # if the used oil is reclaimed under a contractual agreement (i.e., tolling arrangement).

COLLECTION CENTERS AND AGGREGATION POINTS

12. Is the DIY used oil collection center in compliance with the generator standards in 3745-279-20 to 3745-279-24? [3745-279-30] Yes ☐ No ☐ N/A ☒

13. Is the non-DIY used oil collection center registered with Ohio EPA? [3745-279-31] Yes ☐ No ☐ N/A ☒

14. Is the used oil aggregation point in compliance with the generator standards in 3745-279-20 to 3745-279-24? [3745-279-32] Yes ☐ No ☐ N/A ☒

NOTE: Complete Used Oil Generator and any other applicable used oil handler checklist (e.g., marketer, burner, etc.) for used oil collection centers and aggregation points.

Keyword: UsedOilChecklistforGenerators.Oct.2007.doc