



State of Ohio Environmental Protection Agency

Northwest District Office

347 North Dunbridge Rd.
Bowling Green, OH 43402-9398

TELE: (419) 352-8461 FAX: (419) 352-8468
www.epa.ohio.gov

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

Re: Dad's Auto Parts
OHR000119438
Complaints # 2878 & #2917
Lucas County
Hazardous Waste
Notice of Violation

March 4, 2010

CERTIFIED MAIL

Mr. Todd Zappone, Owner
Dad's Auto Parts
230 South Meilke Road
Holland, Ohio 43528

This violation letter was originally sent to Dad's Auto Parts at 230 South Meilke Road on November 3, 2009. You did not respond to it. You must respond to this Second Notice of Violation letter within 15 days of your receipt of it. If you have any questions, you may contact me at 419-373-3074.

Dear Mr. Zappone:

On October 22, 2009, I investigated two complaints (CI) and conducted a compliance evaluation inspection (CEI) of Dad's Auto Parts (DAP) located in Holland, Ohio. I was accompanied by Mr. Ed Pulido of Ohio EPA. We were both accompanied by Mr. Jim Knisley, manager of DAP and your wife, Carrie Childress. I also spoke to you by telephone, during the inspection, about my observations and various violations discovered at the site. I inspected DAP to determine its compliance with Ohio's hazardous waste laws as found in Chapter 3734. of the Ohio Revised Code (ORC) and Chapter 3745. of the Ohio Administrative Code (OAC). My inspection included observations of your facility's operations and written documentation.

According to **Complaint #2878**, received by Ohio EPA on May 26, 2009, the Spencer Township Fire Department observed an area behind the northwest corner of your building where you had tipped cars on their sides to remove parts and allowed automotive fluids, including oil and antifreeze, to drain onto the ground. The fire department observed that the ground in this area was heavily contaminated.

Their photos demonstrate this. According to **Complaint #2917**, received by Ohio EPA on September 3, 2009, you have been dumping oil on your property. This letter will explain the validity of the complaints and the result of the inspection.

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Mr. Zappone has operated DAP for approximately six years. DAP is a motor vehicle salvage yard. Superior Towing has operated at this site and has moved to Delta, Ohio. The ID Number for Superior Towing at 230 Meilke Road is OHR000119438. Mr. Knisley explained that business is slow now and the price of steel has sank from 400\$/ton to 130\$/ton. DAP does not remove mercury switches or washer fluid from vehicles. The whole vehicle is shredded along with up to five tires. Aluminum wheels are recycled. When Mr. Pulido and I arrived at DAP we found a large area behind your building that was heavily contaminated with at least used oil. We also found cars still tipped on their sides in areas of soil contamination. I identified the area documented by the Spencer Township Fire Department's photos and found that you had scraped up some of the surface soil into a pile of waste and debris nearby. Based on our observations, both complaints are valid.

DAP generates the following waste:

1. Used Oil: According to DAP, oil is removed from the crankcase and transmission with a pump and hose. The pump is supposed to remove all the oil. Once removed, it is accumulated in 55-gallon drums, according to DAP. When it's time to ship the used oil, Jim Knisley calls Charles Reese of Safety-Kleen (419-476-4500 and cell 419-779-0910) and he comes out in a few days.
2. Bad Gasoline: Mr. Knisley and Ms. Childress stated that most cars don't have gasoline in them when they arrive at DAP, since it is the company's policy for customers to remove the gas and put a hole in the gas tank. According to DAP, most of the recovered gasoline is used in yard and staff vehicles, but it has to be filtered first. Some bad gas that is unsuitable for vehicles is accumulated in drums and was observed and photographed by Ohio EPA during the inspection (see Photo 1). Bad gas will be hazardous waste if it is not burned for energy recovery. DAP must submit, within 30 days, shipping papers that demonstrate where the bad, unusable, gasoline has been shipped to.
3. Spent Antifreeze: According to DAP, it is removed from the vehicle with a pump and hose (like the oil) and accumulated in drums. It is recycled through Safety-Kleen. DAP must submit, within 30 days, copies of the shipping papers that demonstrate where this waste has been sent.
4. Spent Lamps: These are placed in the trash. This must cease immediately.
5. Spent Batteries: The spent batteries removed from vehicles are exchanged for new batteries through Interstate Battery. **DAP must submit, within 30 days, copies of the shipping papers or invoices from Interstate that demonstrate the batteries have been shipped to them.**

As a result of our inspection, we found the following violations of Ohio's hazardous waste laws. In order to correct these violations, you must do the following and send me the required information, **within 30 days** of your receipt of this letter:

**1. Waste Evaluation
OAC Rule 3745-52-11**

A generator must determine whether its waste is hazardous by testing the waste according to the methods set forth in rules 3745-51-20 to 3745-51-24. DAP has failed to evaluate its spent lamps (all types) according to this rule, and they have been placed into the trash. In order to abate this violation, DAP must evaluate its spent lamps. Instead of obtaining a sample of the lamps and having the sample analyzed in a laboratory, DAP may elect to manage its spent lamps (all types) as Universal Waste. The requirements for Universal Waste lamps include:

- Immediately prevent spent lamps from being placed into the trash;
- Place spent lamps into containers that are structurally sound (boxes for example);
- Label the containers with the words "Used Lamps";
- Document the length of time that the spent lamps are stored (place a date on the boxes);
- Store spent lamps for no longer than one year;
- Inform all employees with the responsibility to collect spent lamps of these requirements; and
- Ship the spent lamps to a lamp recycler (please refer to the list of lamp recyclers that I left with Carrie Childress on the day of our inspection).

Please explain how you intend to manage your spent lamps and to comply with the requirements listed above. Indicate how you will package the lamps, label the containers, and date the containers. Please submit photos demonstrating that this has been done. Also, please indicate where you will ship the Universal Waste lamps to.

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

A generator must determine whether its waste is hazardous by first determining if the waste is listed as a hazardous waste in rules 3745-51-30 to 3745-51-35; by testing the waste according to the methods set forth in rules 3745-51-20 to 3745-51-24; or by applying knowledge of the hazardous characteristic of the waste in light of the materials or the processes used. DAP has failed to adequately evaluate all of its waste properly. Specifically, the following wastes have not been properly evaluated:

- A. The Waste Pile in the Front of the Back Lot: On October 22, 2009, I observed a pile of waste that had been scraped up from the surface of the ground in the area behind the northwest corner of your building, where cars had been tipped on their sides to remove parts (see photos 2 & 3). This is soil and debris that had been heavily contaminated.
- B. A Waste Pile from Crushing Operations: On October 22, 2009, I observed a small pile of waste from crushing operations (see photo 4).

- C. **Battery Pile:** I observed a pile of batteries on the ground, uncovered, beside the back of your building (South side). Two batteries were open: At least one battery top was cracked and one was missing a cap. Your spent batteries must be kept closed and inside your building or you must evaluate them for hazardous waste characteristics, such as toxicity and corrosivity. DAP must submit photographs demonstrating how it is properly managing its spent batteries (closed and protected from the elements) or submit the laboratory analytical results of its evaluation.

In order to abate this violation, you must immediately evaluate the wastes listed above, and any other waste discovered at the facility by Ohio EPA or DAP, in accordance with the requirements of Ohio Administrative Code Rule 3745-52-11 and this letter. You must obtain a representative sample of each waste pile at the facility, according to OAC 3745-51-20. You must evaluate all samples, through laboratory analysis, for at least the TCLP metals, TCLP VOCs and pH for the batteries, and submit the results of the laboratory analyses to Ohio EPA as soon as they are available.

DAP will need to give Ohio EPA a five day advance notice of sampling activities, in order for an inspector to make arrangements to view the sampling.

Your results must document if the waste is hazardous or not and whether it is restricted from land disposal. If it is hazardous, you must explain what treatment, storage or disposal facility you will send it to. DAP must submit to me a legible copy of the manifest(s), signed by a representative of the permitted treatment, storage or disposal facility, that documents the proper off-site shipment of all its hazardous waste. If non-hazardous waste is identified, DAP must submit a copy(s) of the shipping papers used to transport the waste off-site to a permitted solid waste facility. **If the waste is hazardous, I will determine the status of your facility's compliance with other hazardous waste laws and notify you of my findings in a separate letter.**

3. **Used Oil Container Labeling
OAC Rule 3745-279-22(C)(1)**

Containers, aboveground tanks, and fill pipes for underground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words "Used Oil." On October 22, 2009, I observed the following containers of used oil that were not labeled with the words "Used Oil": at least one sump at the rear of the building (see Photo 5); at least six open five gallon pails in the back lot (see Photos 6, 7, 8, 9 & 10); at least one open 55-gallon drum in the back lot (see Photo 11) and one 55-gallon drum near the building (see Photo 12).

In order to correct this violation, DAP must immediately close each container of used oil, mark or label the containers with the words "Used Oil" and provide me with photographic documentation that this has been done.

Please note that DAP must immediately cease operating the used oil sump behind its building, remove it and decontaminate the ground surrounding it.

4. **Used Oil Container Condition**
OAC Rule 3745-279-22(B)

Containers and aboveground tanks used to store used oil at generator facilities must be in good condition (no severe rusting, apparent structural defects or deterioration). On October 22, 2009, I observed that the following containers of used oil were not closed (a structural defect): at least one sump at the rear of the building (see Photo 5); at least six open five gallon pails in the back lot (see Photos 6, 7, 8, 9 & 10); at least one open 55-gallon drum in the back lot (see Photo 11) and one 55-gallon drum near the building (see Photo 12).

In order to correct this violation, DAP must immediately close all used oil containers and provide me with photographic documentation that this has been done. Please note that Dad's must immediately cease operating the used oil sump behind its building, remove it and decontaminate the ground surrounding it.

5. **Response to Releases of Used Oil**
OAC Rule 3745-279-22(D)

Upon detection of a release of used oil to the environment a generator shall perform the following cleanup steps: stop the release, contain the released used oil, clean up and manage properly the released used oil and other materials, and if necessary, repair or replace any leaking used oil storage containers or tanks prior to returning them to service.

Used oil mismanagement at DAP has contaminated large areas of soil in the rear of the facility. DAP has also contaminated these areas from its mismanagement of used antifreeze. See the enclosed photos (Numbers 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23 & 24) for the areas of contamination described here. The contaminated soil in these areas has not been cleaned up. In order to correct this violation, DAP must immediately clean up the contaminated soil, analyze the soil for hazardous characteristics, and manage the waste properly according to the analytical information. You will need to provide photographic documentation that the areas have been cleaned. You will need to submit copies of the waste analyses and any shipping papers or manifests, demonstrating that you have sent the waste off-site for proper disposal. **Please explain how you will correct this violation and maintain compliance with this rule.**

In order for DAP to determine the characteristics of the used oil and antifreeze contaminated soil, it must obtain a chemical analysis of a representative sample of the contaminated soil. DAP must determine, at least, the concentration of TCLP (Toxicity Characteristic Leaching Procedure) metals and TCLP VOCs.

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Please explain, in writing, how you will obtain a representative sample, who will collect it, who will analyze it and how it will be analyzed. The complete analytical results must be submitted to me as soon as they are available. Your results must document if the waste is hazardous or not and whether it is restricted from land disposal. If it is hazardous, you must explain what treatment, storage or disposal facility you will send it to. If the waste is hazardous, I will determine the status of your company's compliance with other hazardous waste laws and notify you of my findings in a separate letter.

You must coordinate the soil cleanup and sampling at all locations with the Ohio EPA. Please contact me no later than five business days before you plan to have the cleanup and sampling performed.

As a used oil generator you are required to store used oil in containers or aboveground tanks that are in good condition (no severe rusting, apparent structural defects or deterioration) and not leaking. Containers, aboveground tanks and fill pipes for underground tanks must be labeled with the words "Used Oil." If leaks are detected, the generator must: stop the release; contain the release; clean up and manage properly the released used oil and other materials related to the release; and, if necessary, repair or replace any leaking containers or tanks prior to returning them to service. During the inspection I gave Ms. Childress copies of the following used oil fact sheets: The Regulation of Used Oil: An Overview for Ohio Businesses Who Generate Used Oil, and Used Oil Recyclers. Please review these carefully and contact me immediately if you have any questions.

Please be aware that incandescent, fluorescent, metal halide, neon, high-intensity discharge, high-pressure sodium and mercury-vapor lamps could be hazardous waste when discarded. Fluorescent lamps may contain up to 40 milligrams (mg) of mercury, depending on the brand and manufacturer. Lamps may also contain lead and cadmium. Many lamps exhibit a characteristic of toxicity for heavy metals when disposed. During the inspection I gave Ms. Childress copies of the following documents to assist you in properly managing your spent lamps: Fluorescent Lamps: What You Should Know and Computer, Fluorescent Lamp and Ballast Recyclers. I recommend that you review these documents carefully and contact me if you have any questions. The first document describes the rules you must follow in order to manage lamps as a universal waste.

In order to assist you in complying with all the environmental requirements for a motor vehicle salvage yard, during the inspection I gave Ms. Childress a copy of Ohio EPA's Environmental Compliance Guide for Motor Vehicle Salvage Yards and Battery Recyclers/Brokers & Disposal Facilities. You should study the compliance guide and contact me if you have any questions.

You may be able to further reduce the waste your company generates. If you find ways to recycle, reduce or altogether eliminate the amount of waste that your company generates you may be able to reduce your treatment and disposal costs and you may possibly reduce your regulatory requirements.

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I have enclosed a copy of Pollution Prevention Opportunities, a worksheet that can help you recognize opportunities for reducing waste and conserving energy at your business. I have also enclosed copies of the fact sheet Management of Electronic Waste from Businesses. Please review this information and contact me if you have any questions.

I encourage you to schedule a pollution prevention assessment for your business because there are often many opportunities for businesses like yours to reduce waste and save money. If you wish to talk about an assessment or if you have other questions about pollution prevention, please feel free to contact the Office of Compliance Assistance and Pollution Prevention (OCAPP) at (614) 644-3469. There is no charge for an assessment.

The Division of Hazardous Waste Management 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.

If you have any questions, please feel free to contact me at (419) 373-3074. You can find copies of the rules and other information on the division's web page at <http://www.epa.ohio.gov/dhwm/>. Ohio EPA also has helpful information about pollution prevention at the following web address: <http://www.epa.ohio.gov/ocapp>.

Sincerely,



Don North
District Representative
Division of Hazardous Waste Management

//lr

pc: Colleen Weaver, DHWM, NWDO
Cindy Lohrbach, DHWM, NWDO
DHWM, NWDO, Dad's Auto Parts, Lucas County File #
Certified Receipt Number 7009 0820 0000 0591 9587

ec: Don North, DHWM, 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.

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Sent To
TODD ZAPPONE - DAD'S AUTO PARTS
 Street, Apt. No., or PO Box No. **230 SOUTH MEELKE ROAD**
 City, State, ZIP+4
HOLLAND, OH 43528

PS Form 3800, August 2006 See Reverse for Instructions

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DAD'S AUTO PARTS
230 SOUTH MEELKE ROAD
HOLLAND, OH 43528

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[Signature] Agent Addressee

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Carrie Uchida

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3-5-10

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