



**Environmental  
Protection Agency**

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

Re: Charlie's Auto Repair  
Complaint #3124  
Allen County  
OHR000166678  
Hazardous Waste  
2<sup>nd</sup> Notice of Violation/  
Partial Return to Compliance

May 29, 2012

Mr. Charlton Fuqua  
Charlie's Auto Repair  
207 Watt Avenue  
Lima, Ohio 45801

Dear Mr. Fuqua:

On December 15, 2011, the Ohio Environmental Protection Agency (Ohio EPA) conducted a complaint investigation at Charlie's Auto Repair located at 207 Watt Avenue in Lima, Ohio. The Ohio EPA received a complaint that you were mismanaging used oil and leaving hazardous trash on the ground outside of your facility.

On January 5, 2012, you were sent a Notice of Violation/Partial Return to Compliance (NOV/PRTC) letter. This letter outlined the violations I found as a result of my complaint investigation and what you needed to do to correct these violations. I spoke to you on February 10, 2012, regarding the violations cited in the NOV/PRTC letter. I contacted you on April 10, 2012, April 16, 2012, and May 9, 2012, and left messages on your voicemail. To date, Charlie's Auto Repair has failed to respond to the NOV/PRTC letter and the violations cited remain outstanding.

The following is a summary of the violations cited in the NOV/PRTC which was sent to you on January 5, 2012:

**1. OAC Rule 3745-279-22(C)(1), Labeling:**

Containers, aboveground tanks, and fill pipes used for underground storage tanks shall be labeled or marked clearly with the words "used oil."

Charlie's Auto Repair had two 30-gallon poly drums that were not properly labeled.

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At the time of my inspection, Charlie's Auto Repair properly labeled the two (2) 30-gallon poly drums with the words "used oil".

***Therefore, this violation is considered abated.***

**2. OAC Rule 3745-279-24, Off-Site Shipment:**

Generators shall ensure that their used oil is transported only by transporters who have obtained an EPA identification number.

Charlie's Auto Repair has been giving the used oil they generated to Ray's Repair Shop in Delphos, Ohio, who is burning it in their on-site burner.

Charlie's Auto Repair must immediately cease giving used oil to any person or transporter who does not have an EPA identification number. Your used oil must be sent to a registered burner, or collection center. To abate this violation, Charlie's Auto Repair must notify Ohio EPA with how you plan to manage your used oil in the future and provide the applicable documentation for review. A list of used oil recyclers was given to you at the time of my investigation. In addition, Charlie's Auto Repair may want to consider recycling the used oil filters rather than managing them as a solid waste. A list of used oil filter recyclers was also given to you at the time of my investigation.

**On February 10, 2012, I spoke with you regarding your plans to manage your used oil. You stated that you had contacted Putnam Oil and they would be picking up your used oil for recycling. To date, you have not provided a copy of the receipt or documentation to show that the used oil has been properly managed.**

**On May 25, 2012, I spoke with Mr. Bob Gerten who is the owner of Putnam Oil. Putnam Oil does not have EPA ID # and they do not plan to pick up the used oil from your business. I've included another list of used oil recyclers to assist you in properly managing your used oil. Charlie's Auto Repair must submit information to document where your used oil was shipped for recycling.**

***This violation has not been abated and remains outstanding.***

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Ohio EPA has helpful information about compliance assistance and pollution prevention at the following web address: <http://www.epa.ohio.gov/ocapp>. In addition, you can find copies of the rules and other information on the division's web page at: <http://www.epa.ohio.gov/dhwm/>.

Please be advised that 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, Charlie's Auto Repair is requested to submit written correspondence of the steps that will be taken by date certain to attain compliance.

If you have any questions, please contact me by telephone at (419) 373-3066 or by e-mail at [melissa.boyers@epa.ohio.gov](mailto:melissa.boyers@epa.ohio.gov).

Sincerely,



Melissa L. Boyers  
Division of Materials & Waste Management

/llr

pc: Cindy Lohrbach, DMWM, NWDO  
(Colleen Weaver, DMWM, NWDO)

ec: Colleen Weaver, DMWM, NWDO (scanned e-copy)  
Melissa Boyers, DMWM, NWDO

**Notice:**

Ohio's 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.