



**Environmental
Protection Agency**

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

July 17, 2012

**RE: FORMER AFFORDABLE AUTO &
TRUCK REPAIR SITE
OHR 000 159 293
LORAIN COUNTY
NOTICE OF VIOLATION
COMPLAINT # 7535**

Mr. Carlton B. Coen
Carlton B. Coen Land Co.
P. O. Box 9022
Canton, OH 44711

Dear Mr. Coen:

On June 14, 2012, the Ohio EPA and the Lorain City Health Department conducted a complaint investigation of the Former Affordable Auto and Truck Repair (Affordable Auto) site located at 6210 Middle Ridge Road, Lorain, Ohio, to determine Affordable Auto's compliance with Ohio's hazardous waste laws and rules as found under the Ohio Revised Code and the Ohio Administrative Code ("ORC" and "OAC" respectively). Scott Bowyer was representing himself as a prospective tenant and interested party. The Lorain City Health Department was represented by Juston Carpenter. Clarissa Gereby and Karen Nesbit represented the Ohio EPA.

The complaint alleged that there were several hundred tires and two open drums of used oil at the site.

Based on the observations made during the inspection, the complaint appears to be founded.

The drums at the rear of the facility did contain used oil. Prior to the inspection on June 12, 2012, Mr. Bowyer had DISC Environmental (OHD 980 099 891) pump out the used oil from the drums and removed from the site. Ohio EPA received a facsimile on June 14, 2012, of the shipping paper verifying this transaction. There appears to be some minor staining that may be from the used oil. Mr. Bowyer agreed to have this soil removed.

A large number of tires were noted at the site and water was observed in the tires. Storage of tires in the manner observed is a violation of the storage and handling of scrap tire rules pursuant to Ohio Administrative Code (OAC) 3745-27-60. Mr. Bowyer had his employees fill an existing container with tires that was paid for by the previous tenant, Tom Whitman, and this container was removed from the site and sent to Liberty Tire and Recycling on June 11, 2012. Ohio EPA received a copy of this shipping paper via facsimile on June 20, 2012. However, a large number of tires remain on site and must be removed immediately. Please forward copies of the shipping papers to this office, verifying the removal of tires within 30 days of receipt to this office.

Ohio EPA also noted four ground water monitoring wells on the site. Per Ohio Administrative Code (OAC) rule 3745-9-03 (A), when monitoring wells are not otherwise regulated by the director, or another Ohio agency, board, or commission, then the "Ohio EPA Technical Guidance Manual for Hydrogeologic Investigations and Ground Water Monitoring," or other standards adopted by the director, shall be used as a guide for monitoring well construction and sealing to prevent the contamination of ground water. OAC rule 3745-9-03 (C) rule further states that a monitoring well that is no longer being used shall be sealed in accordance with paragraph (A) of this rule.

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Note: The "Ohio EPA Technical Guidance Manual for Hydrogeologic Investigations and Ground Water Monitoring," published in February 1995 and as amended through February 2009. This rule incorporates this guidance by reference. At the effective date of this rule, a copy may be obtained from "Ohio EPA, Lazarus Government Center, 50 West Town Street, Columbus, Ohio, 43215-3425," (614) 644-3020, www.epa.state.oh.us.

Ohio EPA contacted the State Fire Marshall's Bureau of Underground Storage Tanks. The six tanks installed when the site was a gas station have NOT been abandoned properly and the monitoring wells were not installed per the State Fire Marshall's request.

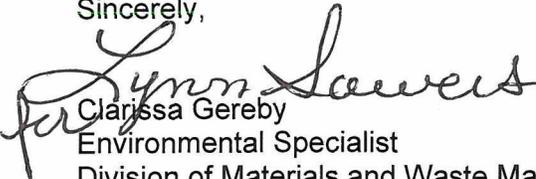
Unless you can demonstrate a need for these wells (e.g. on on-going voluntary remediation of the site), then Ohio EPA would request that the wells be properly abandoned per OAC rule 3745-9-03.

Please submit in writing a statement either for the need to retain the monitoring wells on site or a schedule as to when the wells will be abandoned.

Failure to list specific deficiencies and/or violations in this communication does not relieve you from the responsibility of complying with all applicable laws, rules and regulations.

Should you have any questions, please feel free to call either Clarissa Gereby or Karen Nesbit at (330) 963-1200.

Sincerely,


Clarissa Gereby
Environmental Specialist
Division of Materials and Waste Management


Karen L. Nesbit
Environmental Specialist
Division of Materials and Waste Management

CG/KLN/cl

cc: Marlene Kinney, DMWM, NEDO
Juston Carpenter, Lorain City Health Department
Scott Bowyer, 28th Street Auto Repair

ec: Natalie Oryshkewych, DMWM, NEDO
Jeff Mayhugh, DMWM, CO
Frank Popotnik, DMWM, NEDO
Lynn Sowers, DMWM, NEDO
Dave Biskner, Dept. Of Commerce, Division of State Fire Marshal, Bureau of Underground Storage Tank Regulations