



Environmental  
Protection Agency

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

July 24, 2012

RE: FREDERICK'S AUTO  
OHR 000 166 413  
CUYAHOGA COUNTY  
NOTICE OF VIOLATION

Fred Wilson  
Frederick's Auto and/or  
Fred & Redd's Customs  
3003 Wade Ave.  
Cleveland, OH 44113

Dear Mr. Wilson:

On January 10, 2012, I sent you a letter based on my December 20, 2011 inspection of Frederick's Auto located at 8003 Broadway Avenue, Cleveland, Ohio. A copy of this letter is enclosed. This letter requested that you send me documentation showing the correction of the violations within 14 days. I have not received any such documentation. In addition, I was at this facility on July 16, 2012, and the used oil drum that was the subject of my previous letter is still not labeled as used oil and still has spilled used oil at its base. This drum is now full. You must now have this used oil properly shipped for recycling. A fact sheet describing used oil rules and a list of registered used oil transporters is enclosed. Please inform me when this shipment has been scheduled and send me a copy of the shipping paper when it is shipped. This area of asphalt must also be cleaned up. Please submit documentation, such as a photo, showing this has been done. If possible, it is suggested that a new container to collect used oil be stored inside the building.

I returned on July 16, 2012, to investigate a complaint which alleged 400 to 500 gallons of awful smelling liquid in what used to be a paint booth. I enclosed a printout of the photos I took that day. I saw two connected pits in the floor of the building with a dark liquid in them. You told me on the phone that these pits and the liquid in them is what is left of the paint booth and mixing room that a previous tenant called Fair Collision removed. Jesse Colvin of Above the Rest Automotive, which also operates at this location, told me some of the liquid in these pits is from the washing of cars and that the smell was so bad once he added water in an effort to lessen the smell.

Another purpose of this inspection was to determine if Frederick's Auto was in compliance with Ohio's hazardous waste and used oil laws and rules as found in Chapter 3734 of the Ohio Revised Code (ORC) and Chapter 3745 of the Ohio Administrative Code (OAC).

The following violations were found:

1. **OAC Rule 3745-52-11 – Hazardous waste determination.**  
This rule requires that any person who generates a waste must determine if that waste is a hazardous waste. The following documents, which offer more information on this, are enclosed:

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Frederick's Auto  
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Identifying Your Hazardous Waste, 2010

<http://www.epa.ohio.gov/portals/41/sb/publications/identifyingwaste.pdf>

OAC 3745-51-21 to 24 characteristic hazardous waste

OAC 3745-51-31 listed hazardous waste

[http://www.epa.ohio.gov/dhwm/laws\\_regs.aspx](http://www.epa.ohio.gov/dhwm/laws_regs.aspx)

Frederick's Auto violated this rule by having liquid waste in floor pits without determining whether it is a hazardous waste. As I suggested on the phone, you should contact one of the hazardous waste disposal companies on the enclosed list and discuss sampling of this waste to determine whether it is a hazardous waste. I would see this testing as requiring at least tests for MEK and toluene since those two solvents were listed on the can of Sevan Urethane Grade Reducer that I saw there. Please keep me informed as to when this waste is sampled and when it is scheduled for shipment. You must also send a written response to this letter outlining how you have or plan to correct this violation.

Frederick's Auto also violated this rule by disposing of waste lamps (including fluorescent lamps) with regular trash without determining whether or not they are a hazardous waste. I took two photos of waste fluorescent lamps in a dumpster stored outside your shop. I also took a photo of fluorescent lamps inside that appeared to be waste. Fluorescent and some other types of lamps contain mercury and may contain other hazardous metals. When burned out they may be a hazardous waste. In general, waste lamps should be saved in a properly labeled and closed container (such as a cardboard box) and picked up by a lamp recycler. The following which gives more information regarding this is enclosed:

Ohio's Universal Waste Rules: Are You Handling Used Lamps Correctly?, 2008

<http://www.epa.ohio.gov/portals/41/sb/publications/Lampcompliancechecklist.pdf>

Hazardous waste disposal companies on the enclosed list and other companies on the enclosed list pick up fluorescent lamps for recycling for a fee. Please send me a description of how you will now properly manage waste lamps.

I saw a green, metal drum in your shop. You told me this contains waste cleanup solvent mostly generated by the previous tenant called Fair Collision, but that you have added some waste cleanup solvent from your painting also. The can of solvent I saw on top of this drum contains MEK and toluene. Waste from the use of this solvent is a hazardous waste with the waste code of F005. The waste drum had an open funnel in it. This drum must be kept closed to avoid evaporation of the waste which could be considered illegal disposal to the air. You must now provide for the proper disposal of this waste. You need to contact a hazardous waste disposal company, such as one on the enclosed list, to do this. Contact me when this has been set up and before the waste is shipped. I will also need to receive a copy of the manifest for this shipment.

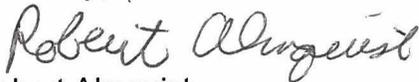
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You need to immediately take the necessary measures to return to compliance with Ohio's environmental laws. Within 14 days of receipt of this letter, you are requested to provide documentation to me including the steps taken to abate the violations cited above. Such documentation may include written correspondence, updated policies, and photographs, as appropriate.

Please be advised that violations cited above will continue until the violations have been properly abated. Failure to comply with Chapter 3734 (or 3714 for C&DD) 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. If circumstances delay the abatement of violations, you are 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 at (330) 963-1217, or [robert.almquist@epa.ohio.gov](mailto:robert.almquist@epa.ohio.gov).

Sincerely,



Robert Almquist  
Division of Materials and Waste Management

RA:cl  
Enclosures

- ec: Frank Popotnik, DMWM, NEDO  
Natalie Oryshkewych, DMWM, NEDO  
Marlene Kinney, DMWM, NEDO  
Jeff Mayhugh, DMWM, CO
- cc: Kathryn Crestani, Northeast Ohio Regional Sewer District  
Denise Lorek, Property Manager

Send to Central Office <input checked="" type="checkbox"/>	<b>Ohio Environmental Protection Agency</b> <b>RCRA SUBTITLE C SITE</b> <b>IDENTIFICATION/VERIFICATION FORM</b>		For Ohio EPA use only																		
Completed verification forms required to be submitted to CO should be e-mailed to <a href="mailto:brad.hauser@epa.state.oh.us">brad.hauser@epa.state.oh.us</a> .																					
<b>Site EPA ID No.</b> <b>Site Name</b>  <b>Site Location Information</b>  <b>Site Land Type</b> (check only one) <b>NAICS code(s)</b> <a href="http://www.census.gov/epcd/www/naics.html">www.census.gov/epcd/www/naics.html</a>	EPA ID Number: Name: <b>Frederick's Auto</b>   Website: (Optional) Street Address: <b>8003 Broadway Ave.</b> City, Town, or Village: <b>Cleveland</b>   State: <b>OH</b> County Name: <b>Cuyahoga</b>   Zip Code: <b>44105</b> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">Private <input checked="" type="checkbox"/></td> <td style="text-align: center;">County <input type="checkbox"/></td> <td style="text-align: center;">District <input type="checkbox"/></td> <td style="text-align: center;">Federal <input type="checkbox"/></td> <td style="text-align: center;">Indian <input type="checkbox"/></td> <td style="text-align: center;">Municipal <input type="checkbox"/></td> <td style="text-align: center;">State <input type="checkbox"/></td> <td style="text-align: center;">Other <input type="checkbox"/></td> </tr> </table>			Private <input checked="" type="checkbox"/>	County <input type="checkbox"/>	District <input type="checkbox"/>	Federal <input type="checkbox"/>	Indian <input type="checkbox"/>	Municipal <input type="checkbox"/>	State <input type="checkbox"/>	Other <input type="checkbox"/>										
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<b>Facility Representative</b>  Additional names can be recorded in number 12  Only provide address information if it is different than the site address	First Name: <b>Fred</b>   MI:   Last Name: <b>Wilson</b> Title: <b>owner</b> Phone Number:   Phone Number Extension: E-Mail Address: Fax Number:   Fax Number Extension: Street or P.O. Box: <b>3003 Wade Ave.</b> City, Town or Village: <b>Cleveland</b> State: <b>OH</b>   Zip Code: <b>44113</b>																				
<b>Legal Owner And Operator of the Site.</b> List Additional Owners and/or Operators in the Comment Section or on another copy of this form page	Name of Site's Legal Owner: <b>Denise Lorek</b> Date Became Owner (mm/dd/yyyy): <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">Owner Type: <input type="checkbox"/></td> <td style="text-align: center;">Private <input checked="" type="checkbox"/></td> <td style="text-align: center;">County <input type="checkbox"/></td> <td style="text-align: center;">District <input type="checkbox"/></td> <td style="text-align: center;">Federal <input type="checkbox"/></td> <td style="text-align: center;">Indian <input type="checkbox"/></td> <td style="text-align: center;">Municipal <input type="checkbox"/></td> <td style="text-align: center;">State <input type="checkbox"/></td> <td style="text-align: center;">Other <input type="checkbox"/></td> </tr> </table> Street or P.O. Box: <b>19706 Cherokee Ave.</b> City, Town or Village: <b>Cleveland</b>   Owner Phone #: <b>216-548-3269</b> State: <b>Ohio</b>   Country:   Zip Code: <b>44119</b> Name of Site's Operator: Date Became Operator (mm/dd/yyyy): <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">Operator Type: <input type="checkbox"/></td> <td style="text-align: center;">Private <input type="checkbox"/></td> <td style="text-align: center;">County <input type="checkbox"/></td> <td style="text-align: center;">District <input type="checkbox"/></td> <td style="text-align: center;">Federal <input type="checkbox"/></td> <td style="text-align: center;">Indian <input type="checkbox"/></td> <td style="text-align: center;">Municipal <input type="checkbox"/></td> <td style="text-align: center;">State <input type="checkbox"/></td> <td style="text-align: center;">Other <input type="checkbox"/></td> </tr> </table> Street or P.O. Box: City, Town or Village: State:   Operator Phone #:   Zip Code:			Owner Type: <input type="checkbox"/>	Private <input checked="" type="checkbox"/>	County <input type="checkbox"/>	District <input type="checkbox"/>	Federal <input type="checkbox"/>	Indian <input type="checkbox"/>	Municipal <input type="checkbox"/>	State <input type="checkbox"/>	Other <input type="checkbox"/>	Operator Type: <input type="checkbox"/>	Private <input type="checkbox"/>	County <input type="checkbox"/>	District <input type="checkbox"/>	Federal <input type="checkbox"/>	Indian <input type="checkbox"/>	Municipal <input type="checkbox"/>	State <input type="checkbox"/>	Other <input type="checkbox"/>
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<b>VIOLATIONS CITED?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No																					
<b>TYPE OF HANDLER - MARK "X" AS APPROPRIATE</b>																					
<input type="checkbox"/> Not a HW Generator	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; vertical-align: top;"> <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). <i>Check the box for the applicable generator status and provide a comment.</i> </td> <td style="width: 50%; vertical-align: top;"> <input type="checkbox"/> Large Quantity Generator (LQG)   <input type="checkbox"/> Small Quantity Generator (SQG)  <input checked="" 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         </td> </tr> </table>			<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). <i>Check the box for the applicable generator status and provide a comment.</i>	<input type="checkbox"/> Large Quantity Generator (LQG)  <input type="checkbox"/> Small Quantity Generator (SQG) <input checked="" 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																
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**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 checked="" 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<br>(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.

**F005**

**COMMENTS: USE THIS AREA TO DESCRIBE WHETHER THE INSPECTION WAS ANNOUNCED, WHETHER THE WASTE IS STORED IN TANKS OR CONTAINERS, ETC.**

Announced	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Additional Facility Representatives:	<b>Jesse Colvin</b>
Tanks	<input type="checkbox"/> Yes	<input type="checkbox"/> No		
Containers	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No		

Name of Inspector(s)  
**Robert Almquist**

Name of Inspector(s)  
**Anthony Becker**

Date of Inspection/Time  
 (mm/dd/yyyy) (hh:mm)  
**7-16-12**

**Comments:**

