



State of Ohio Environmental Protection Agency

Northeast District Office

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

August 21, 2008

RE: J-D'S AUTO/TRUCK CENTER  
COMPLAINT # 7140  
NOTICE OF VIOLATION

Phil Oslin  
J-D's Auto/Truck Center  
9260 Valley View Road, Bay 1  
Macedonia, OH 44056

Dear Mr. Oslin:

On August 19, 2008, I conducted an inspection of J-D's Auto/Truck Center (J-D's) located at 9260 Valley View Road, Bay 1, Macedonia, Ohio. The purpose was to investigate a complaint and determine if J-D's had violations of Ohio's hazardous waste and used oil laws as found in Chapter 3734 of the Ohio Revised Code (ORC) and Chapter 3745 of the Ohio Administrative Code (OAC). Another purpose of the inspection was to look for ways you may be able to reduce your waste generation, conserve energy, and save money. An attachment to this letter covers these issues.

This letter will document any violations and concerns found and outline what you need to do to correct them. A written response to these issues is required within 30 days.

The complaint alleged multiple containers that may be leaking oil or gasoline. We saw four 55-gallon drums stored outside that you told me you do not know what is in them, and that they were left by the previous operator. One of these containers appeared to have leaked slightly. The complaint also alleged a truck used to store engines and parts that is leaking oil onto the ground. This was found to be true. See the violations listed below for details on these issues.

The following violations were found: (These follow the order of the enclosed checklists.)

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 give more information regarding this:

Identifying Your Hazardous Waste (given to you during the inspection)  
<http://www.epa.state.oh.us/ocapp/sb/publications/identifyingwaste.pdf>

Use of Generator Knowledge in Complying with OAC 3745-52-11  
<http://www.epa.state.oh.us/dhwm/pdf/GeneratorKnowledge6.pdf>

J-D's and/or the previous operator violated this rule by having the four drums of waste mentioned above and not determining whether they contain hazardous waste. **You must determine what is in these drums and then determine if it is a hazardous waste.** Please call me when you are ready to open these containers as I may want to observe this. If the material cannot be used, then you must properly dispose of it. Please keep me posted as you determine the contents and set up disposal.

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2. OAC rule 3745-279-22(C) - Used oil labels.  
This rule requires containers and above ground tanks for used oil to be labeled or marked clearly with the words "Used Oil."

J-D's violated this rule by having one of its two used oil tanks that was not labeled as used oil. **You must now properly label this tank and send me documentation of that.**

3. OAC rule 3745-279-22(D) - Response to releases of used oil.  
This rule requires that upon detection of a release of used oil to the environment, the generator must clean up and manage properly the released used oil and other materials.

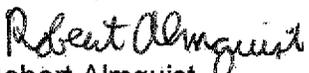
J-D's violated this rule by having what appeared to be used oil on the ground below the truck used to store engines and parts. This contaminated soil must now be removed and disposed of properly. If it is only contaminated with used oil, then it may be disposed of as a solid waste. You must also store these engines and parts in a manner that does not cause contamination of the soil or storm water. **Please send me documentation that these actions have been accomplished.**

**Please send a written response to this letter within 30 days including the documentation required above.**

You can find copies of the regulations and other information on the Division of Hazardous Waste Management web page at <http://www.epa.state.oh.us/dhwm/>.

If you have any questions, please contact me at (330) 963-1217, or [robert.almquist@epa.state.oh.us](mailto:robert.almquist@epa.state.oh.us).

Sincerely,

  
Robert Almquist  
Division of Hazardous Waste Management

RA:cl  
Enclosures

ec. Frank Popotnik, DHWM, NEDO  
cc: Natalie Oryshkewych, DHWM, NEDO  
Harry Sarvis, DHWM, CO

**Notice:**

Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve your facility from its obligation to comply with all applicable regulations.

Ohio Environmental Protection Agency  
**RCRA SUBTITLE C SITE  
IDENTIFICATION/VERIFICATION FORM**

For Ohio EPA use only

E-mail this completed form to [kristina.durnell@epa.state.oh.us](mailto:kristina.durnell@epa.state.oh.us)  
or mail it to Kristina Durnell, Central Office

Site EPA ID No.	EPA ID Number:		
Site Name	Name: J-D'S Auto/Truck Center	Website: (Optional)	
Site Location Information	Street Address: 9260 Valley View Rd., Bay 1		
	City, Town, or Village: Macedonia	State: OH	
	County Name: Summit	Zip Code: 44056	
Site Land Type (check only one) (Use State's own form if available)	Private <input checked="" type="checkbox"/>	County <input type="checkbox"/>	
	District <input type="checkbox"/>	Federal <input type="checkbox"/>	
Facility Representative  Additional names can be recorded in number 42  Only provide address information if it is different than the site address  Legal Owner and Operator of the Site List Additional Owners and/or Operators in the Comments Section of another copy of this form page	Indian <input type="checkbox"/>	Municipal <input type="checkbox"/>	
	State <input type="checkbox"/>	Other <input type="checkbox"/>	
	First Name: Phil	MI: J	Last Name: Oslin
	Phone Number: 330-468-8733	Phone Number Extension:	
	E-Mail Address:		Fax Number Extension:
	Fax Number:		Fax Number Extension:
	Street or P.O. Box:		
	City, Town or Village:		
	State:	Country:	Zip Code:
	Name of Site's Legal Owner: Homer Sommer		
Date Became Owner (mm/dd/yyyy):			
Owner Type:	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"/>	
Street or P.O. Box:			
City, Town or Village:			
Owner Phone #: 440-655-3400, 440-248-5147			
State:	Country:	Zip Code:	
Name of Site's Operator:			
Date Became Operator (mm/dd/yyyy):			
Owner Type:	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"/>	
Street or P.O. Box:			
City, Town or Village:			
Operator Phone #:			
State:	Country:	Zip Code:	
Violations Cited?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Type of Generator:			
<input type="checkbox"/> Not Regulated	<input checked="" type="checkbox"/> Conditionally Exempt Small Quantity Generator		
<input type="checkbox"/> UNKNOWN: Cited for violation of 3745-52-11	<input type="checkbox"/> United States Importer of Hazardous Waste		
<input type="checkbox"/> Large Quantity Generator (LQG)	<input type="checkbox"/> Mixed Waste (Hazardous and Radioactive) Generator		
<input type="checkbox"/> Small Quantity Generator (SQG)			
Type of Regulated Waste Activity (Mark "X" in all of the appropriate boxes)			
<input type="checkbox"/> Recycler of Hazardous Waste	<input type="checkbox"/> Exempt Boiler and/or Industrial Furnace		
<input type="checkbox"/> Underground Injection Control Facility	<input type="checkbox"/> Small Quantity On-Site Burner Exemption		
<input type="checkbox"/> Hazardous Waste Transporter	<input type="checkbox"/> Smelting, Melting, Refining Furnace Exemption		
<input type="checkbox"/> Treater, Storer or Disposer of Hazardous Waste			

Universal Waste Activities Indicator (Passes Universal Waste Generator and/or Accumulated Check all boxes that apply)

Small Quantity Handler of Universal Waste  Large Quantity Handler of Universal Waste (accumulates 5,000 kg. or more)

Destination Facility for Universal Waste

(Check all boxes below that apply for each of the types of facilities above)

Used in activities (Indicate "Y" or "N") (Add "Yes")

**Batteries**  Managed  Used Oil Generator  Off-Specification Used Oil Burner

**Pesticides**  Used Oil Transporter  Used Oil Fuel Marketer Who Directs Shipment of Off-Spec. Oil  Used Oil Fuel Marketer to Off-Specification Used Oil Burner

**Mercury containing equipment**  Used Oil Processor

**Lamps**  Used Oil Re-refiner  Used Oil Re-refiner

Other facilities (Specify in comments)  Used Oil Re-refiner

**Announced**  Yes  No **Additional Facility Representatives:**

**Tanks**  Yes  No **Other Comments:**

**Containers**  Yes  No

Name of Inspector **Robert Almquist** Number Inspected **8/19/2008**

<p>Signature of Inspector</p> <p>Signature of Facility Representative</p>	<p>Name of Facility Representative</p> <p>Signature of Facility Representative</p>	<p>Date of Inspection (Date)</p> <p>Signature of Inspector</p>	<p>Signature of Facility Representative</p>
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Process and Waste Summary for:				
J-D'S Auto/Truck Center, CESQG, 8-19-08 inspection				
#	Process generating the waste	Waste details	On-site management	Off-site management
1	Engine oil changes	Used oil	Two tanks stored inside	Shipped to Akron Canton Waste Oil
2	Vehicle repairs	antifreeze	Two tanks stored inside	Shipped to Akron Canton Waste Oil
3	Parts cleaning	Waste solvent, about 5 gallons generated every 6 months	Two tanks stored inside	Shipped to Akron Canton Waste Oil
4	Vehicle repairs	Batteries	Saw some stored inside	Taken by battery supplier
5	Vehicle repairs	Scrap metal		
6	Lighting	Waste fluorescent lamps		Taken by a friend for testing
7	Vehicle repairs	Freon	Collected	

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**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 <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
a.	Is the surface impoundment or waste pile regulated as a hazardous waste management unit? [3745-279-12(A)]	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>

*NOTE: For example, used oil contaminated scrap metal stored in a pile.*

2.	Is used oil used as a dust suppressant? [3745-279-12(B)]	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
3.	Is off-specification used oil fuel burned for energy recovery in devices specified in 3745-279-12(C)?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>

*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 <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
a.	Is the mixture managed as specified in 3745-279-10(B)? [3745-279-21(A)]	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>

*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 <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
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*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 <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
7.	Are containers and aboveground tanks used to store used oil in good condition with no visible leaks? [3745-279-22(B)]	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
8.	Are containers, above ground tanks, and fill pipes used for underground tanks clearly labeled or marked "Used Oil?" [3745-279-22(C)]	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
9.	Has the generator, upon detection of a release of used oil, done the following: [3745-279-22(D)]	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
a.	Stopped the release?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
b.	Contained the release?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
c.	Cleaned up and properly managed the used oil and other materials?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
d.	Repaired or replaced the containers or tanks prior to returning them to service, if necessary?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>

**ON-SITE BURNING IN SPACE HEATER**

10.	Does the generator burn used oil in used-oil fired space heaters? [3745-279-23] If so:	
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 <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>

b.	Is the heater designed to have a maximum capacity of not more than 0.5 million BTU per hour?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
c.	Are the combustion gases from heater vented to the ambient air?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>

*NOTE: Ash accumulated in a space heater must be managed in accordance with 3745-279-10(E).*

**GENERATOR TRANSPORTATION**

11.	Does the generator have the used oil hauled only by transporters that have obtained a U.S. EPA ID#?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
12.	If the generator self-transport used oil to an approved collection site or to an aggregation point owned by the generator: [3745-279-24]	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
a.	Does the generator transport used oil in a vehicle owned by the generator or an employee of the generator?[3745-279-24]	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
b.	Does the generator transport more than 55 gallons of used oil at any time?[3745-279-24]	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>

*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**

13.	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 <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
14.	Is the non-DIY used oil collection center registered with Ohio EPA? [3745-279-31]	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
15.	Is the used oil aggregation point in compliance with the generator standards in 3745-279-20 to 3745-279-24? [3745-279-32]	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>

*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.*

Note on #11 – They have not shipped used oil since they took over the business in June 2008.

**CONDITIONALLY EXEMPT SMALL QUANTITY GENERATOR REQUIREMENTS  
COMPLETE AND ATTACH A PROCESS, WASTE, P2 SUMMARY SHEET**

CESQG: ≤ 100Kg. (Approximately 25-30 gallons) of waste in a calendar month or < 1 Kg. of acutely hazardous waste.  
 SQG: Between 100 and 1,000 Kg. (About 25 to under 300 gallons) of waste in a calendar month.  
 LQG: ≥ 1,000 Kg. (~300 gallons) of waste in a calendar month or ≥ 1 Kg. of acutely hazardous waste in a calendar month.

NOTE: To convert from gallons to pounds: Amount in gallons x Specific Gravity x 8.345 = Amounts in pounds.

Safety Equipment Used:

**WASTE EVALUATION**

1.	Have all wastes generated at the facility been adequately evaluated? [3745-52-11]	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
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**GENERATOR CLASSIFICATION**

2.	Does the generator produce <100 kg. of hazardous waste per month? [conditionally exempt small quantity generator ("CESQG")]	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
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NOTE: If quantities of hazardous waste accumulated on-site at any one time exceed 1,000 Kg. - or the generator produces between 100 and 1,000 Kg. of hazardous waste per month, it is operating as a Small Quantity Generator ("SQG"). If so, complete the Small Quantity Generator Requirements checklist.

**OFF-SITE SHIPMENT OF HAZARDOUS WASTE**

3.	Does the CESQG ensure delivery of hazardous waste(s) to an off-site permitted TSD? [3734.02(F)]	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
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**TREATMENT OF HAZARDOUS WASTE**

4.	Does the generator treat hazardous waste in a:	no		
a.	Container that meets 3745-66-70 to 3745-66-77?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
b.	Tank that meets 3745-66-90 to 3745-66-101 except 3745-66-97(C)?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
c.	Drip pads that meet 3745-69-40 to 3745-69-45?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
d.	Containment building that meets 3745-256-100 to 3745-256-102?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>

NOTE: Complete appropriate checklist for each unit.

NOTE: If the CESQG conducts treatment they are subject to the LQG requirements.

NOTE: If waste is treated to meet LDRs, use LDR checklist.

Note on #3: parts washer waste is mixed in with used oil that is picked up by Akron Canton Waste Oil

