Ohio Environmental Protection Agency
John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

September 20, 2012

RE: 8003 BROADWAY AVENUE
OHR000171215
CUYAHOGA COUNTY
NOTICE OF VIOLATION

Denise Lorek
19706 Cherokee Ave.
Cleveland, OH 44119

Jesse Colvin
9714 Plymouth
Garfield Heights, OH 44125

Dear Ms. Lorek and Mr. Colvin:

I have enclosed copies of letters I wrote to Frederick's Auto and to Above the Rest Automotive. Both of these businesses were located at 8003 Broadway Avenue, Cleveland, Ohio. I understand that Frederick's Auto has been evicted. I also understand that Ms. Lorek is the property manager for the owner of this property and that Mr. Colvin is operating a business at this location. The hazardous waste rules are written so that both the owner and operator are responsible for compliance. Therefore, this notice of violation letter is being sent to you.

1. **OAC Rule 3745-279-24 – Off-site shipments of used oil by generators.**
This rule requires that generators ensure that their used oil is transported only by transporters who have obtained US EPA identification numbers, unless the generator qualifies for an exemption listed in this rule.

   All used oil stored at this location must now be picked up by a used oil hauler that has obtained a US EPA identification number. There is one container inside and one outside that appear to contain used oil. Please send me a copy of the shipping paper when this used oil is picked up. A list of registered used oil transporters is enclosed.

2. **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.

   Once the used oil in the container outside has been shipped, then the use oil contamination at its base must be cleaned up. Please send me a photograph showing that this has been done or call me to come out and inspect it. It is suggested that used oil be stored inside if possible.

Northeast District Office
2110 East Aurora Road
Twinsburg, OH 44087-1924

330 | 963 1200
330 | 487 0769 (fax)
www.epa.ohio.gov

3. **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:

Identifying Your Hazardous Waste, 2010
http://www.epa.ohio.gov/portals/41/sb/publications/identifyingwaste.pdf

You must determine whether the liquid waste in the floor pits is a hazardous waste. 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.

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 document 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.

4. **OAC Rule 3745-51-05 – Special requirements for hazardous waste generated by conditionally exempt small quantity generators.**
This rule requires that hazardous waste generated by a conditionally exempt small quantity generator (less than 220 pounds per month), in general, be shipped to a facility that has a hazardous waste treatment, storage or disposal permit.

I saw a green, metal drum inside this building. Fred Wilson of Frederick's Auto told me this contains waste cleanup solvent mostly generated by the previous tenant called Fair Collision, but that he also added some waste cleanup solvent generated from his painting. 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.

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.

Sincerely,

Robert Almquist

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: Frank Schuschu, Northeast Ohio Regional Sewer District
Fred Wilson, Frederick's Auto
Chris Parr, Parr Auto Body

Ohio | 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. <u>OAC Rule 3745-52-11 – Hazardous waste determination.</u>
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:

Northeast District Office
2110 East Aurora Road
Twinsburg, OH 44087-1924

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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

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.

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.

Sincerely,

Robert Almquist

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

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

August 6, 2012

RE: ABOVE THE REST AUTOMOTIVE
OHR 000171215
CUYAHOGA COUNTY
NOTICE OF VIOLATION

Jesse Colvin
9714 Plymouth
Garfield Heights, OH 44125

Dear Mr. Colvin:

On July 16, 2012, I inspected Above the Rest Automotive at 8003 Broadway Avenue, Cleveland, Ohio 44105. The purpose of this was to determine if this facility was in compliance with Ohio's hazardous waste, universal 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).

Based on the inspection, it appears that Above the Rest Automotive does not normally generate hazardous waste but does generate used oil.

The following violation was found:

1. **OAC Rule 3745-279-22(C) - Used oil labels.**
This rule requires containers of used oil to be labeled or marked clearly with the words "Used Oil."

   Above the Rest Automotive violated this rule by having a container of used oil that was not labeled as used oil. We corrected this during the inspection.

2. **OAC Rule 3745-279-24 – Off-site shipments of used oil by generators.**
This rule requires that generators ensure that their used oil is transported only by transporters who have obtained US EPA identification numbers, unless the generator qualifies for an exemption listed in this rule.

   The used oil stored in the container mentioned above must now be picked up by a used oil hauler that has obtained a US EPA identification number. You may want to coordinate this pickup with Frederick's Auto and/or Tech II Towing and Repair. Please send me a copy of the shipping paper when this used oil is picked up. A list of registered used oil transporters was given to you during the inspection.

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.

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The following additional documents were given to you during the inspection:

Identifying Your Hazardous Waste, 2010
http://www.epa.ohio.gov/portals/41/sb/publications/identifyingwaste.pdf
Ohio's Universal Waste Rules: Are You Handling Used Lamps Correctly?, 2010
http://www.epa.ohio.gov/portals/41/sb/publications/Lampcompliancechecklist.pdf
The Regulation of Used Oil: An Overview for Ohio Businesses Who Generate Used Oil, 2006
http://epa.ohio.gov/portals/32/pdf/Used_Oil_Generators_Guidance.pdf
Office of Compliance Assistance and Pollution Prevention
http://epa.ohio.gov/portals/41/p2/P2OnsiteBrochure.pdf

Other information and suggestions:

- Ohio EPA's Office of Compliance Assistance and Pollution Prevention (OCAPP) provides compliance and pollution prevention assistance on environmental issues (including sources of funding) related to air, land, and water. They can be contacted at (800) 329-7518, or http://www.epa.ohio.gov/Default.aspx?alias=www.epa.ohio.gov/ocapp.

- ENERGY STAR is a government-backed program helping businesses and individuals protect the environment through superior energy efficiency. Their website is http://www.energystar.gov/.

- The Clean Air Resource Center offers help in understanding EPA air quality requirements. In addition, if your business is required to purchase new equipment, they can offer better-cost financing with special tax incentives. Their phone number is (800) 225-5051 and website is http://www.ohioairquality.org/.

- Ohio Bureau of Workers' Compensation has an OSHA On-Site Consultation service which includes free on-site safety inspections and consultation, safety program assistance, and safety and hygiene training or seminars. More information can be found at: http://www.ohiobwc.com/employer/programs/safety/SandHOSHAOnSite.asp.

If you have any questions, please contact me at (330) 963-1217, or 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