Environmental
Protection Agency

Ted Strickland, Governor
Lee Fisher, Lt. Governor
Chris Korleski, Director

September 13, 2010

RE: MASSEY & SONS AUTOBODY
SUMMIT COUNTY
COMPLAINT 7361
CESQG, NOV
OHR 000 165 688

James Massey
Massey & Sons Autobody
1338 Newton Street
Akron, OH 44305

Dear Mr. Massey:

On September 1, 2010, this writer, representing the Ohio Environmental Protection Agency (Ohio EPA), Division of Hazardous Waste Management, conducted a complaint inspection (CEI) at Massey & Sons Autobody in Akron, Ohio. The facility was inspected to determine its compliance with Ohio's hazardous waste laws as found in Chapter 3734 of the Ohio Revised Code (ORC), and the rules promulgated thereunder in Chapter 3745 of the Ohio Administrative Code (OAC).

The complaint alleged that the facility was allowing automotive oils to release onto the surrounding soils. The complaint was verified through observation of physical evidence (i.e. stained soils) on the property.

Ohio EPA identified the following violations of Ohio's hazardous waste laws. In order to correct the violations listed below, the facility must do the following and send me the requested information **within 30 days** of the date of this letter.

1. Used Oil Labeling, OAC rule 3745-279-22(C)(1):
Containers used to store used oil at generator facilities must be labeled or clearly marked with the words "used oil."

The facility failed to label the following used oil containers:

(a) six, 55-gallon drums;
(b) one, 30-gallon drum; and
(c) five, 5-gallon containers.

In order to abate this violation, the facility must submit photographs demonstrating the containers are properly labeled as "used oil."

In addition, the facility should arrange for the off-site shipment of the used oil to a recycling facility. Please submit paperwork demonstrating the used oil was sent off-site. A list of recycling facilities was provided to you.

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

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

2. Response to Releases of Used Oil, OAC rule 3745-279-22(D):
Upon detection of a release of used oil, the generator must perform the following cleanup steps: stop the release; contain the released used oil; cleanup and properly manage the used oil and other materials; and, if necessary, repair or replace leaking containers.

The facility failed to cleanup and properly manage releases of used oil to on-site soils.

In order to abate this violation, the facility must remove all oil-stained soils from the property and send it off-site for disposal to an approved landfill.

In order to verify this has been done, the facility must submit photographs demonstrating all oil-stained soil has been removed or notify Ohio EPA for a re-inspection prior to backfilling with new soil.

3. Waste Evaluation, OAC rule 3745-52-11:
Any person who generates a waste, as defined in OAC rule 3745-51-02, must determine if that waste is a hazardous waste.

The facility failed to evaluate spent fluorescent lamps prior to disposal.

Upon generation, you indicated that the facility would start managing the lamps in accordance with the universal waste regulations (collecting them in box and send them for recycling). **Based upon this information, this violation is abated.** Information on the universal waste requirements and a list of lamp recyclers is enclosed.

Comments:

4. The facility uses solvent to clean paint guns. You stated that all paint and solvent is reused and no waste is generated. Please be aware that any spent solvent or paint that cannot be re-used must be properly evaluated to determine if it is a hazardous waste and it must be sent to an approved facility for disposal.

5. The following technical assistance documents were provided to you during the inspection:

- Regulation of Used Oil; and
- Environmental Compliance Guide for Auto Repair Shops.

Ohio EPA's Office of Compliance Assistance and Pollution Prevention (OCAPP) provides free compliance and pollution prevention assistance on environmental issues related to air, land, water, and energy. As indicated during the inspection, please feel free to contact me or OCAPP should your facility be interested in these services. OCAPP may be contacted at: 800-329-7518 or http://www.epa.ohio.gov/ocapp.

The Division of Hazardous Waste Management has created an electronic news service to provide you with updates related to hazardous waste activities in Ohio. You can find more information and sign up for this free service at the following Web link http://ohioepa.custhelp.com/cgi-bin/ohioepa.cfg/php/enduser/doc_serve.php?2=subscriptionpage.

Enclosed you will find a copy of the checklists that were completed as a result of the inspection. Should you have any question, please feel free to call me at (330) 963-1278. You can find copies of the rules and other information on the DHWM's web page at http://www.epa.ohio.gov/dhwm

Sincerely,

Wade Balser
District Representative
Division of Hazardous Waste Management

WB:ddw

Enclosure

cc: Natalie Oryshkewych, DHWM, NEDO
ec: Nyall McKenna, DHWM, NEDO
David Frieman, City of Akron

NOTICE: Ohio 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.