

Department:

Subdepartment:

DMWM

DMWM - Hazardous Waste

Program:

<NONE>

Office Location:

Medium:

CDO

LAND

Doc Type:

Doc. subtype:

NOV

<NONE>

Facility County:

Facility ID:

AD - MADISON

OHD018205377

Date:

8/30/2012

Facility/Site/Location/Regulated Entity Name:

TOM WHITESIDE AUTO SALES INC

Your input is 28 characters long (Max 40).

Facility Address 1:

15921 US ROUTE 62

Your input is 17 characters long (Max 40).

Facility Address 2:

Your input is 0 characters long (Max 40).

Facility City:

MOUNT STERLING

Facility State:

Facility ZIP: (00000 or 00000-0000)

OH

43143

Mailing Name:

TOM WHITESIDE AUTO SALES INC

Your input is 28 characters long (Max 40).

Mailing Address 1:

PQ BOX 253

Your input is 10 characters long (Max 40).

Mailing Address 2:

Your input is 0 characters long (Max 40).

Mailing City:

MOUNT STERLING

Mailing State/Province:

Mailing ZIP: (00000 or 00000-0000 or X0X0X0)

OH

43143

Project Name:

Project Type:

Latitude:

Longitude:



Environmental
Protection Agency

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

August 30, 2012

Mr. Gus Whiteside
Tom Whiteside Auto Sales, Inc.
P.O. Box 253
Mt. Sterling, OH 43143

Re: **Complaint Investigation**
Tom Whiteside Auto Sales, Inc.
OHDP0182053 17
CESQG – Madison County
NOV and RTC

Dear Mr. Whiteside:

On July 10, 2012, Ohio EPA received an anonymous complaint regarding the Tom Whiteside Auto Sales, Inc. (TWASI) facility located at 15921 US Route 62, Mt. Sterling, OH 43143 in Madison County. The complainant reported that a dealership employee was overheard telling another person that automotive fluids were being disposed down the drain because it cost too much to appropriately dispose of them.

On August 23, 2012, Andy Maneff and I went to the TWASI facility to investigate the complaint allegations. On this day we met with you and discussed facility operations and waste management practices, reviewed associated documentation, and walked the facility.

Based on the findings of this investigation, it has been determined that TWASI was in violation of the following used oil rule, as found in the Ohio Administrative Code (OAC):

OAC Rule 3745-279-22(C)(1), Used Oil Storage Requirements for Generators:
Containers and aboveground tanks used to store used oil at generator facilities must be labeled with the words "Used Oil."

The poly tank used for accumulation of used oil was not appropriately labeled at the time of the investigation. Prior to leaving the facility, this tank was appropriately labeled.

No further action is required regarding this violation and TWASI is returned to compliance.

General Comments

Although not a specific requirement for a conditionally exempt small quantity generator, the drums containing hazardous waste should be labeled with words identifying the contents as hazardous waste for safety purposes. In the event off-site personnel should be asked to respond to an incident at the facility, they would not know the contents of these containers of hazardous waste if there is no type of labeling.

I have included the following documents for your review:

- *Universal Waste, August 2011;*
- *Management of Electronic Waste from Businesses, August 2004;*
- *Managing Used Oil Filters at an Automotive Repair Shop, May 2007;* and
- *Aerosol Can Questions, Notifier-Winter 2006.*

Also, please find enclosed checklists completed as a result of the complaint investigation. Should you have any questions, I can be reached by telephone at 614-728-5037. You may find other helpful information on Ohio EPA's web site, which can be found at: <http://www.epa.state.oh.us/>.

NOTICE: Ohio EPA's failure to list specific violations or deficiencies in this letter does not relieve TWASI from having to comply with all applicable rules and regulations.

Respectfully,



Randy Sheldon
Environmental Specialist
Division of Materials and Waste Management
Central District Office

Enclosures

C: DMWM; CDO File

FIELD ACTIVITY REPORT – COMPLAINT INVESTIGATION

On July 10, 2012, an anonymous complainant called Ohio EPA and alleged that Whiteside Chrysler/Dodge in Mt. Sterling, OH, Madison County was disposing of auto fluids down the drain because all were too expensive to properly dispose. The complainant said a car dealership employee was overheard while talking to another person that the improper disposal actions were taking place.

On August 23, 2012, Andy Maneff and I went to the Whiteside auto dealership to investigate the complaint allegations. We met with Mr. Gus Whiteside, owner. The dealership is located at 15921 US Route 62, Mt. Sterling, OH 43143. Hazardous waste generator identification number OHD018205377 was issued to the dealership. Whiteside was previously inspected as a small quantity generator of hazardous waste. At the time of this investigation, Whiteside was determined to be operating as a conditionally exempt small quantity generator of hazardous waste (i.e., 220 gallons shipped every 12 to 18 months over last 3 years; review of manifests and current accumulation). Whiteside both services and/or paints vehicles at this location. The main service department is connected to the sales building while 3 other buildings are used for auto body work and/or painting and some servicing.

Paint wastes are collected in 55-gallon containers in each building, and when filled, they are taken outside and accumulated on a concrete pad until there is sufficient quantity for shipping and disposal. The paint wastes are coded D001, D035, F003, F005 and have been managed by Onyx (NKA) Veolia Environmental Services in the past. A single 55-gallon container was in the accumulation area at the time of the investigation. The container had no labeling and Mr. Whiteside was told it would be best if the container was labeled with words indicating the contents were hazardous waste.

Used oil is accumulated in an aboveground poly-tank. Capital City Oil manages the used oil from the facility. This tank was not labeled with the words "Used Oil," as required. Prior to leaving the facility, the tank was appropriately labeled.

A ZEP parts cleaner, with 143 degree F flash solvent, is used and is serviced by ZEP. A puck/disc produced by this machine is managed as non-hazardous waste, per information supplied by ZEP. Used oil filters are hot-drained for at least 3 hours and then disposed in the regular trash.

Batteries are managed through Chrysler/Dodge and Interstate Batteries, per corporate agreement.

Facility lighting was recently retrofitted with new ballasts and bulbs. The bulbs reportedly have been guaranteed for at least 3 years of use by the supplier.

Antifreeze is recycled on-site and then reused.

Mr. Whiteside stated that many years ago they simply disposed of paint wastes, degreasers, oil, etc. onto the ground, prior to EPA existence. Later, they attempted to drill a water well and found contamination in the soils at ~15 feet below ground surface in the area. He said he is now very conscientious about the environment and ongoing operations at the dealership.

Send to Central Office <input type="checkbox"/>	Ohio Environmental Protection Agency RCRA SUBTITLE C SITE IDENTIFICATION/VERIFICATION FORM	For Ohio EPA use only
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Completed verification forms required to be submitted to CO should be e-mailed to brd.houser@epa.state.oh.us.

Site EPA ID No.	EPA ID Number: OHD018205377							
Site Name	Name: Tom Whiteside Auto Sales, Inc.				Website: (Optional)			
Site Location Information	Street Address: 15921 US Route 52							
	City, Town, or Village: Mount Sterling				State: OH			
	County Name: Madison							
Site Land Type (check only one)	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"/>
NAICS code(s)								

Facility Representative	First Name: Gus		MI:	Last Name: Whiteside			
	Title: Manager						
Additional contact information recorded in number 12	Phone Number: 740-869-2296				Phone Number Extension:		
	E-Mail Address:						
Only provide address information if it is different from the site address	Fax Number: 740-869-2074				Fax Number Extension:		
	Street or P.O. Box: PO Box 253						
	City, Town or Village: Mount Sterling				State: OH		
					Zip Code: 43143		

Legal Owner And Operator of the Site. List Additional Owners and/or Operators in the Comment Section or on another copy of this form page	Name of Site's Legal Owner: Thomas A. Whiteside				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: 85 South London Street								
	City, Town or Village: Mount Sterling				Owner Phone #:				
	State: OH				Country: USA		Zip Code: 43143		
	Name of Site's Operator: Tom Whiteside Auto Sales, Inc.				Date Became Operator (mm/dd/yyyy):				
	Operator 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: PO Box 253								
	City, Town or Village: Mount Sterling				Operator Phone #: 740-869-2296				
	State: OH				Country: USA		Zip Code: 43143		

VIOLATIONS CITED? Yes No

TYPE OF HANDLER - MARK "X" AS APPROPRIATE

<input type="checkbox"/> Not a HW Generator	<input type="checkbox"/> UNKNOWN: Cited for violation of 3745-52-11	<input type="checkbox"/> Large Quantity Generator (LQG)
	<input type="checkbox"/> Short-Term/Temporary Generator (generates from a short-term or one-time event and not from on-going processes). Check the box for the applicable generator status and provide a comment.	<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

TYPE OF REGULATED WASTE OR WASTE TANK (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

UNIVERSITY WASTE HANDLERS (CHECK ALL THAT APPLY)

<input 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 (a quantity of 5,000 lbs. or more)	

APPLY TO WASTE TYPES (CHECK ALL THAT APPLY)

<input type="checkbox"/> Paints
<input type="checkbox"/> Pesticides
<input type="checkbox"/> Mercury containing equipment
<input type="checkbox"/> Filters

USED OIL (CHECK ALL THAT APPLY)

<input checked="" type="checkbox"/> Used Oil Generator
<input type="checkbox"/> Used Oil Transporter
<input type="checkbox"/> Used Oil Transfer Facility
<input type="checkbox"/> Used Oil Processor
<input type="checkbox"/> Used Oil Re-refiner
<input type="checkbox"/> Off-Specification Used Oil Burner
<input type="checkbox"/> Used Oil Fuel Marketer who directs shipment of Off-Spec Used Oil
<input type="checkbox"/> 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 taking into managing laboratory hazardous waste pursuant to OAC rules 3745-52-200 through 3745-52-210. Check the checked below to indicate the notification type.

<input type="checkbox"/> College or University
<input type="checkbox"/> Teaching hospital that is owned by or has a formal written affiliation agreement with a college or university
<input type="checkbox"/> 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 this 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.

D001 D035 F003 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:
Tanks	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
Containers	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	

Name of Inspector(s)	Name of Inspector(s)	Date of Inspection/Time (mm/dd/yyyy) (hh:mm)
R Sheidon	P A Maneff	08/23/2012 11:30 AM

Comments:
Hazardous paint waste accumulated in 55-gallon containers; used oil accumulated in aboveground tank. No universal waste in accumulation, lighting and fixtures reportedly recently replaced and all to be managed by supplier. Guidance documents for universal wastes, e-wastes, and recycling of used oil filters provided.

**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 checked="" type="checkbox"/>	No <input 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 checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
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TREATMENT OF HAZARDOUS WASTE

4.	Does the generator treat hazardous waste in a:			
	a. Container that meets 3745-66-70 to 3745-66-77?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" 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 checked="" 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 checked="" 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 checked="" 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.

MIX HAZARDOUS WASTE WITH USED OIL

5.	Does the CESQG mix its hazardous waste with used oil for the purpose of burning for energy recovery? [3745-51-05(J)] If so:	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
	a. Does the CESQG manage the mixture in accordance with 3745-279-21?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>

**USED OIL INSPECTION CHECKLIST
GENERATORS, COLLECTION CENTERS AND AGGREGATION POINTS**

NOTE: 1. 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.

2. Inspectors can check BUSTR's web-site at https://www.comapps.ohio.gov/sfm/fire_apps/bust/bustr/PublicInquiry.asp to determine if a UST containing used oil is registered with BUSTR. Inspectors may call BUSTR at 614-752-7938 or a BUSTR site coordinator to report an unregistered UST or a UST that appears to not be in compliance with BUSTR regulations. A list of BUSTR coordinators by county are at: https://www.comapps.ohio.gov/sfm/fire_apps/bust/bustr/SearchByCounty.asp.

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 type="checkbox"/> N/A <input checked="" 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 type="checkbox"/> N/A <input checked="" 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 type="checkbox"/> No <input checked="" 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 type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" 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 type="checkbox"/> N/A <input checked="" 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 checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
	a. Stopped the release?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
	b. Contained the release?	Yes <input checked="" 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 checked="" type="checkbox"/> No <input 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 checked="" 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 type="checkbox"/> N/A <input checked="" 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 checked="" 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 checked="" type="checkbox"/>
<i>NOTE: Ash accumulated in a space heater must be managed in accordance with 3745-279-10(E)</i>		
GENERATOR TRANSPORTATION		
11.	Does the generator have the used oil hauled only by transporters that have obtained a U.S. EPA ID#? [3745-279-24]	Yes <input checked="" 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]	
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 checked="" 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 checked="" type="checkbox"/>
<i>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).</i>		
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 checked="" 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 checked="" 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 checked="" type="checkbox"/>
<i>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.</i>		