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

September 28, 2012

RE: PIKE COUNTY
GENERAL FILE
(HEISTAD'S WRECKER SERVICE)
DMWM-SEDO
NON-NOTIFIER

Mr. Jeff Heistad
Heistad's Wrecker Service
14467 U.S. Route 23 North
Waverly, Ohio 45690

CERTIFIED MAIL
#7010 2780 0001 9704 4275

Dear Mr. Heistad:

On May 31, 2012, Vicky German and I inspected Heistad's Wrecker Service in Waverly, Ohio. Based on the inspection, I sent you Notice of Violation (NOV) letters on June 1, 2012 and July 9, 2012, specifying the violations observed during the inspection.

On September 11, 2012, Dan Bergert-Ohio EPA, Division of Materials and Waste Management-Solid Waste and Kevin Aston, of the Pike County General Health District, and I inspected your facility to determine Heistad's Wrecker Service's compliance with Ohio's solid and hazardous waste laws as found in Chapter 3734 of the Ohio Revised Code (ORC) and Chapter 3745 of the Ohio Administrative Code (OAC). Heistad's Wrecker Service has failed to respond to the June 1, 2012 or July 9, 2012 NOV letters and remains in violation of the following:

1. **Used oil storage requirements for generators, OAC Rule 375-279-22(C)(1)**: Containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words "Used Oil."

   I understand that you took pictures in response to my earlier NOVs but they were never sent to me. During the September 11, 2012 inspection, some of the used oil tanks were labeled; however, the used oil tank in the frame repair building was not labeled as required above. To demonstrate compliance with this rule, the tank must be labeled appropriately and photographic documentation must be sent to this office for review.

2. **Used oil storage requirements for generators, OAC Rule 375-279-22(D)**: Upon detection of a release of used oil to the environment a generator shall clean up and manage properly the release used oil and other materials.

I understand that you took pictures in response to my earlier NOVs but they were never sent to me. During the September 11, 2012 inspection, used oil contamination was observed around the frame repair building. The contaminated soil around the car crusher had been removed since the initial inspection. As required by this rule, the used oil

contaminated soil must be cleaned up. To demonstrate compliance with this rule, photographic documentation must be submitted to Ohio EPA demonstrating that the contaminated soil has been cleaned up properly.

During our September 11, 2012 inspection, we also observed scrap tires at multiple locations throughout the property. Mr. Bergert spoke with you following the inspection about this issue.

Ohio's scrap tire laws allow auto salvage dealers to store scrap tires outside in one pile not to exceed 2500 square feet in area. However, the tires must either be kept dry or treated with an insecticide larvicide to prevent mosquito larvae from growing in them. We observed one pile about 2500 square feet on the west side of your primary building at the north end of the property. Mosquito larvae were observed within the tires in this pile. We also saw multiple locations throughout the property of both scattered tires and piles.

Scrap tires are a solid waste and must be properly stored and managed in accordance with OAC Rule 3745-27-60. Improper storage of scrap tires is considered open dumping of solid waste and is a violation of the Ohio Administrative Code.

Based on our observations, you are in violation of open dumping of solid waste in accordance with Chapter 3734 of the Ohio Revised Code (ORC) and Chapters 3745-27 of the Ohio Administrative Code (OAC). Specifically:

ORC 3734.03 - No person shall dispose of solid wastes by open dumping or open burning.

OAC Rule 3745-27-05(C) - No person shall conduct, permit, or allow open dumping. In the event that open dumping is occurring or has occurred at a property, the person(s) responsible for the open dumping, the owner of the property, or the person(s) who allow or allowed open dumping to occur, shall promptly remove and dispose or otherwise manage the solid waste in accordance with Chapter 3734. of the Revised Code, and shall submit verification that the solid waste has been properly managed.

OAC Rule 3745-27-60(B) states that "The storage of scrap tires in any amount outside or inside a trailer, vehicle, or building shall be deemed a nuisance, a hazard to public health or safety, or fire hazard unless the tires are stored in accordance with the following standards":

OAC Rule 3745-27-60(B)(1) states that sufficient drainage shall be maintained such that water does not collect in the area where scrap tires are stored. Your scrap tires are not being stored with sufficient drainage such that water does not collect in the tires. Water was observed in the scrap tires.

OAC Rule 3745-27-60(C) states that approved methods shall be used to control mosquitos at the premises. No mosquito control activity has been used at the site.

The scrap tire situation throughout the property is in violation of OAC Rule 3745-27-60(B) and (C), and is a nuisance, a hazard to public health or safety, and a fire hazard.

Within fifteen (15) days of receipt of this letter, Heistad's Wrecker Service is requested to

provide documentation to this office verifying abatement of the aforementioned violations. Failure to redress listed violations and respond within this timeframe may result in escalated enforcement against Heistad's Wrecker Service for violation of Chapter 3734. (or 3714.) of the Ohio Revised Code, which carries a civil penalty of up to $10,000 per day for each violation. Documentation of steps taken to return to compliance includes written correspondence, updated policies, and photographs, as appropriate, and may be submitted electronically to melody.stewart@epa.ohio.gov and dan.bergert@epa.ohio.gov. If Heistad's Wrecker Service is unable to return to compliance within the fifteen (15) day timeframe, please contact Melody Stewart at (740) 380-5256 or Dan Bergert at (740) 380-5438.

Nothing in this letter shall be construed to authorize any waiver from the requirements of any applicable state or federal laws or regulations. This letter shall not be interpreted to release the owner or operator, or others, from responsibility under Chapters 3704, 3714, 3734, or 6111 of the Ohio Revised Code or under the Federal Clean Water Act, Resource Conservation and Recovery Act, or Comprehensive Environmental Response, Compensation, and Liability Act for remedying conditions resulting from any release of contaminants to the environment.

If you have any questions regarding this letter, please call me at (740) 380-5256 or Dan at (740) 380-5438.

Sincerely,

Daniel A Bergert for

Melody Stewart
District Representative
DMWM-Hazardous Waste

MS/mr

cc: Dan Bergert, SEDO-DMWM-Solid Waste

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 appropriate regulations.