



State of Ohio Environmental Protection Agency

Northwest District Office

347 North Dunbridge Road
Bowling Green, OH 43402-9398

TELE: (419) 352-8461 FAX: (419) 352-8468
www.epa.state.oh.us

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

**RE: American Pennzoil
Allen County
DHWM, NWDO
Complaint #2574
Notice of Violation**

September 26, 2007

Mr. Jeff Ciminillo
American Pennzoil
2919 West Elm Street
Lima, OH 45805

Dear Mr. Ciminillo:

On September 13, 2007, Gary Deutschman and I investigated a complaint at American Pennzoil's (AP's) facility located at 2919 West Elm Street, Lima, Ohio. According to the complaint received by the Ohio Environmental Protection Agency (Ohio EPA), the complainant alleged that AP was dumping used oil filters into the dumpster without draining them prior to disposal. This letter will explain the validity of the complaint, the other violation found at the facility, and what you need to do to respond to this violation.

AP operates a quick, drive-in automotive oil changing facility. The majority of the used oil generated at this facility is burnt on-site. However, excess used oil that will not be burnt on-site during the year is shipped off-site.

Complaint

Upon Ohio EPA's arrival to the site, you gave us permission to inspect the used oil area and the garbage bin located behind the store. Upon opening the garbage bin several punctured, drained oil filters were found. You then accompanied us to the basement of the facility where four punctured oil filters were being drained into a pan that was connected to a five gallon bucket. At the time of the inspection you stated that it was normal practice to puncture and drain the oil filters prior to disposing of them in the garbage bin. As such, I have found no evidence to substantiate the complaint allegations. This complaint is considered closed. However, Ohio EPA does recommend that AP begin to recycle their used oil filters instead of disposing of them as solid waste. For more information on recycling used oil filters, please refer to the following Ohio EPA web site:<http://www.epa.state.oh.us/opp/recyc/oiltrans.html>.

Mr. Jeff Ciminillo
September 26, 2007
Page 2

Violation

1. **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 or marked clearly with the words "Used Oil."

AP failed to mark the following used oil containers with the words "Used Oil": 17 totes located in the used oil storage area behind the store; one, 55 gallon drum located in the basement; two, 5 gallon buckets in the basement; and one large tank located in the basement.

To abate this violation, AP must immediately mark these containers with the words "Used Oil". AP must document that this task has been completed by photographing the containers and submitting the photographs to Ohio EPA's Northwest District Office **within 30 days of receipt of this letter.**

At the time of inspection, you stated that you were unsure how AP was managing their spent lamps. AP should be aware that if you decide to change any of the spent lamps at the facility, these lamps should be managed and disposed of in one of two ways. These spent lamps should each be analyzed and managed as a hazardous waste if shown to contain hazardous levels of any of the Resource Conservation and Recovery Act (RCRA) metals, or, these lamps should be managed and disposed as universal waste. For more information on waste lamps and how to properly handle this waste stream, I have enclosed Ohio EPA's fluorescent lamp fact sheet.

Ohio EPA will issue an EPA ID number to track our inspection activity at AP. AP can not use this number for manifesting hazardous waste shipments. If AP wants to use an EPA ID number for manifesting and other hazardous waste, used oil or universal waste activities, AP must complete and submit a Notification of Regulated Waste Activity form (EPA Form 9029 (Rev. 11/2002)) to Ohio EPA. This form is available on our Web page at <http://www.epa.state.oh.us/dhwm/notiform.html> or AP can call me at (419) 373-3065 or the Division of Hazardous Waste Management, Central Office, RIS at (614) 644-2977 and we will mail you a copy.

Mr. Jeff Ciminillo
September 26, 2007
Page 3

Should you have any questions or if I can be of assistance, please contact me at (419) 373-3065. All requested information should be sent to Ohio EPA, Northwest District Office, Attn: Kara Reynolds, 347 North Dunbridge Road, Bowling Green, Ohio 43402

Sincerely,

Kara Reynolds

Kara Reynolds
Environmental Specialist
Division of Hazardous Waste Management

/csl

Enclosure

cc: Colleen Weaver, DHWM, NWDO
Kara Reynolds, DHWM, NWDO
Cindy Lohrbach, DHWM, NWDO
DHWM, NWDO Allen County File: Allen County General 2005-

ec: Gary Deutschman, DHWM, NWDO

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.

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

For Ohio EPA use only

E-mail this completed form to
tammy.mcconnell@epa.state.oh.us or mail it to Tammy
 McConnell, Central Office

2. Site EPA ID No.	EPA ID Number:								
3. Site Name	Name: American Pennzoil					Website: (Optional)			
4. Site Location Information	Street Address: 2919 West Elm Street								
	City, Town, or Village: Lima				State: OH				
	County Name: Allen				Zip Code: 45805				
5. Site Land Type (check only one)	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"/>	
6. NAICS code(s) www.census.gov/epcd/www/naics.html									
7. Facility Representative Additional names can be recorded in number 12 Only provide address information if it is different than the site address	First Name: Jeff			MI:	Last Name: Ciminillo				
	Phone Number: 419-303-3990				Phone Number Extension:				
	E-Mail Address:								
	Fax Number: 419-224-4003				Fax Number Extension:				
	Street or P.O. Box:								
	City, Town or Village:								
	State:			Country:		Zip Code:			
8. 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:				Date Became Owner (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:				Owner Phone #:				
	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:				
9. Violations Cited?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No								
10A. Type of Regulated Waste Activity (Mark "X" in all of the appropriate boxes)									
<input type="checkbox"/> Not Regulated				<input 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)									
<input type="checkbox"/> Hazardous Waste Transporter				<input type="checkbox"/> Exempt Boiler and/or Industrial Furnace					
<input type="checkbox"/> Treater, Storer or Disposer of Hazardous Waste				<input type="checkbox"/> Small Quantity On-Site Burner Exemption					
<input type="checkbox"/> Recycler of Hazardous Waste				<input type="checkbox"/> Smelting, Melting, Refining Furnace Exemption					
<input type="checkbox"/> Underground Injection Control Facility									

10B. Universal Waste Activities (Indicate types of universal waste managed (check all boxes that apply))

<input type="checkbox"/> Small Quantity Handler of Universal Waste	<input type="checkbox"/> Large Quantity Handler of Universal Waste (accumulates 5,000 kg. or more)
<input type="checkbox"/> Destination Facility for Universal Waste	

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

Managed	10C: Used Oil Activities (Indicate Type(s) of Activity(ies))		
Batteries	<input type="checkbox"/>	<input checked="" type="checkbox"/> Used Oil Generator	<input type="checkbox"/> Off-Specification Used Oil Burner
Pesticides	<input type="checkbox"/>	<input type="checkbox"/> Used Oil Transporter	<input type="checkbox"/> Used Oil Fuel Marketer Who Directs Shipment of Off-Spec. Oil
Mercury containing equipment	<input type="checkbox"/>	<input type="checkbox"/> Used Oil Transfer Facility	<input type="checkbox"/> Used Oil Fuel Marketer to Off-Specification Used Oil Burner
Lamps	<input type="checkbox"/>	<input type="checkbox"/> Used Oil Processor	
		<input type="checkbox"/> Used Oil Re-refiner	

11. Waste Codes for Federally Regulated Hazardous Wastes. Please list the codes for the federally regulated hazardous waste handled at the site. List them in the order they are presented in the regulations (e.g., D001, D003, F007, U112). Use an additional page if more space is needed. If there are more than 7 waste codes and they are the same as listed in the most recent RCRA Info source record, you do not need to list them all. Instead just indicate the date of the most recent source record.

12. Comments. Use this area to describe when 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 type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Other Comments:
Containers	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	

13. Name of Inspector(s)	Name of Inspector(s)	Date of Inspection/Time (mm/dd/yyyy) (hh:mm)
Kara Reynolds	Gary Deutschman	9/13/2007 10:45 AM

14. OPTIONAL CERTIFICATION: I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature of Owner, Operator, or an Authorized Representative	Name and Title (Print)	Date (mm/dd/yyyy)

PROCESS, WASTE, P2 SUMMARY SHEET

Facility Name: American Pennzoil Facility Type: Used Oil Generator Date of Complaint Investigation: 09-13-2007 EPA ID#: N/A

Waste Generated			On- or Off-Site Management		P2 Activities	
Process/Activity Generating Waste (e.g. plating bath, machine shop, baghouse, painting, general maintenance, etc.)	Waste Description (e.g. sludge, solvent, ash, used oil, spent lamps, etc.) and EPA Waste Code, if applicable	QTY. Generated per Month, Type of Accumulation (container, tank, etc.) and location of waste accumulation area	Type of On-Site Treatment (recycle, wwt, etc)	Name, state, and type of activity occurring at the off-site facility	Current P2 Activities	P2 Opportunities
1 Automotive Oil Changing	Used Oil	Totes/Drums Behind Maintenance Shop/Basement	Stored in totes and drums	RS Used Oil Services, Inc. Tipp City, Ohio	Recycle Used Oil	
2 Automotive Oil Changing	Oil Filters	Minimal N/A N/A	Disposed of as Solid Waste		N/A	Recycle filters
3						
4						
5						
6						
7						

REMARKS-GENERAL INFORMATION

General Process Information: American Pennzoil generates used oil from automotive oil changing.

Regulatory/Enforcement History (if applicable): N/A

Additional P2 remarks and information: Ohio EPA recommends that used oil filters be recycled.

Would this facility be interested in a P2 assessment? Yes* No *If yes, refer promptly to your district P2 coordinator.
Office of Compliance Assistance and Pollution Prevention - 1-800-329-7518 or p2mail@epa.state.oh.us or www.epa.state.oh.us/ocapp/ocapp.html

Other:

USED OIL INSPECTION CHECKLIST (Short Version)

NOTE: This checklist does not include requirements for used oil transporters and transfer facilities, processors and re-refiners, burners, and marketers.

PROHIBITIONS

1. Is used oil being managed in a surface impoundment or waste pile? If so: Yes ___ No N/A ___ RMK#
- Is the surface impoundment or waste pile being regulated under OAC 3745-54 to 3745-57 and 3745-205 or 3745-65 to 3745-69 and 3745-256? [3745-279-12(A)] Yes ___ No N/A RMK#
2. Is used oil being used as a dust suppressant? [3745-279-12(B)] Yes No N/A ___ RMK#
3. Is off-specification used oil fuel burned for energy recovery only in devices specified in 3745-279-12(C)? Yes ___ No N/A RMK#

USED OIL GENERATOR STANDARDS

4. Does the generator mix hazardous waste with used oil only as provided in 3745-279-10(B)? [2745-279-21(A)] Yes No N/A ___ RMK#
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 No N/A ___ RMK#
6. Does the generator only store used oil in tanks, containers, or units subject to OAC 3745-54 to 3745-57 and 3745-205 or 3745-65 to 3745-69 and 3745-256? [3745-279-22(A)] Yes No N/A ___ RMK#
7. Are containers and aboveground tanks used to store used oil in good condition with no visible leaks? [3745-279-22(B)] Yes No N/A ___ RMK#
8. Are containers, above ground tanks, and fill pipes used for underground tanks clearly labeled or marked "Used Oil?" [3745-279-22(C)] Yes ___ No N/A ___ RMK#
9. Has the generator, upon detection of a release of used oil, done the following: [3745-279-22(D)]
- a. Stopped the release? Yes No N/A ___ RMK#

- b. Contained the release? Yes No N/A RMK#
- c. Cleaned up and properly managed the used oil and other materials? Yes No N/A RMK#
- d. Repaired or replaced the containers or tanks prior to returning them to service, if necessary? Yes No N/A RMK#
10. Does the generator burn used oil in used fired space heaters? [3745-279-23] If so: Yes No N/A RMK#
- 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 No N/A RMK#
- b. Is the heater designed to have a maximum capacity of not more that 0.5 million BTU per hour? Yes No N/A RMK#
- c. Are the combustion gases from heater vented to the ambient air? Yes No N/A RMK#
11. Does the generator have the used oil hauled only by transporters that have obtained U.S. EPA ID#, unless the generator qualifies for an exemption pursuant to 3745-279-24 (self transportation or tolling agreements)? [3745-279-24] Yes No N/A RMK#

USED OIL COLLECTION CENTERS AND AGGREGATION POINTS

12. 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 No N/A RMK#
13. Is the non-DIY used oil collection center registered with Ohio EPA? [3745-279-31] Yes No N/A RMK#
14. Is the used oil aggregation point in compliance with the generator standards in 3745-279-20 to 3745-279-24? [3745-279-32] Yes No N/A RMK#

WASTE EVALUATION

15. Have all wastes generated at the facility been evaluated? [3745-52-11] Yes No N/A RMK#

L:\Inspection Checklist\MegaSet Rule Updates\USED OIL.SHORT.11.2004.fin.megaset.wpd

REMARKS

JEFF CIMINILLO
American Self Storage
2913 Vera Way • Lima, Ohio 45805
Phone 419-303-3990
Fax 419-224-4003

Commercial Bldg.
Lot For Sale

**American Pennzoi &
American Self Storage**
2918 W. Elm St.
Lima, Ohio 45805