



State of Ohio Environmental Protection Agency

Northwest District Office

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

**RE: Rite Way Auto
Allen County
DHW, NWDO
Complaint 2694
Return to Compliance**

April 11, 2008

Mr. Don Coburn
Rite Way Auto
425 Findlay Road
Lima, OH 45801

Dear Mr. Coburn:

Thank you for sending the response to the Ohio Environmental Protection Agency's (Ohio EPA's) Notice of Violations (NOVs) dated December 6, 2007, January 30, 2008, and March 7, 2008. Rite Way Auto's (RWA's) response was received by Ohio EPA on April 9, 2008, and was not dated by the facility.

My review of all the documentation submitted reveals that RWA has adequately demonstrated abatement of the violations discovered during the November 19, 2007, inspection and the December 17, 2007, site visit. These violations were cited in the December 6, 2007, January 30, 2008, and March 7, 2008 NOVs.

The following is a summary of the violations and general concerns cited and the facility's compliance with respect to each:

Violations:

1. **Ohio Administrative Code (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.'"

This violation was abated on November 19, 2007.

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2. **Ohio Administrative Code (OAC) Rule 3745-52-11, Hazardous Waste Determination:** "Any person who generates a waste, as defined in rule 3745-51-02 of the Administrative Code, must determine if that waste is a hazardous waste..."

RWA failed to determine if the used oil is a hazardous waste in accordance with OAC Rule 3745-52-11, prior to utilizing it as a fire accelerant.

To abate this violation, RWA must immediately stop using the used oil as a fire accelerant.

RWA must submit a detailed description of how RWA will comply with the used oil rules. This information must be submitted to Ohio EPA within 14 days of receipt of this letter.

OAC Rule 3745-279-24, titled *Off-site shipments of used oil by generators*, states "generators must ensure that their used oil is transported only by transporters who have obtained U.S. EPA identification numbers." Used oil generators have three options for handling their used oil: 1) Generators must have their used oil transported by an entity that has a U.S. EPA identification number and ensure their used oil is recycled; 2) Generators may transport less than 55-gallons of their own used oil to a registered used oil collection center; or 3) Generators may burn its own used oil in an on-site space heater as long as all applicable requirements are met.

RWA must choose one of the following and submit the listed information to Ohio EPA within 14 days of receipt of this letter.

To abate this violation, RWA may choose to either 1) Have the used oil picked up by a transporter which has a US EPA ID number. RWA must submit documentation (e.g., bill of lading or contract agreement), which includes the transporter and receiving facility information. Also, RWA must describe how the used oil is being recycled by the receiving facility (e.g., processed to make a fuel). 2) Take the used oil to a collection center. RWA must submit documentation of the location of the collection center as well as receipt of your used oil by the collection center.

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RWA must also include in their response how much used oil is transported to the collection center, by whom, and the owner of the vehicle used in the transportation of the used oil. 3) Or, burn the used oil on site in a space heater that complies with the requirements found in OAC rule 3745-279-23. RWA must submit documentation that demonstrates compliance with this rule.

By abating violation number two listed above, the general concern listed in part A of the December 6, 2007 NOV will also be addressed.

On April 9, 2008, RWA submitted documentation that included a receipt for used oil picked up by DISC Environmental Services, Inc (DISC). This receipt shows the US EPA ID number, transporter, and receiving facility information.

In a phone conversation on April 2, 2008, Tami Bushong of RWA stated that she did not know how the used oil was recycled by DISC. On April 9, 2008, Ohio EPA called DISC to inquire what was done with the used oil. DISC stated that used oil picked up by DISC is used for energy recovery.

With this information, this violation is considered abated.

General Concerns:

- A. Used Oil:** Ohio EPA requested more information concerning the management and method of disposal of used oil at the site.

This issue has been addressed with the abatement of violation number two listed above. No further information needs to be submitted.

- B. Storage Trailers:** Ohio EPA requested more information concerning the contents of the semi trailers located on the property.

This general concern was addressed by Ohio EPA's site visit on December 17, 2007.

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Should you have any questions or if I can be of assistance, please contact me at (419) 373-3065.

Sincerely,

Kara Reynolds

Kara Reynolds
Environmental Specialist
Division of Hazardous Waste Management

/csl

cc: Colleen Weaver, DHWM, NWDO
Kara Reynolds, DHWM, NWDO
Cindy Lohrbach, DHWM, NWDO
DHWM, NWDO Allen County File: Rite Way Auto:

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.