OhioEPA

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: Rite Way Auto
Allen County
DHWM, NWDO
Complaint 2694
Notice of Violation

Certified Mail

December 6, 2007

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

Dear Mr. Coburn:

On November 19, 2007, Gary Deutschman and I investigated a complaint at Rite Way Auto (RWA) located at 425 Findlay Road, Lima, Ohio. According to the complaint received by the Ohio Environmental Protection Agency (Ohio EPA), the complainant alleged that RWA had an oil spill. This letter will explain the validity of the complaint, the violation found at the facility, what was done to correct the violation, other general concerns found at the facility, and what you need to do to respond to our concerns.

RWA purchases used automobiles, conducts minor repairs on these automobiles, and then sells these automobiles for profit. Used oil is generated at this facility.

Complaint

Upon Ohio EPA's arrival to the site, we spoke with the secretary, Tami Bushong. She explained that you were the business owner, but were not currently on site. Tami stated that she was not aware of an oil spill at the property and she gave us permission to walk around the site. Ohio EPA did not find any evidence of an oil spill at the property. As such, I have found no evidence to substantiate the complaint allegation. This complaint is considered closed.

Violation

As a result of the complaint investigation, Ohio EPA found the following violation of Ohio's used oil regulations:

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.'"

   RWA failed to mark their used oil drum located behind the building with the words "Used Oil."

   RWA marked the used oil drum with the words "Used Oil" while Ohio EPA was on site.

   Therefore, this violation was abated on November 19, 2007.

General Concerns

A. **Used Oil:** According to OAC Rule 3745-279-24, titled *Off-site shipments of used oil by generators*, "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.

   During the inspection I spoke with your employees about the used oil. They stated that you handled the used oil and they were not aware of what happens to it.

   To determine your compliance with respect to the used oil regulations, RWA must submit information concerning the disposal of the used oil. RWA must explain how the used oil is transported, the name and address of the facility the used oil is taken to, what the facility does with the used oil, how much used oil is generated by RWA per month, and how long the used oil has been handled in

this fashion. **RWA must submit this information to Ohio EPA's Northwest District Office within 14 days of receipt of this letter.**

For more information on used oil, I have enclosed the used oil fact sheet titled The Regulation of Used Oil: An Overview for Ohio Businesses Who Generate Used Oil, April 2006.

B. **Storage Trailers:** On the east side of the building, Ohio EPA noticed two trailers in decent condition that had locks on the doors. Ohio EPA is unsure what is stored in these trailers.

RWA must submit a general description of the contents of these trailers. **RWA must submit this information to Ohio EPA's Northwest District Office within 14 days of receipt of this letter. Also, RWA must contact me, at the number listed below, to arrange a meeting time at the facility to observe the contents of the trailers.**

For other valuable information, I have also included the Office of Compliance Assistance and Pollution Prevention's March 2007 guide titled Environmental Compliance Guide for Auto Repair Shops and the fact sheet Universal Waste Rules for Handlers of Lamps dated June 2005. Please be advised that a full compliance evaluation inspection was not conducted at this facility. Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve you from having to comply with all applicable regulations.

Ohio EPA will issue an EPA ID number to track our inspection activity at RWA. RWA can not use this number for manifesting hazardous waste shipments. If RWA wants to use an EPA ID number for manifesting and other hazardous waste, used oil or universal waste activities, RWA 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 RWA can call the Division of Hazardous Waste Management, Central Office, RIS at (614) 644-2977 and a copy will be sent through the mail.

The Division of Hazardous Waste Management (DHWM) has created an electronic news service to provide you with quick and timely updates on events and news related to hazardous waste activities in Ohio. If you haven't already, we encourage you to sign-up for this free service. You can find more information at the following Web link http://www.epa.state.oh.us/dhwm/listserv.html. Please feel free to share this information with your colleagues.

You can find copies of the rules and other information on the division's web page at http://www.epa.state.oh.us/dhwm. Ohio EPA has helpful information about pollution prevention at the following web address: http://www.epa.state.oh.us/ocapp/ocapp.html.

Should you have any questions or if I can be of assistance, please contact me at (419) 373-3065. Please send all requested correspondence to Ohio EPA, Northwest District Office, 347 North Dunbridge Road, Bowling Green, Ohio 43402.

Sincerely,

Kara Reynolds

Kara Reynolds
Environmental Specialist
Division of Hazardous Waste Management

/lb

Enclosures

cc: Colleen Weaver, DHWM, NWDO
Kara Reynolds, DHWM, NWDO
Cindy Lohrbach, DHWM, NWDO
DHWM, NWDO Allen County File: Allen County General 2005
7006 3450 0001 0661 2225

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.

7006 3450 0001 0661 2225

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Ohio EPA

Postmark Here

DEC 6 2007 USPS BOWLING GREEN OH 43402

Sent To Mr. Don Coburn

Street, Apt. No.; or PO Box No. Rite Way Center, 452 Findlay Rd

City, State, ZIP+4 Lima Oh 45801

PS Form 3800, August 2006 — See Reverse for Instructions

DHW - KR - LB

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Don Coburn
Rite Way Center
452 Findlay Rd
Lima Oh 45801

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X Carl Mandich ☐ Agent ☐ Addressee

B. Received by (*Printed Name*) CARL MANDICH
C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

DEC 10 2007 USPS NEW PARK OH 43055

3. Service Type
☐ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (*Extra Fee*) ☐ Yes

2. Article Number (*Transfer from service labe*) 7006 3450 0001 0661 2225

PS Form 3811, February 2004 — Domestic Return Receipt — 102595-02-M-1540

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: Rite Way Auto**				**Website: N/A (Optional)**			
4. Site Location Information	**Street Address: 425 Findlay Road**							
	City, Town, or Village: Lima				**State: OH**			
	County Name: Allen				**Zip Code: 45801**			
5. Site Land Type (check only one)	**Private** ☐	**County** ☐	**District** ☐	**Federal** ☐	**Indian** ☐	**Municipal** ☐	**State** ☐	**Other** ☐
6. NAICS code(s) www.census.gov/epcd/www/naics.html								
7. Facility Representative	**First Name: Tami**			**MI:**	**Last Name: Bushong**			
	Phone Number: 419-222-0926				**Phone Number Extension: N/A**			
Additional names can be recorded in number 12	**E-Mail Address:**							
	Fax Number:				**Fax Number Extension:**			
	Street or P.O. Box:							
Only provide address information if it is different than the site address	**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: Don Coburn**			**Date Became Owner (mm/dd/yyyy): N/A**				
	Owner Type:	**Private** ☐	**County** ☐	**District** ☐	**Federal** ☐	**Indian** ☐	**Municipal** ☐	**State** ☐	**Other** ☐
	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** ☐	**County** ☐	**District** ☐	**Federal** ☐	**Indian** ☐	**Municipal** ☐	**State** ☐	**Other** ☐
	Street or P.O. Box:							
	City, Town or Village:			**Operator Phone #:**				
	State:			**Country:**		**Zip Code:**		
9. Violations Cited?	☒ **Yes** ☐ **No**							

10A. Type of Regulated Waste Activity (Mark "X" in all of the appropriate boxes)

☐ **Not Regulated**	☐ **Conditionally Exempt Small Quantity Generator**
☐ **UNKNOWN**: Cited for violation of 3745-52-11	☐ **United States Importer of Hazardous Waste**
☐ **Large Quantity Generator (LQG)**	☐ **Mixed Waste (Hazardous and Radioactive) Generator**
☐ **Small Quantity Generator (SQG)**	
☐ **Hazardous Waste Transporter**	☐ **Exempt Boiler and/or Industrial Furnace**
☐ **Treater, Storer or Disposer of Hazardous Waste**	☐ **Small Quantity On-Site Burner Exemption**
☐ **Recycler of Hazardous Waste**	☐ **Smelting, Melting, Refining Furnace Exemption**
☐ **Underground Injection Control Facility**	

10B. Universal Waste Activities (Indicate types of universal waste managed (check all boxes that apply)	
☐ **Small Quantity Handler of Universal Waste**	☐ **Large Quantity Handler of Universal Waste** (accumulates 5,000 kg. or more)
☐ **Destination Facility for Universal Waste**	

Check all boxes below that apply for each of the three types of facilities above		10C. Used Oil Activities (Indicate Type(s) of Activity(ies)	
	Managed	☒ **Used Oil Generator**	☐ **Off-Specification Used Oil Burner**
Batteries	☐	☐ **Used Oil Transporter**	☐ **Used Oil Fuel Marketer Who Directs Shipment of Off-Spec. Oil**
Pesticides	☐	☐ **Used Oil Transfer Facility**	☐ **Used Oil Fuel Marketer to Off-Specification Used Oil Burner**
Mercury containing equipment	☐	☐ **Used Oil Processor**	
Lamps	☐	☐ **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 RCRAInfo 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 whether the inspection was announced, whether the waste is stored in tanks or containers, etc.

Announced	☐ **Yes**	☒ **No**	**Additional Facility Representatives:**	**Mike Harris**
Tanks	☐ **Yes**	☒ **No**	**Other Comments:**	
Containers	☒ **Yes**	☐ **No**		

13. Name of Inspector(s)	Name of Inspector(s)	Date of Inspection/Time (mm/dd/yyyy) (hh:mm)
Kara Reynolds	**Gary Deutschman**	**11/19/2007 9:50 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)