



State of Ohio Environmental Protection Agency

**Northwest District Office**

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Bowling Green, OH 43402-9398

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

**RE: Lane's Lube Express  
Auglaize County  
DHWM, NWDO  
Complaint 2718  
Partial Return to Compliance/  
Notice of Violation**

January 15, 2008

Mr. Jack Lane, Junior  
Lane's Lube Express  
223 North Main Street  
Bellefontaine, Ohio 43311

Dear Mr. Lane:

On December 4, 2007, Amy Heller and I investigated a complaint at Lane's Lube Express (LLE) located at 105 Schwieterman Street, New Bremen, Ohio. According to the complaint received by the Ohio Environmental Protection Agency (Ohio EPA), the complainant alleged that LLE stores their used oil filters in a wooden trailer and the oil leaks through the trailer floor and onto the grass behind the trailer. The complainant is concerned because the facility is located next to a canal and this practice has been happening for a month.

On December 27, 2007, Ohio EPA sent a notice of violation (NOV) for a used oil violation found during the December 4, 2007, inspection. Ohio EPA received a response to the NOV on January 10, 2008. This response was not dated by LLE.

The used oil violation found during the December 27, 2007, investigation is listed below with a summary of the facility's current compliance status:

- 1. Ohio Administrative Code (OAC) Rule 3745-279-22 (D), Used Oil Requirements for Generators:** "Response to releases. Upon detection of a release of used oil to the environment that is not subject to the requirements of Chapter 1301:7-9 of the Administrative Code and which has occurred after October 20, 1998, a generator must perform the following cleanup steps: (1) Stop the release; (2) Contain the released used oil; (3) Clean up and manage properly the released used oil and other materials; and (4) If necessary, repair or replace any leaking used oil storage containers or tanks prior to returning them to service."

LLE failed to clean up and properly manage the used oil and other materials located by the wooden trailer in the rear of the property.

To abate this violation, LLE must immediately begin properly cleaning up used oil releases in a timely manner.

LLE must clean up all visible contamination located by the wooden trailer in the rear of the property. This material shall be placed in containers in good condition prior to disposal.

In order for LLE to determine whether the contaminated soils and cleanup materials exhibit any hazardous waste characteristics, LLE must obtain a chemical analysis of a representative sample of the contaminated soil. LLE will need to contract the services of an environmental laboratory to analyze this material. LLE must at least determine the concentrations of the Resource Conservation and Recovery Act (RCRA) metals in the waste.

Based on the results of the analytical test(s), LLE shall label the container(s) appropriately and dispose of the wastes at a proper disposal facility.

LLE shall submit the analytical results indicating the proper evaluation of the contaminated soil, appropriate manifest documents or shipping papers indicating proper disposal of the contaminated soil and cleanup materials, and pictures indicating the releases have been cleaned up to Ohio EPA within 30 days of receipt of this letter. The results must document if the waste is hazardous or not and whether it is restricted from land disposal. If the waste is hazardous, LLE must explain what treatment, storage, or disposal facility the waste will be sent to.

If the waste is hazardous, I will determine the status of your compliance with other hazardous waste laws and notify you of my findings in a separate letter.

Please notify me at least five days prior to taking the sample(s) so that I may be present.

*In a phone conversation with you on December 20, 2007, you stated that the stained soil and grass was scraped up and placed in a bag. You also stated that oil dry had been used to clean up the contamination. When asked where the bag containing the oil contaminated soil was located, you stated that you were unsure if the bag had been disposed of in the landfill or was currently on the property. If the bag of contaminated soil was disposed of in the landfill, please submit the generator knowledge used in making the determination that the soil was a non-hazardous waste.*

*During our phone conversation, I requested that you photograph the area where the soil contamination was located to document that all visible contamination was removed. You agreed to send an electronic mail to me with this documentation.*

**LLE submitted photographic documentation on January 10, 2008, that the facility removed all visible used oil contamination. Since this waste stream was not sampled, analytical results cannot be submitted to Ohio EPA.**

***With this information, this violation is considered abated.***

As a result of LLE's response that was received on January 10, 2008, in which you stated that the used oil materials were removed and thrown in the trash prior to receiving the NOV and were not sampled prior to disposal, the following violation is being cited as well:

2. **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..."

LLE failed to evaluate the used oil contaminated material to determine if it was a hazardous waste in accordance with OAC Rule 3745-52-11, prior to sending it off site.

To abate this violation, LLE must submit a management plan that states how LLE will evaluate wastes in the future. This should be submitted to Ohio EPA **within 30 days of receipt of this letter**. To assist with this task, I have enclosed the following fact sheets titled Identifying Your Hazardous Waste, dated November 2006 and Use of Generator Knowledge In Complying with OAC Rule 3745-52-11, Hazardous Waste Evaluation dated July 18, 2005.

#### General Concerns

- A. **Wooden Trailer:** It appears that the wooden trailer does not belong to LLE. If this is true, then Ohio EPA recommends the trailer be removed from the property. This will decrease the chance that other complaints will be filed against LLE in the future.

**LLE submitted a response that was received on January 10, 2008, that states the trailer has been removed from the property. This general concern has been addressed and no further information needs to be sent by the facility for this item.**

Mr. Jack Lane, Junior  
January 15, 2008  
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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

/llr

Enclosures

pc: Colleen Weaver, DHWM, NWDO  
Kara Reynolds, DHWM, NWDO  
Cindy Lohrbach, DHWM, NWDO

~~DHWM, NWDO Auglaize County File: -Auglaize County General~~

ec: Amy Heller, 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.