



**Environmental
Protection Agency**

John R. Kasich, **Governor**
Mary Taylor, **Lt. Governor**
Scott J. Nally, **Director**

C W

Re: Terry's Auto & Truck Repair
Complaint #3190
Ottawa County
Hazardous Waste
Notice of Violation

October 16, 2012

Mr. Terry Witt, Owner
Terry's Auto & Truck Repair
21270 State Route 579
Williston, Ohio 43468

Dear Mr. Witt:

Thank you for accompanying Brent Goetz and me during Ohio EPA's October 3, 2012, complaint investigation (CI) and compliance evaluation inspection (CEI) of Terry's Auto & Truck Repair (TATR) located at 21270 State Route 579, in Williston, Ohio. On August 27, 2012, Ohio EPA received a complaint that alleged that TATR was using diesel fuel on its driveway and sidewalk. I inspected TATR to determine its compliance with Ohio's hazardous waste laws as found in Chapter 3734. of the Ohio Revised Code (ORC) and Chapter 3745. of the Ohio Administrative Code (OAC). My inspection included observations of facility operations. This letter will explain the violations I found, what you need to do to correct the violations and the result of the complaint investigation.

On October 3, 2012, you stated that you had used some Roundup from your farm to spray weeds along the building foundation. I did not observe any evidence that you had sprayed diesel fuel around your facility. Therefore, the complaint does not seem valid.

TATR is a car and truck repair business. It generates the following wastes:

1. Used Oil: Used oil is generated from engine maintenance. TATR operates two used oil-fired space heaters; one in each of the shops. Used oil accumulated in the warm weather months is stored in a large metal tank. Filters are drained and discarded. DISC is used to haul the water/oil mixture from the bottom of the used oil tank.
2. Spent Parts Washer Solvent: TATR operates one very small quantity parts washer equipped with a solvent solution. The units are used to clean car and truck parts. TATR has purchased the solvent for the unit but you did not know what the solvent solution was at the time of our inspection.
3. Used Lamps: TATR has been placing used lamps into the trash.

Cintas is used to launder the shop rags.

Northwest District Office
347 North Dunbridge Road
Bowling Green, OH 43402-9398

419 | 352 8461
419 | 352 8468 (fax)
www.epa.ohio.gov

As a result of my inspection, I found the following violations of Ohio's hazardous waste laws. In order to correct these violations, you must do the following and send me the required information.

1. Waste Evaluation
OAC Rule 3745-52-11

A generator must determine whether its waste is hazardous by testing the waste according to the methods set forth in rules 3745-51-20 to 3745-51-24. TATR has failed to evaluate its spent lamps (all types) according to this rule, and they have been disposed of in the facility's trash. In order to abate this violation, TATR must evaluate its spent lamps. Instead of obtaining a sample of the lamps and having the sample analyzed in a laboratory, TATR may elect to manage its spent lamps (all types) as universal waste. The requirements for universal waste lamps include:

- **Immediately prevent** spent lamps from being disposed of in the facility's trash;
- Place spent lamps into containers that are structurally sound (boxes for example);
- Label the containers with the words "Used Lamps";
- Document the length of time that the spent lamps are stored (place a date on the boxes);
- Store spent lamps for no longer than one year;
- Inform all employees with the responsibility to collect spent lamps of these requirements; and
- Ship the spent lamps to a lamp recycler (please refer to the list of lamp recyclers that we have enclosed with this letter and provided during my inspection).

In order to correct this violation, please explain how you intend to manage your spent lamps and to comply with the requirements listed above. Indicate how you will package the lamps, label the containers, and date the containers. Please submit photos demonstrating that this has been done. Also, please indicate where you will ship the universal waste lamps to.

2. Waste Evaluation
OAC Rule 3745-52-11

A generator must determine whether its waste is hazardous by first determining if the waste is listed as a hazardous waste in rules 3745-51-30 to 3745-51-35; by testing the waste according to the methods set forth in rules 3745-51-20 to 3745-51-24; or by applying knowledge of the hazardous characteristic of the waste in light of the materials or the processes used. TATR failed to adequately evaluate its waste parts washer solvent, according to this rule.

In order to abate this violation, you must immediately evaluate the waste parts washer solvent in accordance with the requirements of Ohio Administrative Code Rule 3745-52-11. You may use generator knowledge and submit a copy of the MSDS for the solvent or obtain a representative sample of the waste, have that sample analyzed and submit a copy of the analytical report to me.

**3. Waste Evaluation
OAC Rule 3745-52-11**

A generator must determine whether its waste is hazardous by first determining if the waste is listed as a hazardous waste in rules 3745-51-30 to 3745-51-35; by testing the waste according to the methods set forth in rules 3745-51-20 to 3745-51-24; or by applying knowledge of the hazardous characteristic of the waste in light of the materials or the processes used. TATR failed to adequately evaluate numerous containers of waste behind its building, according to this rule.

In order to abate this violation, you must immediately evaluate the waste in all of the containers in the rear of your facility (behind the building) in accordance with the requirements of Ohio Administrative Code Rule 3745-52-11. If you cannot adequately demonstrate what the waste in the containers is, you must obtain a representative sample of the waste at the facility, according to OAC Rule 3745-51-20. You must evaluate the sample, through laboratory analysis, for at least the flash point and the Toxicity Characteristic Leaching Procedure (TCLP) metals (excluding mercury). TATR must evaluate any other characteristics that it feels are necessary. TATR will need to give Ohio EPA a five-day advance notice of sampling activities in order for an inspector to make arrangements to view the sampling. You must submit the results of the laboratory analyses and applicable QA/QC to Ohio EPA as soon as they are available.

TATR should also remove all the containers being stored outside, behind its building, and provide photographic documentation that this has been done.

**4. Used Oil Container Labeling
OAC Rule 3745-279-22(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." On October 3, 2012, I observed one large tank, one special drain pan on wheels for large trucks, at least one 55-gallon drum and several small drain pans that were not labeled in this manner.

In order to correct this violation, TATR must immediately mark or label all used oil containers and tanks with the words "Used Oil" and provide me with photographic documentation that this has been done.

Please be aware that incandescent, fluorescent, metal halide, neon, high-intensity discharge, high-pressure sodium and mercury-vapor lamps could be hazardous waste when discarded.

Fluorescent lamps may contain up to 40 milligrams (mg) of mercury, depending on the brand and manufacturer. Lamps may also contain lead and cadmium. Many lamps exhibit a characteristic of toxicity for heavy metals when disposed. I have enclosed copies of the following documents to assist you in properly managing your spent lamps: Fluorescent Lamps: What You Should Know and Computer, Fluorescent Lamp and Ballast Recyclers. I recommend that you review these documents carefully and contact me if you have any questions. The first document describes the rules you must follow in order to manage lamps as a universal waste.

As a used oil generator you are required to store used oil in containers or aboveground tanks that are in good condition (no severe rusting, apparent structural defects or deterioration) and not leaking. Containers, aboveground tanks and fill pipes for underground tanks must be labeled with the words "Used Oil." If leaks are detected, the generator must stop the release; contain the release; clean up and manage properly the released used oil and other materials related to the release; and, if necessary, repair or replace any leaking containers or tanks prior to returning them to service. I have enclosed copies of the following used oil fact sheets: The Regulation of Used Oil: An Overview for Ohio Businesses Who Generate Used Oil, and Used Oil Recyclers. Please review these carefully and contact me immediately if you have any questions.

You may be able to further reduce the waste your company generates. If you find ways to recycle, reduce or altogether eliminate the amount of waste that your company generates you may be able to reduce your treatment and disposal costs and you may possibly reduce your regulatory requirements. I have enclosed a copy of Pollution Prevention Opportunities, a worksheet that can help you recognize opportunities for reducing waste and conserving energy at your business. I have also enclosed copies of the fact sheets Management of Electronic Waste from Businesses and Battery Recyclers/Brokers & Disposal Facilities. Please review this information and contact me if you have any questions.

I encourage you to schedule a pollution prevention assessment for your business because there are often many opportunities for businesses like yours to reduce waste and save money. If you wish to talk about an assessment or if you have other questions about pollution prevention, please feel free to contact the Office of Compliance Assistance and Pollution Prevention (OCAPP) at (614) 644-3469. There is no charge for an assessment.

The Division of Materials and Waste Management 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://ohioepa.custhelp.com/cgi-bin/ohioepa.cfg/php/enduser/doc_serve.php?2=subscriptionpage. Please feel free to share this information with your colleagues.

TATR needs to immediately take the necessary measures to return to compliance with Ohio's environmental laws. Within 14 days of receipt of this letter, TATR is requested to provide documentation to this office including the steps taken to abate the violations cited above.

• Mr. Terry Witt
October 16, 2012
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Documentation of steps taken to return to compliance includes written correspondence, updated policies, and photographs, as appropriate, and may be submitted via the postal service or electronically to don.north@epa.state.oh.us.

Please be advised that violations cited above will continue until the violations have been properly abated. Failure to comply with Chapter 3734, of the Ohio Revised Code and rules promulgated thereunder may result in a civil penalty of up to \$10,000 per day for each violation. It is imperative that you return to compliance. If circumstances delay the abatement of violations, TATR is requested to submit written correspondence of the steps that will be taken by date certain to attain compliance.

Enclosed you will find copies of all checklists completed during the inspection. If you have any questions, please feel free to contact me at (419) 373-3074. You can find copies of the rules and other information on the division's web page at <http://www.epa.ohio.gov>. Ohio EPA also has helpful information about pollution prevention at the following web address: <http://www.epa.ohio.gov/ocapp>.

Sincerely,



Don North
District Representative
Division of Materials and Waste Management

/c/g

Enclosures

pc: Colleen Weaver, DMWM, NWDO (hard copy and checklists)
Cindy Lohrbach, DMWM, NWDO

ec: Don North, DMWM, NWDO
Colleen Weaver, DMWM, NWDO (scanned copy and checklists)

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|---|---|-----------------------|
| Send to Central Office <input checked="" type="checkbox"/> | Ohio Environmental Protection Agency RCRA SUBTITLE C SITE IDENTIFICATION/VERIFICATION FORM | For Ohio EPA use only |
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Completed verification forms required to be submitted to CO should be e-mailed to brad.hauser@epa.state.oh.us.

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|---|--|---------------------------------|--|----------------------------------|---------------------------------|------------------------------------|--------------------------------|--------------------------------|
| Site EPA ID No: Site Name Site Location Information Site Land Type (check only one) NAICS code(s) www.census.gov/epcd/www/naics.html | EPA ID Number: | | Website: (Optional) | | | | | |
| | Name: Terry's Auto & Truck Repair | | Street Address: 21270 State Route 579 | | | | | |
| | City, Town, or Village: Williston | | State: OH | | | | | |
| | County Name: Ottawa | | Zip Code: 43468 | | | | | |
| Private <input checked="" 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"/> |

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|--|---|--|-----------|-------------------------|--|
| Facility Representative Additional names can be recorded in number 12 Only provide address information if it is different than the site address | First Name: Terry | | MI: | Last Name: Witt | |
| | Title: President | | | | |
| | Phone Number: 419-836-7461 | | | Phone Number Extension: | |
| | E-Mail Address: terry'sauto@frontier.com | | | | |
| | Fax Number: | | | Fax Number Extension: | |
| | Street or P.O. Box: | | | | |
| | City, Town or Village: | | | | |
| State: | | | Zip Code: | | |

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|---|-----------------------------|----------------------------------|---------------------------------|-----------------------------------|------------------------------------|---------------------------------|------------------------------------|--------------------------------|--------------------------------|
| 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): | | | | |
| | Operator 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: | | |

VIOLATIONS CITED? Yes No

TYPE OF HANDLER - MARK "X" AS APPROPRIATE

| | | | |
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| <input type="checkbox"/> Not a HW Generator | <input checked="" type="checkbox"/> UNKNOWN: Cited for violation of 3745-52-11 | | <input type="checkbox"/> Large Quantity Generator (LQG) |
| | <input type="checkbox"/> Short-Term/Temporary Generator (generates from a short-term or one-time event and not from on-going processes). Check the box for the applicable generator status and provide a comment. | | <input type="checkbox"/> Small Quantity Generator (SQG) |
| | | | <input type="checkbox"/> Conditionally Exempt Small Quantity Generator |
| | | | <input type="checkbox"/> U.S. Importer of Hazardous Waste |
| | | | <input type="checkbox"/> Mixed Waste (Hazardous and Radioactive) Generator |

**USED OIL INSPECTION CHECKLIST
GENERATORS, COLLECTION CENTERS AND AGGREGATION POINTS**

NOTE: A facility is subject to the federal SPCC regulations (40 CFR 112) if it is non-transportation related (e.g., fixed) and has an aggregate above ground storage capacity greater than 1,320 gallons or a total underground storage capacity greater than 42,000 gallons of oil (including used oil), and there is reasonable expectation of a discharge to navigable waters.

PROHIBITIONS

| | | |
|----|---|--|
| 1. | Does the generator manage used oil in a surface impoundment or waste pile? If yes: | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/> |
| a. | Is the surface impoundment or waste pile regulated as a hazardous waste management unit? [3745-279-12(A)] | Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> |

NOTE: For example, used oil contaminated scrap metal stored in a pile.

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| 2. | Is used oil used as a dust suppressant? [3745-279-12(B)] | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/> |
| 3. | Is off-specification used oil fuel burned for energy recovery in devices specified in 3745-279-12(C)? | Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> |

NOTE: Multiple used oil checklists may be applicable if used oil handler is performing multiple tasks (e.g., If generating used oil and shipping directly to a burner, complete generator and marketer checklists at a minimum).

GENERATOR STANDARDS

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| 4. | Does the generator mix hazardous waste with used oil? If so, TATR mixes an extremely small amount of parts washer solvent with its used oil. The solvent has not been evaluated so it is not possible to determine if hazardous waste has been mixed with the used oil. | Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> |
| a. | Is the mixture managed as specified in 3745-279-10(B)? [3745-279-21(A)] | Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> |

NOTE: Used Oil mixed with listed (3745-51-30 to 3745-51-35) or characteristic (3745-51-20 to 3745-51-24) hazardous waste are subject to regulation as a hazardous waste, unless the listed hazardous waste is listed solely because it exhibits a hazardous characteristic, and the resultant mixtures do not exhibit a characteristic. Mixtures of used oil and CESQG hazardous waste are subject to OAC Chapter 3745-279.

| | | |
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| 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 <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> |
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NOTE: If used oil contains greater than 1000 ppm total halogens, it is presumed to be listed hazardous waste until the presumption is successfully rebutted.

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| 6. | Does the generator store used oil in tanks; or containers; or a unit(s) subject to regulation as a hazardous waste management unit? [3745-279-22(A)] | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> |
| 7. | Are containers and aboveground tanks used to store used oil in good condition with no visible leaks? [3745-279-22(B)] | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> |
| 8. | Are containers, above ground tanks, and fill pipes used for underground tanks clearly labeled or marked "Used Oil?" [3745-279-22(C)] | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/> |
| 9. | Has the generator, upon detection of a release of used oil, done the following: [3745-279-22(D)] | Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> |
| a. | Stopped the release? | Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> |
| b. | Contained the release? | Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> |
| c. | Cleaned up and properly managed the used oil and other materials? | Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> |
| d. | Repaired or replaced the containers or tanks prior to returning them to service, if necessary? | Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> |

ON-SITE BURNING IN SPACE HEATER

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| 10. | Does the generator burn used oil in used-oil fired space heaters? [3745-279-23] If so: | |
| a. | Does the heater burn only used oil that owner/operator generates or used oil received from household do-it-yourself (DIY) used oil | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> |

| | | |
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| | generators? | |
| b. | Is the heater designed to have a maximum capacity of not more than 0.5 million BTU per hour? | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> |
| c. | Are the combustion gases from heater vented to the ambient air? | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> |

NOTE: Ash accumulated in a space heater must be managed in accordance with 3745-279-10(E).

GENERATOR TRANSPORTATION

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|-----|--|--|
| 11. | Does the generator have the used oil hauled only by transporters that have obtained a U.S. EPA ID#? [3745-279-24] | Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> |
| 12. | If the generator self-transport used oil to an approved collection site or to an aggregation point owned by the generator: [3745-279-24] | |
| a. | Does the generator transport used oil in a vehicle owned by the generator or an employee of the generator? [3745-279-24] | Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> |
| b. | Does the generator transport more than 55 gallons of used oil at any time? [3745-279-24] | Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> |

NOTE: Used oil generators may arrange for used oil to be transported by a transporter without a U.S. EPA ID # if the used oil is reclaimed under a contractual agreement (i.e., tolling arrangement).

COLLECTION CENTERS AND AGGREGATION POINTS

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| 13. | 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 <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> |
| 14. | Is the non-DIY used oil collection center registered with Ohio EPA? [3745-279-31] | Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> |
| 15. | Is the used oil aggregation point in compliance with the generator standards in 3745-279-20 to 3745-279-24? [3745-279-32] | Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> |

NOTE: Complete Used Oil Generator and any other applicable used oil handler checklist (e.g., marketer, burner, etc.) for used oil collection centers and aggregation points.

PROCESS, WASTE, P2 SUMMARY SHEET

Facility Name: Terry's Auto & Truck Repair **Facility Type:** LQG SQG CESQG TSD **Date of Inspection:** 10-3-12 **EPA ID#:**

| Waste Generated | | On- or Off-Site Management | | | P2 Activities | |
|---|--|--|---|---|-----------------------|------------------|
| Process/Activity Generating Waste (e.g. plating bath, machining, baghouse, painting, general maintenance, etc) | Waste Description (e.g. sludge, solvent, ash, used oil, spent lamps, etc.) and EPA Waste Code, if applic. | 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 | Auto and truck maintenance and repair | Used Oil | Up to 100 gallons | Used oil is burned in two used oil-fired space heaters | | Recycled |
| 2 | Auto & truck maintenance and repair | Spent Parts Washer Solvent | 5 gallons/6 months | Mixed with used oil and burned in two used oil-fired space heaters | | Recycled |
| 3 | Facility lighting | Used Lamps | Few occasionally | The spent lamps have been placed into the facility trash. | | |
| 4 | | | | | | |

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REMARKSGENERAL INFORMATION

General Process Information:

Regulatory/Enforcement History (if applicable):

Additional P2 remarks and information:

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: