



State of Ohio Environmental Protection Agency

**Northwest District Office**

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

Re: **Complaint # 2452**  
Estel's Auto Parts & Sales  
Lucas County  
Hazardous Waste  
**Return to Compliance**

January 4, 2008

Mr. Estel Hudson, Owner  
Estel's Auto Parts & Sales  
2708 South Avenue  
Toledo, Ohio 43609

Dear Mr. Hudson:

On September 20, 2006, Wendy Miller and I investigated a complaint at Estel's Auto Parts & Sales (EAPS) at 2708 South Avenue in Toledo, Ohio. On November 15, 2006, you were sent a Notice of Violation (NOV) letter which outlined the violations we found and what you needed to do to correct these violations. On October 12, 2007, you were sent a 2<sup>nd</sup> NOV letter. EAPS failed to respond to the NOV letters and the violations cited remained outstanding. On December 18, 2007, Wendy Miller and I conducted a site visit to evaluate your compliance status.

During our December 18, 2007, site visit we spoke with you and observed your facility operations. You stated that you are no longer crushing cars. Instead of crushing, you stated that you flatten out the tops of the cars using a bulldozer and then stack them in a roll-off. Toledo Shredding picks up the full roll-off and recycles the cars as scrap metal. You stated that you are sending approximately 30 cars a month to Toledo Shredding. You stated that you keep the tires to re-sell and collect the used oil, gasoline and antifreeze. EAPS employees re-use the collected gasoline and antifreeze. The used oil is stored in a tank and is used in an on-site used oil burner. You currently have a wood burning stove that heats your office area and plan to use the used oil burner in the shop area as needed. You stated that currently you generate very little used oil.

The following is a summary of the violations cited and your compliance with respect to each:

**1. Waste Evaluation, OAC Rule 3745-52-11:**

Any person who generates a waste must determine if that waste is a hazardous waste by using generator knowledge or by testing the waste.

At the time of the inspection, EAPS did not have waste evaluation documentation for the oil mixture generated when the car crusher is in operation. EAPS has historically disposed of this spent material as a non-hazardous waste by pouring it onto the seats of other cars before they are placed into the crusher. EAPS must immediately cease disposing of the waste crusher fluid as a non-hazardous waste until a proper waste evaluation has been completed.

On September 22, 2006, Colleen Weaver and I were at your facility to conduct sampling of the crusher fluid. The bucket of car crusher fluid that was on-site on September 20, 2006, was no longer on-site. You stated that you poured this mixture on to the seats of the cars that were crushed on September 21, 2006. You stated that eleven (11) cars were crushed on September 21, 2006, and two (2) were crushed on September 22, 2006. The bucket of fluid collected from the thirteen (13) crushed cars was on-site at the time of our visit. Samples were collected from this bucket and analyzed for Toxic Characteristic Leaching Procedure (TCLP) Resource Conservation and Recovery Act (RCRA) metals (SW-846 Method 1311/6010), volatile organics (SW-846 Method 1311/8260), pH, and flashpoint.

Analytical results received on October 25, 2006, indicated that the crusher fluid was hazardous due to the presence of lead (D008) at 8.62 mg/L and benzene (D018) at .791 mg/L. The TCLP regulatory limit for lead is 5.0 mg/L and the regulatory limit for benzene is 0.5 mg/L.

EAPS must collect the fluid generated by the crusher and cease pouring it on to the seats of cars that are crushed at your facility. EAPS may place this fluid in the used oil storage tank located on-site and burn the used oil in an on-site furnace to heat the building.

EAPS must submit to Ohio EPA documentation on how you plan to manage all fluids generated as a result of operating the car crusher.

**On December 18, 2007, Ohio EPA conducted a site visit. During our visit, you stated that you are no longer crushing cars and any used oil generated is stored in the on-site storage tank.**

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

**2. OAC Rule 3745-279-22(C)(1): Labeling:**

Containers, aboveground tanks, and fill pipes used for underground storage tanks shall be labeled or marked clearly with the words "used oil."

EAPS had several containers of used oil that were not properly labeled. Specifically, EAPS had one storage tank located outside the shop and one bucket located next to the car crusher.

EAPS properly labeled the storage tank and bucket with the words "used oil" at the time of our investigation.

*Therefore, this violation is considered abated.*

**3. Off-Site Shipment, OAC Rule 3745-279-24:**

Generators shall ensure that their used oil is transported only by transporters who have obtained an EPA identification number.

EAPS has been giving the used oil they generate to a friend named Bob who burns it to heat his barn.

EAPS must immediately cease giving used oil to any person or transporter who does not have an EPA identification number. You must explain how you plan to manage your used oil in the future and provide the applicable documentation (i.e. shipping papers) for review. As indicated in violation number one above, EAPS may burn the used oil you generate on-site during the normal course of business in an on-site furnace. OAC Rule 3745-279-23 allows generators to burn used oil in used oil-fired space heaters provided that: a) The heater burns only used oil that the owner or operator generates or used oil received from household do-it-yourself used oil generators; b) The heater is designed to have a maximum capacity of not more than 0.5 million Btu per hour; and c) The combustion gases from the heater are vented to the ambient air.

**On December 18, 2007, Ohio EPA conducted a site visit. During our visit, you stated that any used oil generated is stored in the on-site storage tank and burned in the on-site used oil burner.**

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

Ohio EPA has helpful information about compliance assistance and pollution prevention at the following web address: <http://www.epa.state.oh.us/ocapp/ocapp.html>. In addition, you can also find copies of the rules and other information on the division's web page at <http://www.epa.state.oh.us/dhwm>.

The Ohio EPA is excited to launch Ohio's mercury switch removal program for auto recyclers, and to let you know how you can benefit by participating. This program is sponsored in partnership between Ohio EPA and the End of Life Vehicle Solutions (ELVS) as part of the National Vehicle Mercury Switch Recovery Program. Through the program, we are encouraging recycling and helping to reduce mercury releases to air, water and soil, which can endanger both the environment and public health. Information about this program can be found at the following web address:  
[http://www.epa.state.oh.us/ocapp/sb/switch\\_removal\\_program.html](http://www.epa.state.oh.us/ocapp/sb/switch_removal_program.html)

Should you have any questions or if I can be of assistance, please contact me at (419) 373-3066.

Sincerely,



Melissa L. Boyers  
Division of Hazardous Waste Management

/csl

pc: Cindy Lohrbach, DHWM, NWDO  
Colleen Weaver, DHWM, NWDO  
DHWM, NWDO Estel's Auto Sales File\

ec: Melissa Boyers, 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.