



State of Ohio Environmental Protection Agency

**Southeast District Office**

2195 Front Street  
Logan, Ohio 43138

TELE: (740) 385-8501 FAX: (740) 385-6490  
www.epa.state.oh.us

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

August 9, 2007

**ATHENS COUNTY  
GENERAL FILE  
(CULLISON'S SCRAP METAL)  
DHWM/SEDO  
NON-NOTIFIER**

Mr. Bob Lee  
Cullison Scrap Metal  
10837 Salem Road  
Athens, Ohio 45701

Dear Mr. Lee:

Ohio EPA was contacted by the Athens City-County Health Department regarding the poor waste management conditions at Cullison's Scrap Metal. On July 27, 2007, Joe Holland of Ohio EPA-Division of Solid and Infectious Waste Management, Patrick Hudnall of Ohio EPA-Division of Surface Water and Mike Cooper of Athens City-County Health Department and I met with you at the scrap yard and discussed the scrap yard operations.

Ohio EPA Division of Hazardous Waste Management will address the used oil and battery storage issues at the scrap yard. Septic system and tire storage problems will be addressed separately by the Athens City-County Health Department.

While at Cullison's, I inspected the facility for 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). This letter will explain the violations of the OAC identified by the inspection, and what you need to do to correct the violations. This letter will also cover other general concerns about Cullison's operations and what you need to do to respond to these concerns.

The following violations were found during the inspection. In order to correct these violations you must do the following and **send me the required information within 30 days of your receipt of this letter.**

1. **OAC Rule 3745-279-22(C), Used Oil Storage Requirements for Generators:** Containers and above ground tanks used to store used oil must be labeled with the words "Used Oil."

At the time Ohio EPA's inspection, Cullison's was storing used oil outdoors in two 55-gallon drums. These containers were not labeled with the words "Used Oil" as required by this rule.

In order to return to compliance with this rule Cullison's must immediately label all used oil containers at the property with the words "Used Oil." To document your compliance, submit photographs of the labeled containers to this office.

2. ***OAC Rule 3745-279-22(D), Used oil storage requirements for generators:***  
Upon detection of a release of used oil to the environment, 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.

At the time of Ohio EPA's inspection, used oil had been spilled on the ground in the scrap metal storage area just in front of the appliance staging area. The spill had not been cleaned up as required by this rule.

In order to return to compliance, you must remove all soil visibly stained by the spill and dispose of it properly in a licensed solid waste landfill. Cullison's must provide copies to this office of the landfill disposal receipts to document proper disposal.

**Comments:**

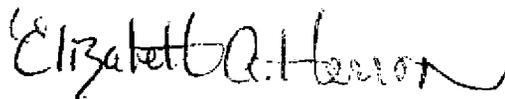
1. At the time of the inspection, Cullison's had a 55-gallon drum that contained a mixture of used oil and rain water. You indicated that you were unsure of how you could dispose of the oil and water mixture. Enclosed with this letter is a list of used oil recyclers. If you look at the service/terms column on this list, you will see that several of the companies will take oil and water mixtures. Since Cullison's has no use for the material you should have it recycled.
2. At the time of the inspection, lead acid batteries were being stored in a careless manner on the ground throughout the property, as well as on several uncovered pallets. Battery storage problems at Cullison's have been an on going issue for the past eight years. In a letter dated April 16, 1999, Danny Cullison stated that batteries would be stored in a centralized location, on tarped skids. Battery storage has been corrected in the past only to deteriorate again.

Ohio EPA is concerned about Cullison's battery storage practices because poor storage practices can lead to broken and leaking batteries. When batteries stored on the ground leak, lead is released to the ground. There is the potential that soil can be contaminated with enough lead to make it a hazardous waste. Cleanups of contaminated soil, which require disposal of the soil in a licensed hazardous waste landfill, can be very costly and time consuming. Companies involved in cleanup often find it necessary to hire an environmental consultant to carry out the work.

If future site conditions warrant, Ohio EPA may find it necessary to conduct or require soil sampling at the property to determine if lead levels exceed regulatory limits. Ohio EPA strongly urges Cullison's to make lasting changes in their battery storage practices to reduce the likelihood of contamination of the property.

Enclosed you will find a copy of the checklists completed during the inspection. Should you have any questions, please feel free to call me at (740) 380-5248. You can find copies of the rules and other information on the division's web page at <http://www.epa.state.oh.us/dhwm/>

Sincerely,



Elizabeth A. Herron  
Environmental Specialist  
Division of Hazardous Waste Management

EH/dh

Enclosures

cc: Mike Cooper, Athens City-County Health Department  
Joe Holland, Ohio EPA, SEDO, DSIWM  
Patrick Hudnall, Ohio EPA, SEDO, DSW

**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.

## USED OIL GENERATOR REQUIREMENTS

**NOTE: (Short Version) - This checklist does not include requirements for used oil transporters and transfer facilities, processors and re-refiners, burners, and marketers.**

### PROHIBITIONS

1. Is used oil being managed in a surface impoundment or waste pile? If so:  Yes  No  NA
- Is the surface impoundment or waste pile being regulated under OAC 3745-54 to 3745-57 and 3745-205 or 3745-65 to 3745-69 and 3745-256? [3745-279-12(A)]  Yes  No  NA
2. Is used oil being used as a dust suppressant? [3745-279-12(B)]  Yes  No  NA
3. Is off-specification used oil fuel burned for energy recovery only in devices specified in 3745-279-12(C)?  Yes  No  NA

### USED OIL GENERATOR STANDARDS

4. Does the generator mix hazardous waste with used oil only as provided in 3745-279-10(B)? [2745-279-21(A)]  Yes  No  NA
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  No  NA
6. Does the generator only store used oil in tanks, containers, or units subject to OAC 3745-54 to 3745-57 and 3745-205 or 3745-65 to 3745-69 and 3745-256? [3745-279-22(A)]  Yes  No  NA
7. Are containers and aboveground tanks used to store used oil in good condition with no visible leaks? [3745-279-22(B)]  Yes  No  NA
8. Are containers, above ground tanks, and fill pipes used for underground tanks clearly labeled or marked "Used Oil?" [3745-279-22(C)]  Yes  No  NA  
*At the time of the inspection, Cullison's had two 55-gallon drums containing used oil that were not labeled "Used Oil."*
9. Has the generator, upon detection of a release of used oil, done the following: [3745-279-22(D)]
- a. Stopped the release?  Yes  No  NA
- b. Contained the release?  Yes  No  NA
- c. Cleaned up and properly managed the used oil and other materials?  Yes  No  NA
- d. Repaired or replaced the containers or tanks prior to returning them to service, if necessary?  Yes  No  NA  
*At the time of Ohio EPA's inspection, used oil had been spilled on the ground in the scrap metal storage area just in front of the appliance staging area. The spill had not been cleaned up as required by this rule.*

10. Does the generator burn used oil in used oil fired space heaters? [3745-23] If so:  Yes  No  NA
- a. Does the heater burn only used oil that owner/operator generates or used oil received from household do-it-yourself (DIY) used oil generators?  Yes  No  NA
- b. Is the heater designed to have a maximum capacity of not more than 0.5 million BTU per hour?  Yes  No  NA
- c. Are the combustion gases from heater vented to the ambient air?  Yes  No  NA
11. Does the generator have the used oil hauled only by transporters that have obtained U.S. EPA ID#, unless the generator qualifies for an exemption pursuant to 3745-279-24 (self transportation or tolling agreements)? [3745-279-24]  Yes  No  NA

*Used oil has not been transported off-site.*

**USED OIL COLLECTION CENTERS AND AGGREGATION POINTS**

12. 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  No  NA
13. Is the non-DIY used oil collection center registered with Ohio EPA? [3745-279-31]  Yes  No  NA
14. Is the used oil aggregation point in compliance with the generator standards in 3745-279-20 to 3745-279-24? [3745-279-32]  Yes  No  NA

**WASTE EVALUATION**

15. Have all wastes generated at the facility been evaluated? [3745-52-11]  Yes  No  NA

**REMARKS**

## WASTE ACTIVITIES SUMMARY

Facility Name: Cullison's Scrap Metal

Facility Type: CESQG/UOG

EPA ID#: Non-notifier

Waste Generated				On-Site and Off-Site Management			Pollution Prevention Activities		
Process Generating Waste	Waste Generated	EPA Waste Code	Amount Generated per Month	Type and Location of Accumulation, Storage	Type of On-Site Treatment	Name, State, and Type of Activity Occurring at the Facility	Current Pollution Prevention Activities	Pollution Prevention Opportunities	
1	receiving batteries from customers	lead acid batteries	not applicable	varies	on the ground outside or on pallets outside		RSR picks up the batteries for recycling about twice a year	recycled	improve storage conditions
2	metal crushers	used oil	not applicable	varies	55-gallon drums stored outside		not yet disposed		
3	receiving of scrap metal from customers	scrap metal	not applicable	2 - 3 roll-off boxes per week	roll-off box		Muskingum Iron and Metal Zanesville, Ohio		

# CONDITIONALLY EXEMPT SMALL QUANTITY (CESQG) GENERATOR REQUIREMENTS

CESQG: <100Kg. (Approximately 25-30 gallons) of waste in a calendar month.

SQG: Between 100 and 1,000 Kg. (About 25 to under 300 gallons) of waste in a calendar month.

LQG: >1,000 Kg. (~300 gallons) of waste in a calendar month or >1 Kg. of acutely hazardous waste in a calendar month.

## WASTE EVALUATION

1. Have all wastes generated at the facility been adequately evaluated? [3745-52-11]  Yes  No  NA

## GENERATOR CLASSIFICATION

2. Does the generator produce <100 kg. of hazardous waste per month? [conditionally exempt small quantity generator ("CESQG")]  Yes  No  NA

NOTE: If quantities of hazardous waste accumulated on-site at any one time exceed 1,000 Kg. - or the generator produces between 100 and 1,000 Kg. of hazardous waste per month, it is operating as a Small Quantity Generator ("SQG").

## OFF-SITE SHIPMENT OF HAZARDOUS WASTE

3. Does the CESQG ensure delivery of hazardous waste(s) to an off-site permitted TSD? [3734.02(F)]  Yes  No  NA

## TREATMENT OF HAZARDOUS WASTE

4. Does the generator treat hazardous waste in a :
- a. Container that meets 3745-66-70 to 3745-66-77?  Yes  No  NA
  - b. Tank that meets 3745-66-90 to 3745-66-101 except 3745-66-97(C)  Yes  No  NA
  - c. Drip pad that meets 3745-69-40 to 3745-69-45?  Yes  No  NA
  - d. Containment building that meets 3745-256-100 to 3745-256-102?  Yes  No  NA

NOTE: If the CESQG conducts treatment they are subject to the LQG requirements.

NOTE: If waste is treated to meet LDRs, use the LDR checklist.

## REMARKS

## GENERAL FACILITY INFORMATION

### **Process Information:**

Cullison's Scrap Metal operates a scrap metal and battery collection facility. Customers are paid to bring scrap metal and batteries to the facility. Scrap metal is then sold by Cullison's to Muskingum Iron and Metal. Lead acid batteries are collected and stored on-site until they have a sufficient quantity to have them picked up by RSR for recycling.

### **Regulatory/Enforcement History:**

Ohio EPA has done complaint inspections of Cullison's in 1999, 2000, 2002, 2006. Complainants have been regarding sloppy operations at the facility.

### **Pollution Prevention Remarks and/or Other Information:**

Would this facility be interested in a P2 assessment?

Yes  No  NA

### **REMARKS**

*If yes, refer to Ohio EPA Southeast District Office Pollution Prevention Coordinator or to Ohio EPA's Office of Compliance Assistance and Pollution Prevention, at 1-800-329-7518, [p2mail@epa.state.oh.us](mailto:p2mail@epa.state.oh.us) or [www.epa.state.oh.us/ocapp/ocapp.html](http://www.epa.state.oh.us/ocapp/ocapp.html).*