



**Environmental
Protection Agency**

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

January 27, 2011

**COSHOCTON COUNTY
GENERAL FILE
(YELLOW BUS SALES/
MIKE AND B SALES)
DHWM/SEDO
OHR000116897**

Mr. Michael Ianniello
Yellow Bus Sales/Mike and B Sales
59590 County Road 9
Newcomerstown, Ohio 43832

Dear Mr. Ianniello:

On November 9, 2010, I performed a compliance inspection at your facility (YBS/MBS), located at 59590 CR 9, Newcomerstown, to determine its compliance with Ohio's hazardous waste laws and regulations as found in Chapter 3734 of the Ohio Revised Code (ORC) and Chapter 3745 of the Ohio Administrative Code (OAC). I sent you a Notice of Violation (NOV) letter on November 22, 2010, specifying the violations observed during the inspection. To date, Yellow Bus Sales/Mike and B Sales has failed to respond to the November 22, 2010 NOV letter and remains in violation of the following:

- (1) **OAC Rule 3745-279-72(A), On-Specification Used Oil Fuel:** A generator, transporter, processor/re-refiner, or burner shall determine that used oil that is to be burned for energy recovery meets the fuel specifications of rule 3745-279-11 of the Administrative Code by performing analyses or obtaining copies of analyses documenting that the used oil fuel meets the specifications.

Yellow Bus Sales/Mike and B Sales (YBS/MBS), allows used oil to be transported off-site for purposes of burning in a space heater for fuel recovery without first being tested to determine if the used oil meets the specifications of OAC 3745-279-11 in violation of the above rule. In order to abate this rule, YBS/MBS, or the burner of the used oil, must test the used oil to determine if it meets the definition of used oil as defined in OAC 3745-279-11. I have attached a list of analytical laboratories for your convenience. If no other oil, solvents parts washer fluid, etc is mixed with the used oil removed from bus engines, then by "process knowledge", the total halogen analysis does not have to be run and can assumed to be below 4,000 ppm.

- (2) **OAC Rule 3745-279-22(C), Used oil storage requirements for generators:** Containers and aboveground tanks used to store used oil at generator facilities shall be labeled or marked clearly with the words, "Used Oil."

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The used oil containers (55-gallon drums) located in the used oil storage bus and other containers on-site were not labeled with the words "Used Oil," in violation of this rule. In order to abate this violation, you must label all used oil containers with the words "Used Oil" and document compliance with this rule by submitting a picture of properly labeled used oil containers to this office for review.

- (3) **OAC Rule 3745-279-22(D), Response to Releases:** 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 and replace any leaking used oil storage containers or tanks prior to returning them to service.

YBS/MBS has allowed the release of used oil to the soil around the bus used oil storage location and has not cleaned up this spillage in violation of this rule. In order to abate this violation, YBS/MBS must stop the release of used oil and clean up the released used oil around the bus used oil storage location. In order to document compliance with this rule, YBS/MBS must submit a photograph(s) documenting that the spilled/released used oil has been cleaned up and managed as a solid waste.

Please submit the above requested documentation to this office within 15 days of receipt of this letter demonstrating that all violations have been abated. If you have any questions feel free to call me at (740) 380-5262.

Sincerely,



John Rochotte
District Representative
Division of Hazardous Waste Management

JR/mlm

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.