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State of Ohio Environmental Protection Agency

Central District Office

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MAILING ADDRESS:

P.O. Box 1049
Columbus, OH 43216-1049

April 6, 2007

Re: Franklin County
Auto Exotica
Non-Notifier (CESQG)
Complaint Investigation/CEI
NOV - RTC

Mr. Lee Cohen
Auto Exotica
3419 East Dublin-Granville Road
Westerville, OH 43081

Dear Mr. Cohen:

On March 21, 2007, Ohio EPA received an anonymous complaint alleging improper management, trash, tires, etc. by the Passen Motorsports Ltd. facility located at 3419 East Dublin-Granville Road in Westerville, Ohio 43081. On March 22, 2007, Phil Farnlacher, and I went to the above facility to complete a complaint investigation. This letter corresponds only towards your compliance regarding applicable hazardous waste, used oil, and/or universal waste rules.

We met with you at the facility to discuss the complaint allegations. You reported that you had been operating a specialty auto service entity at this location for 2.5 - 3 years under the name of "Auto Exotica." You reported there is also a second location at 1325 Bethel Road in Columbus, Ohio. We discussed the complainant's allegations and completed a facility compliance evaluation inspection (CEI).

Based upon the results of the CEI, it was determined that Auto Exotica had violated the following used oil rule:

OAC Rule 3745-279-22(C)(1), Used Oil Storage Requirement for Generators:
Containers and aboveground tanks used to store used oil at generator facilities must be labeled or clearly marked with the words "Used Oil."

At the time of the CEI, the container used to managed the used oil was not appropriately labeled with the words "Used Oil."

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

Mr. Lee Cohen
Auto Exotica
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On this same day, prior to leaving the facility and in my presence, the container was labeled with the words "Used Oil." No further action is required by you at this time regarding this violation.

Enclosed, you will find a copy of the checklists completed as a result of the CEI. You will also find copies of the following Ohio EPA publications: Environmental Compliance Guide for Auto Service Shops, October 2001 and Ohio's Universal Waste Rules; Are You Handling Used Lamps Correctly?, September 2006. As a special note, the auto service shops guide includes descriptions regarding the rules/regulations associated with the burning of used oil in on-site space heaters.

Should you have any questions or need additional information, I can be reached by telephone at 614-728-5037.

Respectfully,



Randy Sheldon
Environmental Specialist
Division of Hazardous Waste Management
Central District Office

Enclosures

c: Phil Farnlacher, DSIWM, CDO
Tammy McConnell, DHWM, CO
~~DHWM, CDO, File~~

RS/cl nov rtc

NOTICE:

Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve Auto Exotica from having to comply with all applicable regulations.

COMPLAINT INVESTIGATION/COMPLIANCE INSPECTION

TO: DHWM, CDO File
FROM: *RS* Randy Sheldon, DHWM, CDO
DATE: March 30, 2007
RE: Complaint alleging improper management of used oils, trash, tires, etc. at Auto Exotica, 3419 E. Dublin-Granville Road, Westerville, Ohio, Franklin County, Non-Notifier

On March 21, 2007, Ohio EPA received an anonymous complaint alleging improper management of used oils, trash, tires, etc. reportedly at the Passen Motorsports Ltd. facility located at 3419 East Dublin-Granville Road, Westerville, Ohio in Franklin County.

On March 22, 2007, Phil Farnlacher and I went to the facility to complete a complaint investigation. At the facility we spoke to Mr. Lee Cohen, owner/operator of the business called Auto Exotica. A sister location of this company is also located at 1325 Bethel Road, Columbus, Ohio in Franklin County. He said he took over operations at the Dublin-Granville Road location 2.5 - 3 years ago. At this time we explained the complainant's allegations and that Phil represented the Division of Solid and Infectious Waste Management and I represented the Division of Hazardous Waste Management of Ohio EPA.

Auto Exotica is reportedly a specialty automobile service that installs high performance equipment on the various types of vehicles. Regular types of service work or general auto maintenance are not completed at this facility, normally only the specialty services.

It was reported that virtually no painting is done at the facility, only small touch-ups with spray paint or touch-up paint tubes. When empty, these waste containers are disposed with the regular trash.

A small parts washer was recently purchased and has been used sparingly. The type of solvent used in the parts washer was not known at this time, but reportedly had never been removed or disposed to this point. We discussed that this waste would need to be evaluated if/when it was to be sent off-site for disposal.

Some used oils are generated and are managed in a ~300 gallon tote located at the rear of the main building. Although this container was not labeled with the words "used oil" at the time of the investigation, it was appropriately labeled before we left the property. It was reported that although the used oils had been sent off-site in the past, he was now accumulating the used oils as he was intending to install a "Clean-Burn" used oil burning heater to heat his building before the next winter season. We discussed the required

specifications of the oil burner and I told him I would send him some information on these requirements.

Some antifreeze is generated and is managed with the used oils.

Any used batteries are saved and turned into Interstate Batteries for recycling and "core credit" that can be applied towards the purchase of new batteries.

We discussed the management of spent fluorescent light bulbs and I told him I would send him information on the subject. It was reported that no light bulbs had been changed/disposed to date by him and none was found in accumulation.

We discussed that Auto Exotica, in the present state of operations and product uses, would be considered no larger than a conditionally exempt small quantity generator (CESQG) of hazardous wastes, which could be managed with his used oil, if he chooses. We discussed that if he was going to burn this used oil and such, he should be aware of any applicable rules and regulations and should be sure of what the equipment is specified to appropriately manage.

Phil discussed the aspects of appropriate solid waste and tire management with Mr. Cohen (See DSIWM report).

c: DSIWM, CDO File

E-mail this completed form to tammy.mcconnell@epa.state.oh.us or mail it to Tammy McConnell, Central Office

Ohio Environmental Protection Agency
RCRA SUB PART C SITE IDENTIFICATION/VERIFICATION FORM

For Ohio EPA use only

2. Site EPA ID No. EPA ID Number: Non-Notifier

3. Site Name Name: Auto Exotica Website (optional:)

4. Site Location Information
Street Address: 3419 East Dublin-Granville Road
City, Town, or Village: Westerville State: OH
County Name: Franklin Zip Code: 43081

5. Site Land Type (check only one)
Private County District Federal Indian Municipal State Other

6. NAICS code(s) www.census.gov/epcd/www/naics.html
A. B.
C. D.

7. Facility Representative: zlee MI: Last Name: Cohen
Phone Number: 614-882-2082 Phone Number Extension:
E-Mail Address: www.aexotica.com
Fax Number: 614-882-5085 Fax Number Extension:
Street or P.O. Box: 3419 East Dublin-Granville Road
City, Town or Village: Westerville
State: Ohio Country: USA Zip Code: 43081

8. 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.
A. Name of Site's Legal Owner: Ronald & Ruby L Passen Date Became Owner (mm/dd/yyyy): 03/11/1993
Owner Type: Private County District Federal Indian Municipal State Other
Mark with an X
Street or P.O. Box: 6982 Worthington Road
City, Town, or Village: Westerville Owner Phone #:
State: OH Country: USA Zip Code: 43082
B. Name of Site's Operator: Date Became Operator (mm/dd/yyyy):
Operator Type: Private County District Federal Indian Municipal State Other
Mark with an X
Street or P.O. Box:
City, Town, or Village: Operator Phone #:
State: Country: Zip Code:

9. Violations Cited? Yes No

10. Type of Regulated Waste Activity (Mark "X" in all of the appropriate boxes.)
 Not Regulated

10. Type of Regulated Waste Activity (Mark in all of the appropriate boxes.)

A. Hazardous Waste Activities	
(choose only one of the following categories)	<input type="checkbox"/> 3. Treater, Storer or Disposer of Hazardous Waste
<input type="checkbox"/> UNKNOWN: Cited for violation of 3745-52-11	<input type="checkbox"/> 4. Recycler of Hazardous Waste
<input type="checkbox"/> a. Large Quantity Generator (LQG):	<input type="checkbox"/> 5. Exempt Boiler and/or Industrial Furnace
<input type="checkbox"/> b. Small Quantity Generator (SQG)	<input type="checkbox"/> a. Small Quantity On-site Burner Exemption
<input checked="" type="checkbox"/> c. Conditionally Exempt Small Quantity Generator	<input type="checkbox"/> b. Smelting, Melting, Refining Furnace Exemption
<input type="checkbox"/> d. United States Importer of Hazardous Waste	<input type="checkbox"/> 6. Underground Injection Control Facility
<input type="checkbox"/> e. Mixed Waste (hazardous and radioactive) Generator	<input type="checkbox"/> 7. Hazardous Waste Transporter

B. Universal Waste Activities	C. Used Oil Activities															
<input checked="" type="checkbox"/> 1. Small Quantity Handler of Universal Waste (Indicate types of universal waste generated and/or accumulated (check all boxes that apply):	<input checked="" type="checkbox"/> 1. Used Oil Generator															
<input type="checkbox"/> 2. Large Quantity Handler of Universal Waste (accumulates 5,000 kg or more).	<input type="checkbox"/> 2. Used Oil Transporter Indicate Type(s) of Activity(ies)															
<input type="checkbox"/> 3. Destination Facility for Universal Waste (Check all boxes below that apply for each of the three types of facilities above.)	<input type="checkbox"/> Transporter															
	<input type="checkbox"/> Transfer Facility															
	<input type="checkbox"/> 3. Used Oil Processor and/or Re-refiner Indicate Type(s) of Activity(ies)															
	<input type="checkbox"/> Processor															
	<input type="checkbox"/> Re-refiner															
<table border="1"> <thead> <tr> <th></th> <th>Generated</th> <th>Accumulated</th> </tr> </thead> <tbody> <tr> <td>A. Batteries</td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>B. Pesticides</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>C. Thermostats</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>D. Lamps</td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </tbody> </table>		Generated	Accumulated	A. Batteries	<input checked="" type="checkbox"/>	<input type="checkbox"/>	B. Pesticides	<input type="checkbox"/>	<input type="checkbox"/>	C. Thermostats	<input type="checkbox"/>	<input type="checkbox"/>	D. Lamps	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> 4. Off-Specification Used Oil Burner
	Generated	Accumulated														
A. Batteries	<input checked="" type="checkbox"/>	<input type="checkbox"/>														
B. Pesticides	<input type="checkbox"/>	<input type="checkbox"/>														
C. Thermostats	<input type="checkbox"/>	<input type="checkbox"/>														
D. Lamps	<input checked="" type="checkbox"/>	<input type="checkbox"/>														
	<input type="checkbox"/> 5. Used Oil Fuel Marketer - Indicate Type(s) of Activity(ies)															
	<input type="checkbox"/> a. Marketer Who Directs Shipment of Off-Specification Oil															
	<input type="checkbox"/> b. Used Oil to Off-Specification Used Oil Burner															

11. Waste Codes for Federally Regulated Hazardous Wastes. Please list the codes for the federally regulated hazardous waste handled at your site. List them in the order they are presented in the regulations (e.g., D001, D003, F007, U112). Use an additional page if more space is needed. If there are more than 7 waste codes and they are the same as listed in the most recent RCRA info source record, you do not need to list them all. Instead just indicate the date of the most recent source record.

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12. Comments: Use this area to describe whether the inspection was announced, whether the waste is stored in tanks or containers, etc.

N	Announced?	Additional Facility Representatives:
N	Tanks?	Other comments: Complaint investigation with inspection as CESQG, used oil generator, and/or universal waste (bulbs). Lead acid batteries recycled through supplier. Used oil labeling violation abated same day.
Y	Containers?	

13.	Name of Inspector(s)	Name of Inspector(s)	Date of Inspection/Time (mm-dd-yyyy) (HH:MM)
	R. Sheldon	P. Farnlacher, DSIWM, CDO	03/22/2007; 10:00 AM

14. OPTIONAL CERTIFICATION. I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature of owner, operator, or an authorized representative	Name and Title (Print)	Date (mm-dd-yyyy)
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**CONDITIONALLY EXEMPT SMALL QUANTITY GENERATOR REQUIREMENTS
COMPLETE AND ATTACH A PROCESS, WASTE, P2 SUMMARY SHEET**

CESQG: ≤ 100Kg. (Approximately 25-30 gallons) of waste in a calendar month or < 1 Kg. of acutely hazardous waste.
 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.
 NOTE: To convert from gallons to pounds: Amount in gallons x Specific Gravity x 8.345 = Amounts in pounds.

Safety Equipment Used:

WASTE EVALUATION

1. Have all wastes generated at the facility been adequately evaluated? [3745-52-11] Yes No N/A
 Generator knowledge of products used.

GENERATOR CLASSIFICATION

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

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"). If so, complete the Small Quantity Generator Requirements checklist.

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 N/A
 The CESQG mixes any HW generated (very marginal quantities) with his used oil.

TREATMENT OF HAZARDOUS WASTE

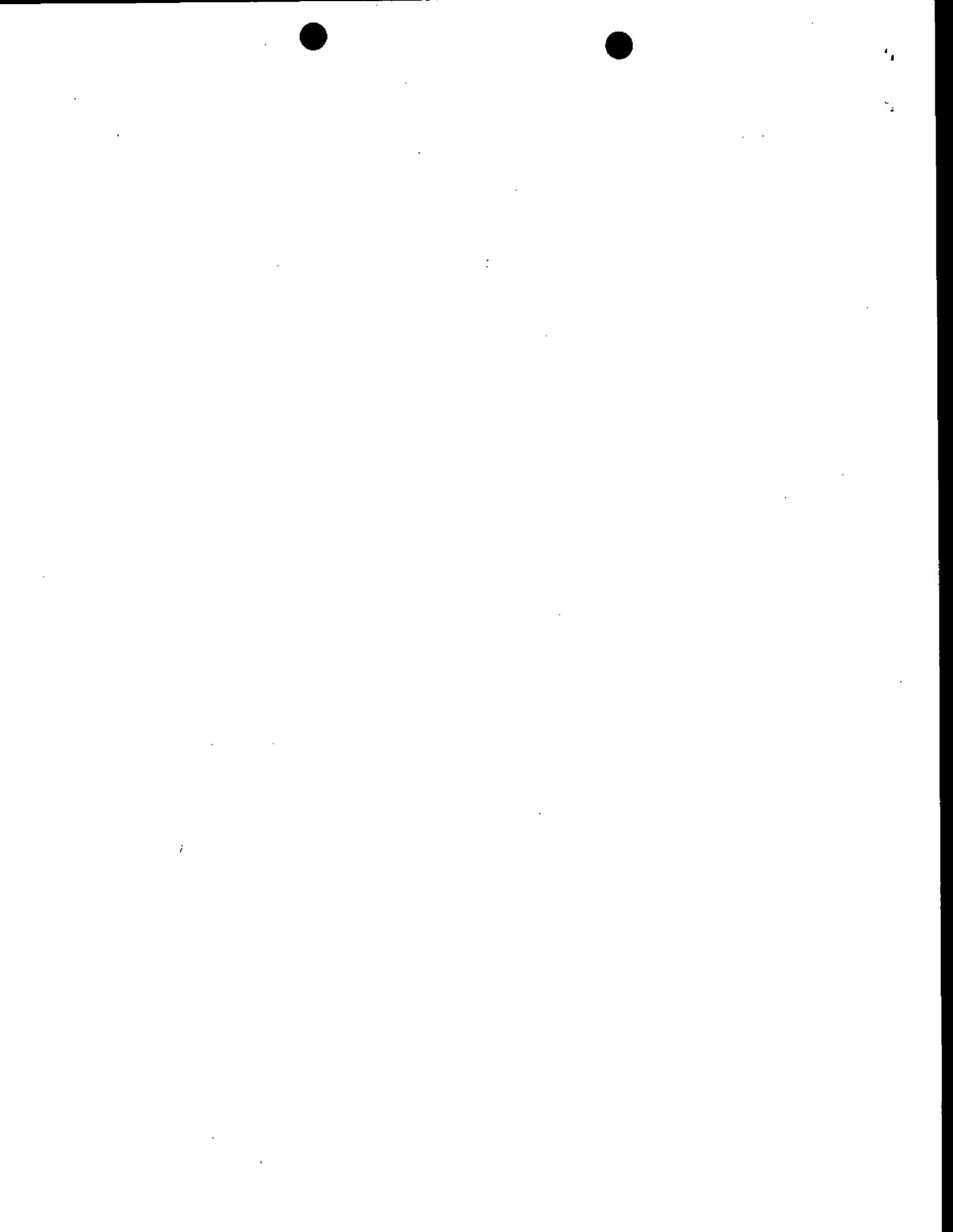
The CESQG does not treat HW.

- a. Container that meets 3745-66-70 to 3745-66-77? Yes No N/A
 b. Tank that meets 3745-66-90 to 3745-66-101 except 3745-66-97(C)? Yes No N/A
 c. Drip pads that meet 3745-69-40 to 3745-69-45? Yes No N/A
 d. Containment building that meets 3745-256-100 to 3745-256-102? Yes No N/A

NOTE: Complete appropriate checklist for each unit.
 NOTE: If the CESQG conducts treatment they are subject to the LQG requirements.
 NOTE: If waste is treated to meet LDRs, use LDR checklist.

REMARKS

1. The facility is accumulating used oils, antifreeze, and/or any hazardous wastes in the used oil container for the purpose of heating the facility building.



USED OIL INSPECTION CHECKLIST (Short Version)

NOTE: *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 N/A RMK#
- 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 N/A RMK#
2. Is used oil being used as a dust suppressant? [3745-279-12(B)] Yes No N/A RMK#
3. Is off-specification used oil fuel burned for energy recovery only in devices specified in 3745-279-12(C)? Yes No N/A RMK#

USED OIL GENERATOR STANDARDS

4. Does the generator mix hazardous waste with used oil only as provided in 3745-279-10(B)? [3745-279-21(A)] Yes No N/A RMK#
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 N/A RMK# 1
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 N/A RMK#
7. Are containers and aboveground tanks used to store used oil in good condition with no visible leaks? [3745-279-22(B)] Yes No N/A RMK#
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 N/A RMK#
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 N/A RMK#
- b. Contained the release? Yes No N/A RMK#

c. Cleaned up and properly managed the used oil and other materials?

Yes No N/A ___ RMK# ___

d. Repaired or replaced the containers or tanks prior to returning them to service, if necessary?

Yes No N/A ___ RMK# ___

10. Does the generator burn used oil in used fired space heaters? [3745-279-23] If so:

Yes ___ No ___ N/A ___ RMK# 1

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 N/A ___ RMK# 1

b. Is the heater designed to have a maximum capacity of not more than 0.5 million BTU per hour?

Yes ___ No N/A ___ RMK# 1

c. Are the combustion gases from heater vented to the ambient air?

Yes ___ No N/A ___ RMK# 1

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 N/A ___ RMK# 1

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 N/A RMK# ___

13. Is the non-DIY used oil collection center registered with Ohio EPA? [3745-279-31]

Yes ___ No N/A RMK# ___

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 N/A RMK# ___

WASTE EVALUATION

15. Have all wastes generated at the facility been evaluated? [3745-52-11]

Yes No N/A ___ RMK# ___

G:\RSHELDON\auto exoftusedoil.wpd

REMARKS

1. Generator is a CESQG and mixes any hazardous wastes with the used oil. Although in the past used oil was hauled off-site, it is now being accumulated for the anticipated installation of a "Clean Burn" used oil fired space heater for the facility building. Although not labeled initially, the used oil container was appropriately labeled prior to leaving the site.