



State of Ohio Environmental Protection Agency

FILE COPY

STREET ADDRESS:

Central District Office

MAILING ADDRESS:

Lazarus Government Center
50 W. Town St., Suite 700
Columbus, Ohio 43215

TELE: (614) 728-3778 FAX: (614) 728-3898
www.epa.state.oh.us

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

August 4, 2010

Mr. Jerry Smolack, Sr.
Jerry's Automatic Transmission Service
2904 E. 14th Avenue
Columbus, OH 43219

Re: **Jerry's Automatic Transmission Service**
Non-notifier Franklin County
DHR000160564

Dear Mr. Smolack:

Thank you and your son (also named Jerry), for your time during my inspection visit at your facility at 2478 Sunbury Rd. on July 30, 2010. Your business was in the process of vacating and moving to the new address to which this letter is addressed. Ohio EPA had received a complaint (#3857) regarding your facility. Ohio's laws under Chapter 3745 of the Ohio Administrative Code and Chapter 3734 of the Ohio Revised Code establish a system for safe and responsible management of hazardous waste and used oil. This letter summarizes my findings.

One violation of the used oil regulations was observed, but has been resolved:

OAC Rule 3745-279-22(C), Used Oil Container Marking. Accumulation containers and tanks must be clearly labeled or marked as "Used Oil".

A 275-gallon tote container outside the southeast end of the building was unmarked.

The tote was marked with a stencil on two sides clearly as "Used Oil". The violation is now considered resolved.

A dried, discolored black stained gravel area (about 3 feet by 4 feet) by the used oil tote tank next to the southwest corner of the shop building was noted. There was no evidence of ongoing or recent leakage or spillage from the used oil tank at the time of my visit. I recommended that the stained gravel be scraped up and disposed of as solid waste, which you said you would do.

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

Ohio EPA is an Equal Opportunity Employer

Mr. Jerry Smolack, Sr.
Jerry's Automatic Transmission Service
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If you have any questions about such matters now or in the future, do not hesitate to call me at (614) 728-3885.

Sincerely,



J. David Hohmann
Environmental Specialist
Division of Hazardous Waste Management
Central District Office

c: CDO File

JDH/nsm Jerry's Transmission 2010 NOV

Notice: Ohio EPA's failure to list specific deficiencies/violations in this letter does not relieve your company from general obligations to comply with all applicable regulations.

USED OIL INSPECTION CHECKLIST

GENERATORS, COLLECTION CENTERS AND AGGREGATION POINTS

PROHIBITIONS

1.	Does the generator manage used oil in a surface impoundment or waste pile? If yes: [n/a]	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
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"/>

GENERATOR STANDARDS

4.	Does the generator mix hazardous waste with used oil? If so, [N/A]	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
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"/>
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)] <i>RMK: A 275-gallon toter tank for accumulating used oil was unmarked. This problem was corrected by facility personnel during my visit.</i>	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)] <i>RMK: a localized dark stain on gravel under the used oil toter was apparently old. It was not wet. It was recommended this material be scraped up and placed into the dumpster for disposal.</i>	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
a.	Stopped the release? <i>RMK: no evidence of recent or ongoing release.</i>	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 N/A

GENERATOR TRANSPORTATION

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 checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input 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] [N/A]	

COLLECTION CENTERS AND AGGREGATION POINTS [N/A]

Ohio EPA CDO DHWM Complaint Investigation Report

Site: Jerry's Automatic Transmission Service, Inc. RCRA ID#: unassigned
Inspection Date: 7/30/2010 **Site Contact:** Jerry Smolack, Sr. **Phone** (614)252-7600
Location: 2478 Sunbury Rd. Columbus, OH 43219
At this location since: 2006 **Generator Status:** Used Oil Generator

OEPA

Lead Contact: J. David Hohmann, CDO DHWM
Contact Phone: (614) 728-3885 **Email:** david.hohmann@epa.state.oh.us **FAX:** (614) 728-3898
Report By: JDH **Report Date:** 7-30-2010

 7-30-10 (Signed)(Date)

Background:

Ohio EPA had received one past complaint regarding this business in 2006. The situation then had involved waste left behind by a different business tenant or neighbor, which was ultimately resolved by action of the landlord there. The current inspection was based on a new complaint received from the current landlord, Mr. Moses Butler (c/o Easton Storage, 2470 Sunbury Rd., Columbus OH 43219).

Inspection Summary:

I arrived at 10:30 AM on 7/30/2010 and was greeted by Jerry Smolack Jr., who agreed to help me. His father (Jerry Smolack Sr.) joined us a few moments later. Mr. Smolack (Jr. and Sr.) both explained that there had been a legal dispute with the landlord at the end of June concerning allocation of electric utility bills for two adjacent properties, over a several year period. Mr. Smolack (Sr.) said that Jerry's Transmission is moving to a new address on 14th Avenue, and gave me an updated business card listing it as: 2904 E. 14th Ave., Columbus, OH 43219.

Mr. Smolack told me that the used oil has always been properly sent offsite for recycling. Cohaggen Oil Recovery, 161 Hancock St., Newark OH 43055. (614-348-3176) has taken the oil. I was told that the recycler's ID number was OHR 00014864. This ID number was missing a digit; Mr. Smolack called the recycler, "Mike" (a/k/a Richard). Mike was not able to verify the 9-digit number from on the road via cellphone. Evidently his business cards or receipts have a typo on them.

The used oil was being collected in a 275-gallon cube-shaped toter tank that was located outside the southeast end of the building. The toter appeared to be in good condition. A funnel was in the top opening. The container was about 80 percent full. It was unmarked but Mr. Smolack (Jr.) corrected this deficiency using a stencil to mark the words "Used Oil" on two sides of it, in blue spray paint.

Some dry, dark-stained gravel was noted under and beside one end of the oil toter tank. This did not appear to be recent or fresh, if it came from any spill. No evidence of ongoing or recent leakage or spillage from the toter was noted. I recommended that the stained gravel be cleaned up and placed in the dumpster as a protective measure. Mr. Smolack (Sr.) said he would do this.

A 55-gallon drum for accumulating used antifreeze (also sent to the same recycler) was next to the oil toter. The drum was closed and in good condition. It was marked as "waste coolant only", although the lettering was somewhat faded.

The building and area was secured by a fence and gate. Housekeeping inside the building appeared to be very good. No evidence of spilled oil was noted anywhere inside it. No evidence of any hazardous waste generation was noted during my inspection visit either.

Mr. Smolack (Sr.) said he hoped to be out of the building in the next 2-3 days. I thanked him for his time, and said I would send a follow-up letter to his new address.

Mr. Smolack also mentioned a possible problem with septic or sewage waste runoff possibly from a clogged storm drain, flowing west across the street onto a residential property a few weeks ago after a storm event. Apparently county health department staffers had done some green dye testing but did not check the building where Jerry's Transmission was located. Mr. Smolack was skeptical that the problem had been resolved properly. The whole area along Sunbury Road there slopes toward the nearby Alum Creek. I said I would pass the information and concerns along, but encouraged him and/or the neighbor to talk directly to the county staffer who had been out there before about this.



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 paula.canter@epa.state.oh.us.

Site EPA ID No. Site Name	EPA ID Number: <u>OHRODD160564</u> Name: Jerry's Automatic Transmission Service		Website: (Optional)
Site Location Information	Street Address: 2478 Sunbury Rd.		
Site Land Type (check only one)	City, Town, or Village: Columbus		State: OH
NAICS code(s) www.census.gov/epcd/www/naics.html	County Name: Franklin		Zip Code: 43219
	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"/>	

Facility Representative Additional names can be recorded in number 12 Only provide address information if it is different than the site address	First Name: Jerry	MI:	Last Name: Smolack
	Title: Owner		
	Phone Number: 614-252-7600		Phone Number Extension:
	E-Mail Address:		
	Fax Number: 614-252-7613		Fax Number Extension:
	Street or P.O. Box: 2904 East 14th Ave.		
	City, Town or Village: Columbus		Zip Code: 43219
	State: OH		

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: Moses Butler		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: 2470 Sunbury Rd.		
	City, Town or Village: Columbus		Owner Phone #:	
	State: OH		Country: USA	
	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?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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TYPE OF HANDLER - MARK "X" AS APPROPRIATE		
<input checked="" type="checkbox"/> Not a HW Generator	<input type="checkbox"/> UNKNOWN: Cited for violation of 3745-52-11 <input type="checkbox"/> Short-Term Generator (generates from a short-term or one-time event and not from on-going processes). <i>Check the box for the applicable generator status and provide a comment.</i>	<input type="checkbox"/> Large Quantity Generator (LQG)
		<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

TYPE OF REGULATED WASTE ACTIVITY (MARK "X" IN ALL OF THE APPROPRIATE BOXES)

- | | |
|---|--|
| <input type="checkbox"/> Hazardous Waste Transporter | <input type="checkbox"/> Exempt Boiler and/or Industrial Furnace |
| <input type="checkbox"/> Hazardous Waste Transfer Facility | <input type="checkbox"/> Small Quantity On-Site Burner Exemption |
| <input type="checkbox"/> Treater, Storer or Disposer of Hazardous Waste | <input type="checkbox"/> Smelting, Melting, Refining Furnace Exemption |
| <input type="checkbox"/> Recycler of Hazardous Waste | <input type="checkbox"/> Underground Injection Control Facility |
| | <input type="checkbox"/> Receives Hazardous Waste from Off-site |

UNIVERSAL WASTE ACTIVITIES (INDICATE TYPES OF UNIVERSAL WASTE MANAGED (CHECK ALL BOXES THAT APPLY))

- | | |
|---|---|
| <input type="checkbox"/> Small Quantity Handler of Universal Waste | <input type="checkbox"/> Destination Facility for Universal Waste |
| <input type="checkbox"/> Large Quantity Handler of Universal Waste
(accumulates 5,000 kg. or more) | |

CHECK ALL BOXES BELOW THAT APPLY FOR THE TYPES OF UNIVERSAL WASTE THE FACILITY MANAGES

- Batteries
 Pesticides
 Mercury containing equipment
 Lamps

USED OIL ACTIVITIES (INDICATE TYPE(S) OF ACTIVITY(S))

- Used Oil Generator
 Used Oil Transporter
 Used Oil Transfer Facility
 Used Oil Processor
 Used Oil Re-refiner
 Off-Specification Used Oil Burner
 Used Oil Fuel Marketer who directs shipment of Off-Spec Used Oil
 Used Oil Fuel Marketer who first claims the Used Oil meets the specifications

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

n/a

COMMENTS: USE THIS AREA TO DESCRIBE WHETHER THE INSPECTION WAS ANNOUNCED, WHETHER THE WASTE IS STORED IN TANKS OR CONTAINERS, ETC.

Announced	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Additional Facility Representatives:	Jerry Lee Smolack
Tanks	<input type="checkbox"/> Yes	<input type="checkbox"/> No		
Containers	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No		

Name of Inspector(s)	Name of Inspector(s)	Date of Inspection/Time (mm/dd/yyyy) (hh:mm)
J. David Hohmann		07/30/2010 1030

Comments:

Business is in the process of vacating to new address on 14th Ave. A Used oil marking violation was resolved at the time of my inspection visit.

Complaint Investigation Summary

Received By: HOHMANN, DHWM

Date Received: 06/24/2010 Time Received: 1345

Complainant: Name: MOSES BUTLER Address: City/State: , Zip: Phone #'s: Home Work Confidential: N	Suspected Source: Name: JERRY'S TRANSMISSION Address: 2478 SUNBURY RD City/State: COLUMBUS, OH Zip: 43219 Phone: (614) 475-4450 Contact: Township: County:
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Statement of Complaint: (Describe location, type of material, quantity, areas affected etc.)

Tank behind the building containing used oil appears to be leaking, or else spillage occurring during filling. The spills are not being cleaned up according to the property owner. The business is a tenant. The tank is a plastic cube shaped container.

Mr. Butler (the landlord) requests a copy of followup correspondence.

c/o
Easton Storage
2470 Sunbury Rd.
Columbus, OH 43219

Investigated By: DAPC: DERR: DHWM: Y DSIWM: DSW: DDAGW:

Date Investigated: 07/30/2010 Investigated By: DAVID HOHMANN, DHWM

Watershed: ALUM CREEK

Investigation Summary:

No evidence of ongoing or recent spillage or leakage around the used oil container (toter tank) at this business was noted. Used Oil marking deficiency was corrected by personnel during my visit. Advised to scrape up stained dry gravel next to the tank as a precautionary measure. NOV-NOC letter issued to facility.

Action:

Date Action Taken: 07/30/2010

Date Referred: / /

Final Action Date: / /

Referred To:

