



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

Re: Cherry Picked Auto Parts  
Complaint #3274  
Lucas County  
Notice of Violation

October 2, 2013

Mr. Joel Beren, President  
Cherry Picked Auto Parts  
5650 North Detroit Avenue  
Toledo, Ohio 43612

Dear Mr. Beren:

On September 19, 2013, the Ohio Environmental Protection Agency (Ohio EPA) conducted a complaint investigation at Cherry Picked Auto Parts (CPAP) located at 5650 N. Detroit Avenue in Toledo, Ohio. The Ohio EPA received a complaint that your business uses the road as a drop off area for wrecked cars. The complainant reported that Detroit Avenue was covered with used auto fluids and broken glass. This letter will explain the validity of the complaint and any hazardous waste violations found as a result of the complaint investigation.

During our complaint investigation, Brent Goetz and I spoke with you and inspected your facility/property. CPAP operates a self-service used auto parts yard. CPAP has an area inside the building where all the fluids are removed from the vehicles prior to moving them outside. Drain tanks are located inside the building to store used oil, antifreeze and gasoline. CPAP receives 500-600 cars per month. At times the wrecked vehicles are staged along Terminal Road but are not left along the road overnight. No vehicles are staged along Detroit Avenue. The used oil and antifreeze are stored in tanks located behind the building. DISC Environmental Services (DISC) picks up the used oil two times a month. Antifreeze is picked up by DISC or Dickinson Environmental. Gasoline is also stored in a tank located behind the building and used by the facility employees to fuel their personal vehicles. Automotive batteries removed from the vehicles are tested, charged and re-sold if possible. Any non-working battery is exchanged at Dynalite.

Used oil generators are required to: store used oil in containers which are in good condition and which are labeled with the words "used oil"; clean up any releases of used oil; transport used oil through registered used oil transporters; and recycle or dispose of the used oil properly. A copy of the following fact sheet, The Regulation of Used Oil: An Overview for Ohio Businesses Who Generate Used Oil is enclosed.

At the time of my investigation, CPAP was not generating any fluorescent bulbs. A copy of the following fact sheets, Fluorescent Lamps: What You Should Know, and Universal Waste Rules for Handlers of Lamps, along with a list of lamp recyclers in Ohio, is enclosed. I recommend that you review these documents and contact me if you have any questions regarding the proper management of spent fluorescent bulbs when generated.

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We found the following violation of Ohio's hazardous waste laws:

**1. 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."

CPAP had two 150-gallon used oil drain tanks located inside the building and one approximately 500-gallon used oil storage tank located outside that were not properly labeled.

In order to correct this violation, CPAP must properly label the two 150-gallon drain tanks and the outside storage tank with the words "Used Oil" and submit photographic documentation to demonstrate compliance.

Enclosed you will find a copy of the checklists that were completed during the complaint investigation.

The investigation performed by the Ohio EPA was conducted as a result of a complaint received by this Agency. A Comprehensive Compliance Evaluation Inspection was not conducted. The Ohio EPA did not find evidence to support the complainant's allegations; therefore, the Ohio EPA considers the complaint investigation closed.

Ohio EPA will issue an EPA ID number to track our inspection activity. CPAP cannot use this number for manifesting hazardous waste shipments. If CPAP wants to use an EPA ID number for manifesting and other hazardous waste, used oil or universal waste activities, you must complete and submit a Notification of Regulated Waste Activity form (*EPA Form 9029 (Rev. 9/5/2010)*) to Ohio EPA. This form is available on our web page at <http://www.epa.ohio.gov/portals/32/pdf/EPA9029.pdf> or you can call me at (419) 373-3066 or the Division of Materials and Waste Management, Central Office, Reporting, Analysis & Data Management Unit (RADMU) at (614)728-8961 and we will mail you a copy.

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

CPAP needs to immediately take the necessary measures to return to compliance with Ohio's environmental laws. Within **14 days** of receipt of this letter, CPAP is requested to provide documentation to this office including the steps taken to abate the violations cited above.

Documentation of steps taken to return to compliance includes written correspondence, updated policies, and photographs, as appropriate, and may be submitted via the postal service or electronically to [melissa.boyers@epa.ohio.gov](mailto:melissa.boyers@epa.ohio.gov).

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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 Materials & Waste Management

/cg

Enclosures

pc: Lisa Gifford, DMWM, NWDO  
Colleen Weaver, DMWM, NWDO

ec: Colleen Weaver, DMWM, NWDO (w/enclosures)  
Melissa Boyers, DMWM, NWDO (w/enclosures)  
[RCRAInfoData@epa.state.oh.us](mailto:RCRAInfoData@epa.state.oh.us) (w/enclosures)

**Notice:**

Please be advised that violations cited above will continue until the violations have been properly abated. Failure to comply with Chapter 3734 of the Ohio Revised Code and rules promulgated thereunder may result in a civil penalty of up to \$10,000 per day for each violation. It is imperative that you return to compliance. If circumstances delay the abatement of violations, CPAP is requested to submit written correspondence of the steps that will be taken by date certain to attain compliance.

Send to Central Office <input type="checkbox"/>	<b>Ohio Environmental Protection Agency</b> <b>RCRA SUBTITLE C SITE</b> <b>IDENTIFICATION/VERIFICATION FORM</b>	For Ohio EPA use only
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Completed verification forms required to be submitted to CO should be e-mailed to [RCRAInfoData@epa.state.oh.us](mailto:RCRAInfoData@epa.state.oh.us).

<b>Site EPA ID No.</b> <b>Site Name</b>  <b>Site Location Information</b>  <b>Site Land Type</b> (check only one) <b>NAICS code(s)</b> <a href="http://www.census.gov/epcd/www/naics.html">www.census.gov/epcd/www/naics.html</a>	EPA ID Number:		Website: (Optional)		
	Name: <b>Cherry Picked Auto Parts</b>		Street Address: <b>5650 N. Detroit Avenue</b>		
	City, Town, or Village: <b>Toledo</b>		State: <b>OH</b>		
	County Name: <b>Lucas</b>		Zip Code: <b>43612</b>		
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"/>					

<b>Facility Representative</b>  Additional names can be recorded in number 12  Only provide address information if it is different than the site address	First Name: <b>Joel</b>		MI:	Last Name: <b>Beren</b>	
	Title: <b>President</b>				
	Phone Number: <b>419-724-5503</b>		Phone Number Extension:		
	E-Mail Address:				
	Fax Number:		Fax Number Extension:		
	Street or P.O. Box:				
	City, Town or Village:				
State:			Zip Code:		

<b>Legal Owner And Operator of the Site.</b> List Additional Owners and/or Operators in the Comment Section or on another copy of this form page	Name of Site's Legal Owner:				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:								
	City, Town or Village:				Owner Phone #:				
	State:				Country:		Zip Code:		
	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:		

<b>VIOLATIONS CITED?</b>	<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"/> Large Quantity Generator (LQG)
	<input type="checkbox"/> Short-Term/Temporary 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"/> 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"/> 72-Hour Recycler                               | <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<br>(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

**Eligible Academic Entities with Laboratories:** Facility has previously notified that they are opting into managing laboratory hazardous waste pursuant to OAC rules 3745-52-200 through 3745-52-216. Check the box(es) below to indicate the laboratory type.

- College or University  
 Teaching hospital that is owned by or has a formal written affiliation agreement with a college or university  
 Non-profit Institute that is owned by or has a formal written affiliation agreement with a college or university

**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.

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

Announced  Yes  No      Additional Facility Representatives:  
 Tanks  Yes  No  
 Containers  Yes  No

Name of Inspector(s)  
**Melissa Boyers**

Name of Inspector(s)  
**Brent Goetz**

Date of Inspection/Time  
 (mm/dd/yyyy) (hh:mm)  
**09/19/2013 10:00**

**Comments:**

**Complaint (#3274) investigation. A full CEI was not conducted.**

**USED OIL INSPECTION CHECKLIST  
GENERATORS, COLLECTION CENTERS AND AGGREGATION POINTS**

**NOTE:** 1. A facility is subject to the federal SPCC regulations (40 CFR 112) if it is non-transportation related (e.g., fixed) and has an aggregate above ground storage capacity greater than 1,320 gallons or a total underground storage capacity greater than 42,000 gallons of oil (including used oil), and there is reasonable expectation of a discharge to navigable waters.

2. Inspectors can check BUSTR's web-site at [https://www.comapps.ohio.gov/sfm/fire\\_apps/bust/bustr/PublicInquiry.asp](https://www.comapps.ohio.gov/sfm/fire_apps/bust/bustr/PublicInquiry.asp) to determine if a UST containing used oil is registered with BUSTR. Inspectors may call BUSTR at 614-752-7938 or a BUSTR site coordinator to report an unregistered UST or a UST that appears to not be in compliance with BUSTR regulations. A list of BUSTR coordinators by county are at:

[https://www.comapps.ohio.gov/sfm/fire\\_apps/bust/bustr/SearchByCounty.asp](https://www.comapps.ohio.gov/sfm/fire_apps/bust/bustr/SearchByCounty.asp).

**PROHIBITIONS**

1.	Does the generator manage used oil in a surface impoundment or waste pile? If yes:	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
a.	Is the surface impoundment or waste pile regulated as a hazardous waste management unit? [3745-279-12(A)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>

**NOTE:** For example, used oil contaminated scrap metal stored in a pile.

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"/>

**NOTE:** Multiple used oil checklists may be applicable if used oil handler is performing multiple tasks (e.g., If generating used oil and shipping directly to a burner, complete generator and marketer checklists at a minimum).

**GENERATOR STANDARDS**

4.	Does the generator mix hazardous waste with used oil? If so,	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
a.	Is the mixture managed as specified in 3745-279-10(B)? [3745-279-21(A)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>

**NOTE:** Used Oil mixed with listed (3745-51-30 to 3745-51-35) or characteristic (3745-51-20 to 3745-51-24) hazardous waste are subject to regulation as a hazardous waste, unless the listed hazardous waste is listed solely because it exhibits a hazardous characteristic, and the resultant mixtures do not exhibit a characteristic. Mixtures of used oil and CESQG hazardous waste are subject to OAC Chapter 3745-279.

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"/>
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**NOTE:** If used oil contains greater than 1000 ppm total halogens, it is presumed to be listed hazardous waste until the presumption is successfully rebutted.

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)]	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)]	
a.	Stopped the release?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
b.	Contained the release?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
c.	Cleaned up and properly managed the used oil and other materials?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
d.	Repaired or replaced the containers or tanks prior to returning them to service, if necessary?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>

<b>ON-SITE BURNING IN SPACE HEATER</b>		
10.	Does the generator burn used oil in used-oil fired space heaters? [3745-279-23] If so:	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
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 <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
b.	Is the heater designed to have a maximum capacity of not more than 0.5 million BTU per hour?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
c.	Are the combustion gases from heater vented to the ambient air?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
<i>NOTE: Ash accumulated in a space heater must be managed in accordance with 3745-279-10(E).</i>		
<b>GENERATOR TRANSPORTATION</b>		
11.	Does the generator have the used oil hauled only by transporters that have obtained a U.S. EPA ID#? [3745-279-24] <b>DISC Environmental</b>	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]	
a.	Does the generator transport used oil in a vehicle owned by the generator or an employee of the generator? [3745-279-24]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
b.	Does the generator transport more than 55 gallons of used oil at any time? [3745-279-24]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
<i>NOTE: Used oil generators may arrange for used oil to be transported by a transporter without a U.S. EPA ID # if the used oil is reclaimed under a contractual agreement (i.e., tolling arrangement).</i>		
<b>COLLECTION CENTERS AND AGGREGATION POINTS</b>		
13.	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 <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
14.	Is the non-DIY used oil collection center registered with Ohio EPA? [3745-279-31]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
15.	Is the used oil aggregation point in compliance with the generator standards in 3745-279-20 to 3745-279-24? [3745-279-32]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
<i>NOTE: Complete Used Oil Generator and any other applicable used oil handler checklist (e.g., marketer, burner, etc.) for used oil collection centers and aggregation points.</i>		

#8 – One outside storage tank and two inside drain tanks not properly labeled.

**PROCESS DESCRIPTION/WASTE ACTIVITIES SUMMARY**

**Facility Name:** Cherry Picked Auto Parts

**Facility Type:** LQG/SQG/CESQG/TSD

**EPA ID#:**

**Description of Waste**

**On-Site Management**

**Off-Site Management**

Process/Activity Generating Waste <small>(e.g. plating bath, machining, baghouse, painting, etc)</small>		Waste Generated <small>(e.g. sludge, spent solvent, ash, etc)</small>	EPA Waste Code	QTY Generated per Month	Type of Accumulation/Storage <small>(e.g. container, tank, etc)</small>	Type of On-Site Treatment <small>(recycle, wwt, etc)</small>	Waste Location <small>(Include map if possible)</small>	Name, state, and type of activity occurring at the facility.
1	Lighting	Spent Fluorescent Bulbs					No spent bulbs in storage at the time of the inspection.	Plan to manage as universal waste when generated.  Fact Sheets given to the facility
2	Vehicle Salvage	Used Oil			One outside storage tank & two inside drain tanks.		Behind the building and inside the shop.	DISC Environmental.
3	Vehicle Salvage	Antifreeze			One outside storage tank.		Behind the building.	DISC Environmental or Dickinson Environmental.
4	Vehicle Salvage	Gasoline			One outside storage tank.		Behind the building.	Gasoline is used by the facility employees for their personal vehicles.

5	Vehicle Salvage	Batteries					Stored inside the building.	Batteries removed from the vehicles are tested, charged and re-sold if possible. Any non-working battery is exchanged at Dynalite.
6								
7								
8								
9								