



**Environmental
Protection Agency**

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

May 4, 2011

**RE: MAGNUS EQUIPMENT
OHD 027 461 524
PARTIAL RTC**

Pete Breeden
Magnus Equipment
4500 Beidler Rd.
Willoughby, OH 44094

Dear Mr. Breeden:

I have received correspondence from Lawrence Lester regarding the violation and concerns found during my December 23, 2010 inspection of Magnus Equipment at 4500 Beidler Road, Willoughby, Ohio. As outlined below, this correspondence documents a partial correction of the violation.

1. OAC rule 3745-52-11 – Hazardous waste determination.

This rule requires that any person who generates a waste must determine if that waste is a hazardous waste. Magnus violated this rule by not determining whether its two totes of waste stored outside are a hazardous waste. I have received copies of two manifests showing the April 22, 2011 shipments of 3,600 pounds of D002 hazardous waste and 400 pounds of D035, F005, and U159 hazardous waste. This documents your correction of this violation.

Magnus also violated this rule by not determining whether its waste fluorescent lamps are a hazardous waste. I have received an e-mail stating a lamp recycling program will be set up. **Please send me a brief description of this program.**

The hazardous waste rules that apply to a facility are based on the weight of hazardous waste generated during each calendar month. They can also be based on the weight of hazardous waste stored at one time. The smallest category is called a Conditionally Exempt Small Quantity Generator (CESQG) and applies during a month that a facility generates less than 220 pounds of hazardous waste. It is my understanding that this facility will normally be in this category. Please inform me if this is not the case.

If you have any questions, please contact me at (330) 963-1217, or robert.almquist@epa.state.oh.us.

Sincerely,

Robert Almquist
Division of Materials and Waste Management

RA:cl

ec: Frank Popotnik, DMWM, NEDO
Natalie Oryshkewych, DMWM, NEDO
Jeff Mayhugh, DWWM, CO
Lawrence Lester

cc: Marlene Kinney, DMWM, NEDO

Notice:

Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve your facility from its obligation to comply with all applicable regulations.