

**Environmental
Protection Agency**

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

February 16, 2011

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

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

Dear Mr. Breeden:

On December 23, 2010, I met with you at Magnus Equipment at 4500 Beidler Road, Willoughby, Ohio. The purpose of this was to determine if Magnus Equipment was in compliance with Ohio's hazardous waste and used oil laws as found in Chapter 3734 of the Ohio Revised Code (ORC) and Chapter 3745 of the Ohio Administrative Code (OAC).

This letter will document at least some of the violations and concerns found and outline what you need to do to correct them. A written response to these issues is required within 15 days. Please also contact me so that we can schedule a time for me to do a follow-up inspection.

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. One 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. The next category is called a Small Quantity Generator (SQG) and applies from 220 pounds to 2,200 pounds. The largest category is a Large Quantity Generator (LQG) and applies to over 2,200 pounds of hazardous waste generated in a calendar month.

Your January 11, 2011 e-mail stated that you have 400 gallons of waste potassium hydroxide currently on site. Your e-mails were not clear, but the last generation of this waste was either 100 or 300 gallons during November 2010. On January 11, 2011, you stated that you pulled a sample from this to test it for its pH level. Please send me a copy of the results of that pH test. Also send me the exact date that waste was last generated. A quick response from you with these results is needed for you to potentially avoid a serious hazardous waste storage violation. This is because if you were a LQG during November 2010, then your hazardous waste needs to be properly shipped within 90 days which is a date that is coming up fast or already has passed.

Once it has been determined which generator category applies to this facility, then I will write you a letter outlining all violations found. In order to determine this and finish the inspection, you need to also provide the following information:

Northeast District Office
2110 East Aurora Road
Twinsburg, OH 44087-1924

330 | 963 1200
330 | 487 0769 (fax)
www.epa.ohio.gov

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1. For the two totes I saw stored outside, what material is in them, what is the approximate amount of pounds or gallons for each tote, and is each tote a hazardous waste? Please provide a copy of what sampling data or other information was used to determine if they are hazardous waste.
2. You mentioned these will be picked up by Ross Environmental. What is the status of that? If you ship this waste before you have determined whether they are a hazardous waste, then you may be in violation of rules other than the violation of OAC 3745-52-11 cited below.
3. Have your two drums of hazardous waste MEK been shipped off site? If so, provide me with a readable copy of the manifest. Do you still generate hazardous waste MEK, and if so, at what rate?
4. Do you have manifests for the last shipments of each type of hazardous waste? Please provide a readable copy of these to me. If you do not have these, please contact your disposal company and have them provide a copy to both me and you.

The following violations were found:

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. The following documents were given to you during the inspection:

[Identifying Your Hazardous Waste, 2010](http://www.epa.ohio.gov/portals/41/sb/publications/identifyingwaste.pdf)

<http://www.epa.ohio.gov/portals/41/sb/publications/identifyingwaste.pdf>

[OAC 3745-51-21 to 24 Characteristic Hazardous Waste](http://www.epa.ohio.gov/dhwm/laws_regs.aspx)

http://www.epa.ohio.gov/dhwm/laws_regs.aspx

Magnus violated this rule by not determining whether its two totes of waste stored outside are a hazardous waste. **Please provide this determination and any supporting documentation.**

Magnus also violated this rule by not determining whether its waste fluorescent lamps are a hazardous waste. Fluorescent and some other types of lamps contain mercury and may contain other hazardous metals. When burned out they may be a hazardous waste. In general, waste lamps should be saved in a properly labeled and closed container (such as a cardboard box) and picked up by a lamp recycler. The following document which gives more information on this was given to you during the inspection:

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Ohio's Universal Waste Rules: Are You Handling Used Lamps Correctly?, 2008
<http://www.epa.ohio.gov/portals/41/sb/publications/Lampcompliancechecklist.pdf>

Also, local lamp recycling companies are listed in the following document which was given to you during the inspection:

Waste Disposal and Recycling Companies in Northeast Ohio, 2009

Your hazardous waste hauler may also be able to pick up waste lamps. **Please send me a description of how you will now properly manage waste lamps.**

Other information and suggestions:

- Ohio EPA's Office of Compliance Assistance and Pollution Prevention (OCAPP) provides compliance and pollution prevention assistance on environmental issues (including sources of funding) related to air, land, and water. They can be contacted at (800) 329-7518, or <http://www.epa.ohio.gov/Default.aspx?alias=www.epa.ohio.gov/ocapp>.
- Entrepreneurs for Sustainability is a group that seeks to "build a sustainable regional economy in Northeast Ohio that will create prosperity and total community health." They offer workshops, conferences, a business to business directory and more. Their website is <http://www.e4s.org/content/index.asp>.
- ENERGY STAR is a government-backed program helping businesses and individuals protect the environment through superior energy efficiency. Their website is <http://www.energystar.gov/>.
- The Clean Air Resource Center offers help in understanding EPA air quality requirements. In addition, if your business is required to purchase new equipment, they can offer better-cost financing with special tax incentives. Their phone number is (800) 225-5051 and website is <http://www.ohioairquality.org/>.
- Ohio Bureau of Workers' Compensation has an OSHA On-Site Consultation service which includes free on-site safety inspections and consultation, safety program assistance, and safety and hygiene training or seminars. More information can be found at <http://www.ohiobwc.com/employer/programs/safety/SandHOSHAOnSite.asp>.

You can find copies of the regulations and other information on the Division of Hazardous Waste Management web page at <http://epa.ohio.gov/dhwm>.

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

Sincerely,



Robert Almquist
Division of Hazardous Waste Management

RA:cl
Enclosure

ec: Frank Popotnik, DHWM, NEDO
Harry Sarvis, DHWM, CO
Natalie Oryshkewych, DHWM, NEDO

cc: Marlene Kinney, DHWM, 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.

Send to Central Office

Ohio Environmental Protection Agency
RCRA SUBTITLE C SITE
IDENTIFICATION/VERIFICATION FORM

For Ohio EPA use only

Completed verification forms required to be submitted to CO should be e-mailed to paula.canter@epa.state.oh.us.

Site EPA ID No.	EPA ID Number: ohd027461524		Website:					
Site Name	Name: Magnus Equipment		(Optional)					
Site Location Information	Street Address: 4500 Beidler Rd.							
	City, Town, or Village: Willoughby		State: OH					
	County Name: Lake		Zip Code: 44094					
Site Land Type (check only one)	Private	County	District	Federal	Indian	Municipal	State	Other

NAICS code(s)
www.census.gov/epcd/www/naics.html

Facility Representative Additional names can be recorded in number 12. Only provide address information if it is different than the site address	First Name: Pete	MI: R	Last Name: Breden
	Title: Manager		
	Phone Number: 440-942-8488		Phone Number Extension: 209
	E-Mail Address: cbreden@magnusequipment.com		
	Fax Number: 440-942-8590		Fax Number Extension:
	Street or P.O. Box:		
City, Town or Village:			
State:		Zip Code:	

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:		Date Became Owner						
	Magnus Equipment		(mm/dd/yyyy): 06/01/1993						
	Owner Type:	Private	County	District	Federal	Indian	Municipal	State	Other
	Street or P.O. Box: same as location								
	City, Town or Village:				Owner Phone #: 440-893-0432				
	State:				Country:		Zip Code:		
	Name of Site's Operator:		Date Became Operator						
	same as owner		(mm/dd/yyyy):						
	Operator Type:	Private	County	District	Federal	Indian	Municipal	State	Other
	Street or P.O. Box:				Operator Phone #:				
City, Town or Village:				Country					
State:				Zip Code:					

VIOLATIONS CITED? Yes No

TYPE OF HANDLER - MARK "X" AS APPROPRIATE

<input type="checkbox"/> Not a HW Generator	<input checked="" 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). Check the box for the applicable generator status and provide a comment.	<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

