



State of Ohio Environmental Protection Agency

Northeast District Office

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

February 8, 2010

RE: WARREN TRUCK REPAIR
WARREN, TRUMBULL COUNTY
NON-NOTIFIER
COMPLAINT INVESTIGATION
CESQG - NOV

Tom Sikora, Owner
Warren Truck Repair
2421 W. Market St.
Warren, OH 44484

CERTIFIED MAIL

Dear Mr. Sikora:

On September 14, 2009, I sent a letter to you notifying you of violations of the hazardous waste rules we found during our August 19, 2009 inspection. Since then we have received two letters (10/19/09 and 01/19/10), some pictures, and two manifests, from Fred Troppe regarding your site. We have also had several phone conversations with Mr. Troppe. It appears, based on the information we have received, the following violations have been addressed.

Used Oil Labeling - OAC 3745-279-22(C)(1)

We understand the used oil tank in the truck repair building and all containers of used oil on the premises have been labeled "used oil" and accumulated near the space heater in the truck repair building.

Waste Determination - OAC3745-52-11

a.) Fluorescent Lamps

We understand all spent lamps on-site were sent as universal wastes for recycling through PennOhio a universal waste handler. Please be advised that although fluorescent lamps with green ends may contain low enough levels of mercury to meet the hazardous waste standard they may contain high enough levels of other metals to still be hazardous waste when disposed. Therefore Ohio EPA recommends that **all** spent fluorescent lamps be sent for recycling. Please see <http://www.epa.ohio.gov/dhwm/fluorescent.aspx>.

b.) Drums of Isocyanate

Mr. Troppe stated the eight rusty, leaking drums on the third floor were determined to contain reacted isocyanates and to not contain hazardous waste. If this material is no longer usable, we would recommend disposing of it. If you intend to keep any of it, we would recommend placing it in non-leaking containers and label the containers indentifying their contents so it will be clear to all what they contain.

c.) Roofing tar and roofing compound

We understand you have determined you will be able to use the five drums of roofing tar as well as the 10-20 pails of roofing compound located on the fourth floor.

The following violations of the hazardous waste rules remain unabated.

1. **Universal Waste Battery Labeling - OAC 3745-273-14(A)**

We observed and photographed two pallets full of used batteries that were not labeled or dated in any way. You indicated they would be sent to a recycler. A photograph from Mr. Troppe shows at least two pallets of used batteries but again the proper labeling is not apparent nor is dating or documentation of accumulation start dates for universal waste batteries. Each used battery or battery container must be labeled "Waste Batteries", "Used Batteries", or "Universal Waste - Batteries". Please label each pallet of used batteries or each individual battery with the proper labeling. Submit photos documenting proper labeling and a description of actions taken to comply with this rule.

2. **Accumulation Time Limits for Universal Waste Batteries - OAC 3745-273-15(C)**

You must be able to demonstrate the length of time that each universal waste battery has accumulated since it became a waste. This can be done by dating each battery, by dating each pallet of batteries with the earliest date that any of the batteries on the pallet became a waste, by keeping an inventory that identifies the date each battery became a waste or by one of the other methods listed in this rule. Again the photograph from Mr. Troppe shows at least two pallets of used batteries but any dating or documentation of accumulation time is not apparent.

Have any shipments of universal waste batteries been made since our inspection? If so, were all spent batteries shipped? Mr. Troppe stated, "Receipts of battery shipments will be retained." Please submit the shipping papers for any shipments made since our inspection.

Again please determine when any spent batteries on your site became waste and date them accordingly and submit a picture documenting compliance or describe what method has been instituted to keep track of how long these batteries have been accumulating.

In general, universal wastes may not be accumulated for longer than one year from the date the wastes were generated. If any of these batteries have accumulated for longer than one year, you must arrange for their proper transport off-site to a battery recycler at once.

3. **Training in Universal Waste Management - OAC 3745-273-16**

You and your employees were unaware of proper universal waste management requirements for both batteries and lamps at the time of the inspection. Please describe how you will inform all employees that handle or have responsibility for managing universal wastes of their proper handling, and the emergency procedures related to these wastes. Submit documentation such as a sign-in sheet and a description of the training provided to employees. The guidance documents provided to you during the inspection should be helpful in this regard.

4. **Waste Determinations - OAC 3745-52-11**

a.) **Concrete sealer**

We observed approximately 32 five gallon rusty, leaky pails of concrete sealer that had not been evaluated as a waste. You indicated this material had been there for years. Mr. Troppe indicated that after determining the cost of disposal as a hazardous waste, approximately 25 gallons of this material was salvaged in two 55 gallon drums to be used on the roof of the four story building.

Please clarify what happened to the rest of this material. Also since apparently this material was deemed a waste and disposal costs were obtained before it was decided it is a usable product please commit to a timeframe to use up this material before the end of the year.

b.) Drums under tarp

We observed three drums on the second floor, labeled 'junk thinner & water', 'hardened paint', and 'dried paint'. Mr. Troppe stated the drum labeled 'junk thinner & water' was mislabeled. He indicated the contents was determined to actually be hydraulic oil and was relabeled 'used oil' and moved to near the space heater.

Please account for the drum labeled 'hardened paint' and the drum labeled 'dried paint'. Submit a written waste determination with supporting documentation. If these wastes are hazardous, they will need to be immediately managed as hazardous waste and sent off-site to a proper hazardous waste facility.

Please address each of the above violations immediately and submit the requested documentation and written responses to me within 30 days of the date of this letter. If you have any questions related to this letter, feel free to call me at (330) 963-1226.

Sincerely



Sheryl K. Slone, P.E.
Environmental Engineer
Division of Hazardous Waste Management

SKS:ddw

ec: Ron Fodo, OSI, NEDO
Nyall McKenna, DHWM, NEDO
Natalie Oryshkewych, DHWM, NEDO
Harry Sarvis, DHWM, CO
cc: Fred Troppe, TEC

NOTICE:

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