



State of Ohio Environmental Protection Agency

Northwest District Office

347 North Dunbridge Rd.
Bowling Green, OH 43402-9398

TELE: (419) 352-8461 FAX: (419) 352-8468
www.epa.ohio.gov

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

**RE: Allen County Engineers
OHD020267225
Allen County
DHWM, NWDO
Notice of Violation**

March 31, 2010

Mr. P.J. Johnson
Allen County Engineers
1501 North Sugar Street
Lima, OH 45801-3136

Dear Mr. Johnson:

Thank you for accompanying Ed Pulido and me during the Ohio Environmental Protection Agency's (Ohio EPA's) March 11, 2010, compliance evaluation inspection of the Allen County Engineers' (ACE's) garage located at 1501 North Sugar Street, Lima, Ohio. We inspected the facility to determine its compliance with Ohio's hazardous waste laws as found in Chapter 3734. of the Ohio Revised Code (ORC) and Chapter 3745. of the Ohio Administrative Code (OAC).

This letter will explain the violations we found, what you need to do to correct the violations, other general concerns we have, what you need to do to respond to the general concerns, and the pollution prevention opportunities we identified.

This ACE garage services and maintains a portion the fleet of vehicles utilized by the county engineers. ACE generates used oil, lead-acid batteries, universal waste lamps, and filters from the smart washer bioremediating parts washer. ACE has not yet evaluated the filters from the smart washer; therefore ACE's hazardous waste generator status is unknown.

We found the following violations of Ohio's hazardous waste laws. In order to correct these violations you must do the following and send me the required information **within 30 days of receipt of this letter.**

Violations:

1. **OAC Rule 3745-52-11, Hazardous Waste Determination:** "Any person who generates a waste, as defined in rule 3745-51-02 of the Administrative Code, must determine if that waste is a hazardous waste..."

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ACE failed to evaluate the filters from the smart washer prior to sending them off site for disposal in the local landfill.

In order for ACE to determine whether the filters exhibit any hazardous waste characteristics, ACE must obtain a chemical analysis of a representative sample of the waste filters. ACE will need to contract the services of an environmental laboratory to analyze this material. ACE must at least determine the concentrations of volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), and Resource Conservation and Recovery Act (RCRA) metals in the waste. ACE has the option of analyzing the filters for total VOCs, total SVOCs, and total RCRA metals. However, based upon the results of these analyses ACE may be required to analyze the waste for toxicity characteristic leaching procedure (TCLP) VOCs, TCLP SVOCs, and TCLP RCRA metals.

Within 30 days of receipt of this letter, ACE shall submit the analytical results indicating the proper evaluation of the waste filters for Ohio EPA's review. The results must document if the waste is hazardous or not and, if hazardous, whether it is restricted from land disposal. If the waste is hazardous, ACE must also submit information as to what treatment, storage, or disposal facility the waste will be sent to.

Once Ohio EPA acknowledges ACE's proper characterization of the waste, ACE must dispose of the waste at a proper disposal facility. ACE must then submit the appropriate manifest documents or shipping papers indicating proper disposal of the waste to Ohio EPA.

For more information the following fact sheets have been enclosed: Identifying Your Hazardous Waste, dated November 2006; Use of Generator Knowledge In Complying with OAC rule 3745-52-11 Hazardous Waste Evaluation, dated July 18, 2005; Commercial Environmental Laboratories, printed March 29, 2010; and Violations Most Frequently Cited by Division of Hazardous Waste Management Inspectors, printed March 29, 2010.

Please notify me at least five days prior to taking the sample(s) so that I may be present.

If the waste is hazardous, I will determine the status of your compliance with other hazardous waste laws and notify you of my findings in a separate letter.

General Concerns:

- A. **Universal Waste Lamps:** ACE does not own the building at 1501 North Sugar Street. This building is owned by the Allen County Commissioners.

At the time of the inspection, ACE stated that the universal waste lamps were being changed by the Allen County Courthouse building maintenance staff per the Allen County Commissioners. These lamps were being taken off site to be recycled. However, ACE was contemplating taking over building maintenance such as spent lamp maintenance. Ohio EPA explained all the spent lamp management options open to ACE if they choose to conduct the building maintenance.

In order to address this general concern, ACE must submit their management plans for the spent lamps at this facility. ACE should describe to Ohio EPA if the lamps will be managed as waste (and analyzed prior to disposal) or as universal waste (and recycled). If ACE plans to manage the spent lamps as universal waste then ACE should submit the name and address of the facility that will recycle the lamps. If ACE decides to leave the building maintenance of the lamps with the building owners, then ACE should describe this as well.

For more information on universal waste, the following fact sheets have been enclosed: Universal Waste Rules for Handlers of Lamps, dated June 2005; Fluorescent Lamps: What You Should Know, dated January 2007; Universal Waste, dated December 2004; and Computer, Fluorescent Lamp and Ballast Recyclers, dated March 2010.

B. Antifreeze Filtering Unit: During the inspection, ACE described to Ohio EPA how all antifreeze removed from the engines is not waste as they use it in other engines. However, ACE is looking into an antifreeze filtration unit. Ohio EPA would like to remind ACE that any waste generated by the antifreeze filtration unit (such as a filters, metal bits, or liquid) needs to be evaluated prior to disposal.

No further information needs to be submitted to Ohio EPA pertaining to this general concern. This general concern serves as a reminder to ACE and is considered addressed.

As we discussed during the inspection, you may be able to reduce the waste your company generates. If you find ways to recycle, reduce, or altogether eliminate the amount of waste that your company generates you may be able to reduce treatment and disposal costs as well as regulatory requirements. Ohio EPA has helpful information about pollution prevention at the following web address: <http://www.epa.ohio.gov/ocapp/>. If you would like to be considered for a free, non-regulatory on-site pollution prevention assessment, or if you would like more information about pollution prevention assessments, please contact me at the number listed below. The Ohio Department of Development's Office of Energy Efficiency may also be able to help with energy efficiency issues. Their website is at <http://www.development.ohio.gov/cdd/oeef/>.

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The Division of Hazardous Waste Management has created an electronic news service to provide you with quick and timely updates on events and news related to hazardous waste activities in Ohio. If you haven't already, we encourage you to sign up for this free service. You can find more information at the following web link: http://ohioepa.custhelp.com/cgi-bin/ohioepa.cfg/php/enduser/doc_serve.php?2=subscriptionpage. Please feel free to share this with your colleagues.

Enclosed you will find a copy of the checklists that were completed during the inspection. Should you have any questions, please feel free to call me at (419) 373-3065. You can find copies of the rules and other information on the division's web page at <http://www.epa.ohio.gov/dhwm/>.

Please send all correspondence **within 30 days of receipt of this letter** to Ohio EPA, Northwest District Office, Attn: Kara Reynolds, 347 North Dunbridge Road, Bowling Green, Ohio 43402.

Sincerely,



Kara Reynolds
Environmental Specialist
Division of Hazardous Waste Management

/lb

Enclosures

cc: Colleen Weaver, DHWM, NWDO
Kara Reynolds, DHWM, NWDO
Cindy Lohrbach, DHWM, NWDO
~~DHWM, NWDO Allen County File: Allen County General 2009-~~

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.

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 kristina.durnell@epa.state.oh.us.

Site EPA ID No. Site Name	EPA ID Number: OHD020267225		Website: coengr.co.allen.oh.us (Optional)					
	Name: Allen County Engineers							
Site Location Information	Street Address: 1501 North Sugar Street							
	City, Town, or Village: Lima		State: OH					
	County Name: Allen		Zip Code: 45801-3136					
Site Land Type (check only one) NAICS code(s) www.census.gov/epcd/www/naics.html	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"/>

Facility Representative Additional names can be recorded in number 12 Only provide address information if it is different than the site address	First Name: PJ		MI:	Last Name: Johnson	
	Title: Equipment Maintenance Supervisor				
	Phone Number: 419-228-3196		Phone Number Extension:		
	E-Mail Address:				
	Fax Number: 419-227-2920		Fax Number Extension:		
	Street or P.O. Box:				
	City, Town or Village:		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: Allen County Commissioners				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: 301 North Main Street				Owner Phone #:					
	City, Town or Village: Lima				Country: USA		Zip Code: 45801			
	State: Ohio				Date Became Operator (mm/dd/yyyy):					
	Name of Site's Operator: Allen County Engineers				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: 1501 North Sugar Street				Operator Phone #: 419-228-3196					
	City, Town or Village: Lima				Country: USA		Zip Code: 45801			
	State: Ohio									

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 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

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 checked="" 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

<input type="checkbox"/> Batteries
<input type="checkbox"/> Pesticides
<input type="checkbox"/> Mercury containing equipment
<input checked="" type="checkbox"/> Lamps

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

<input checked="" type="checkbox"/> Used Oil Generator
<input type="checkbox"/> Used Oil Transporter
<input type="checkbox"/> Used Oil Transfer Facility
<input type="checkbox"/> Used Oil Processor
<input type="checkbox"/> Used Oil Re-refiner
<input type="checkbox"/> Off-Specification Used Oil Burner
<input type="checkbox"/> Used Oil Fuel Marketer Who Directs Shipment of Off-Spec. Oil
<input type="checkbox"/> Used Oil Fuel Marketer to Off-Specification Used Oil Burner

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

Name of Inspector(s)	Name of Inspector(s)	Date of Inspection/Time (mm/dd/yyyy) (hh:mm)
Kara Reynolds	Ed Pulido	03-11-2010 10:00 AM

Comments:

PROCESS, WASTE, P2 SUMMARY SHEET

Facility Name: Allen County Engineers **Facility Type:** Unknown **Date of Inspection:** 03-11-2010 **EPA ID#:** OHD020267225

Waste Generated			On- or Off-Site Management		P2 Activities	
Process/Activity Generating Waste (e.g. plating bath, machining, baghouse, painting, general maintenance, etc)	Waste Description (e.g. sludge, solvent, ash, used oil, spent lamps, etc.) and EPA Waste Code, if applic.	QTY Generated per Month, Type of Accumulation (container, tank, etc) and location of waste accumulation area	Type of On-Site Treatment (recycle, wwt, etc)	Name, state, and type of activity occurring at the off-site facility.	Current P2 Activities	P2 Opportunities
1 Maintenance	Spent Lamps	Minimal				Recycle
2 Maintenance	Used Oil	150 Gallons Drums Garage	Storage	Heritage-Crystal Clean LLC, Ohio	Currently looking into oil burner to heat garage	
3 Maintenance	Lead Acid Batteries	Varies Garage	Storage	Interstate Batteries, Ohio, Core-Exchange	Recycling	
4 Parts Washer Maintenance	Filters	4 filters		Local Landfill		
5						
6						

7							
8							
9							

REMARKS/GENERAL INFORMATION

General Process Information: See Attached Letter.

Regulatory/Enforcement History (if applicable): N/A

Additional P2 remarks and information: See Attached Letter.

Would this facility be interested in a P2 assessment? Yes* No *If yes, refer promptly to your district P2 coordinator.

Office of Compliance Assistance and Pollution Prevention - 1-800-329-7518 or p2mail@epa.state.oh.us or www.epa.state.oh.us/ocapp/ocapp.html

Other: N/A

**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 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.

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"/>
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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"/>
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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 type="checkbox"/> N/A <input checked="" type="checkbox"/>
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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"/>
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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"/>
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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"/>
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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"/>
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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"/>
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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 checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
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9.	Has the generator, upon detection of a release of used oil, done the following: [3745-279-22(D)]	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
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a.	Stopped the release?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
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b.	Contained the release?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
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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"/>
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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"/>
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ON-SITE BURNING IN SPACE HEATER