



State of Ohio Environmental Protection Agency

Northwest District Office

347 North Dunbridge Road
Bowling Green, OH 43402-9398

TELE: (419) 352-8461 FAX: (419) 352-8468
www.epa.state.oh.us

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

Re: Hawk Enterprise
Allen County
DHWM, NWDO
Complaint 2689
Partial Return to Compliance

March 27, 2008

CERTIFIED MAIL

Mr. Ken Hawk
Hawk Enterprise
1900 Reservoir Road
Lima, Ohio 45804

Dear Mr. Hawk:

On August 21, 2007, Gary Deutschman and Wendy Miller conducted a complaint investigation of Hawk Enterprise (HE), 1900 Reservoir Road in Lima, Ohio. On September 20, 2007, December 13, 2007, and February 22, 2008, HE was sent Notice of Violation (NOV) letters concerning the complaint investigation. No response from HE was received by the Ohio Environmental Protection Agency (Ohio EPA).

On March 18, 2008, Gary Deutschman, Janis Kielczewski, and Kara Reynolds returned to the site. Ohio EPA spoke with you concerning the outstanding violations. You stated that you may install a used oil burner. However, you were not sure at this time. Ohio EPA gave you the following fact sheets concerning used oil: Registered Used Oil Collection Centers, dated May 8, 2007; The Regulation of Used Oil: Used Oil Burners, dated August 2005; and a list of Commercial Used Oil Marketers and Recyclers in Ohio, printed from our website on March 17, 2008.

Ohio EPA explained to you the importance of responding to the NOV. You assured us that you would respond as soon as possible, but have just been busy.

While Ohio EPA was on site one violation was abated. However, HE has one violation that is still outstanding. **OHIO EPA MUST RECEIVE A RESPONSE FROM HE WITHIN 14 DAYS OF RECEIPT OF THIS LETTER.**

HE REMAINS IN VIOLATION OF THE FOLLOWING:

1. **Ohio Administrative Code (OAC) Rule 3745-279-24, Off-site shipments of used oil by generators:** Generators shall ensure that their used oil is transported only by transporters who have obtained U.S. EPA identification numbers.

Currently, you give your used oil to Mike Snyder's Auto Service (7151 Reservoir Road) who burns it in their furnace. Used oil generators have three options for handling their used oil: 1) Generators must have their used oil transported by an entity that has a U.S. EPA identification number and ensure their used oil is recycled; 2) Generators may transport less than 55-gallons of their own used oil to a registered used oil collection center; or 3) Generators may burn their used oil in an on-site space heater as long as all applicable requirements are met.

In order to abate this violation, Hawk Enterprise must either:

- 1) submit a copy to me of a contract or some type of documentation indicating a transporter with a U.S. EPA identification number will be picking up Hawk Enterprise's used oil and appropriately recycling it or
- 2) a disposal receipt from the off-site shipment of your used oil (if the facility is due for a pick-up) indicating that a transporter with a U.S. EPA identification number is now transporting their used oil and that the used oil is taken to an appropriate recycling facility or
- 3) Hawk Enterprise must submit a copy of a receipt from the drop-off of their used oil at a registered used oil collection center or
- 4) a summary outlining how you plan to manage your used oil if you decide to purchase a used oil furnace.

2. **OAC 3745-279-22(C), Labeling of Used Oil:** Generators must label or mark containers holding used oil with the words "Used Oil".

You had one 55-gallon drum storing used oil that was not properly labeled "Used Oil".

When Ohio EPA arrived to the site on March 18, 2008, the drums had been labeled "Waste Oil." However, this is an incorrect label and Ohio EPA explained this to you. The drums were labeled correctly with the words "Used Oil" while Ohio EPA was on site.

Therefore, this violation was abated on March 18, 2008.

Please note that Ohio EPA considers these violations serious in nature and the company's failure to respond to this and past NOV's may result in referral of HE's violations to our Central Office Enforcement Section for consideration of escalated enforcement.

Mr. Ken Hawk
March 27, 2008
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If you have any questions concerning this letter or the violations listed, please contact me at (419) 373-3065.

Sincerely,

Kara Reynolds

Kara Reynolds
Environmental Specialist
Division of Hazardous Waste Management

/lr

pc: Colleen Weaver, DHWM, NWDO
Kara Reynolds, DHWM, NWDO
Cindy Lohrbach, DHWM, NWDO
~~DHWM, NWDO~~ Allen County File: Allen County General 2005-

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.

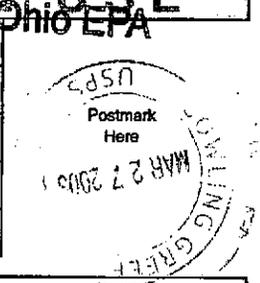
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Sent To
KEN HAWK - HAWK ENTERPRISE
 Street, Apt. No.,
 or PO Box No. **1900 RESERVOIR ROAD**
 City, State, ZIP+4
LIMA, OH 45804

PS Form 3800, August 2006 See Reverse for Instructions

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1. Article Addressed to:
MR. KEN HAWK
HAWK ENTERPRISE
1900 RESERVOIR ROAD
LIMA, OH 45804

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