



State of Ohio Environmental Protection Agency

Northwest District Office

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

Re: Hawk Enterprise
~~Lucas County~~
Complaint #2689/NOV
Allen County

September 20, 2007

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

Dear Mr. Hawk:

On August 21, 2007, Gary Deutschman and I conducted a complaint investigation of Hawk Enterprise, 1900 Reservoir Road in Lima, Ohio.

The complaint investigation was conducted due to a complaint received at this office on August 17, 2007. The complainant alleged that there were 250 drums leaking perfume used in laundry detergent and also illegal discharges of oil and paint thinner on to the ground. This letter will explain the violations found and the validity of the complaint.

Hawk Enterprises provides welding and fabricating services. Used oil is generated from equipment oil changes. It is stored in drums and is picked up by Mike Snyder who owns a business down the road from you. All paints and thinners are completely used and containers are empty before being thrown away. Paint and thinner products are stored in an inside cabinet. Any solvents used to clean are reused until dirty and will go in with the used oil. No fluorescent bulbs have been disposed of yet and I gave you a fact sheet on how to properly manage (recycle) bulbs in the future.

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

1) Off-site shipments of used oil by generators, OAC Rule 3745-279-24:

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.

I have enclosed a copy of registered used oil collection centers in the state; or 3) Hawk Enterprise may burn its own used oil in an on-site space heater as long as all applicable requirements are met. I have enclosed a fact sheet entitled The Regulation of Used Oil: Used Oil Burners. Please consult this and the used oil fact sheet given to you during the complaint investigation for more information.

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) Labeling of Used Oil, OAC 3745-279-22(C):

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".

To abate this violation, you must properly label the drum "Used Oil" and send or email me a photograph showing that this has been done.

Please respond, in writing, to this NOV letter within thirty (30) days. Your response must include all actions and timetables necessary to demonstrate compliance.

General Comment:

Shipping used oil off-site to burn:

Hawk Enterprise shall note that they may be considered a used oil marketer if they continue to allow their used oil to be burned off-site. As a used oil marketer, Hawk Enterprise would be required to determine if their used oil was on or off specification, notify Ohio EPA of their marketing activities, and retain records of the analysis of the used oil. Based on whether the used oil was determined to be on or off specification, other requirements such as ensuring the used oil burner has a U.S. EPA identification number and ensuring delivery of the used oil to the burner may apply. The specific requirements can be found in OAC Rule 3745-279-70 through 3745-279-74 at the following web address: http://www.epa.state.oh.us/dhwm/l_ruom.html.

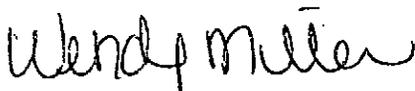
No evidence of any spilled or leaking used oil, paints thinners or laundry detergent perfume was found. You do have several tote containers with a very small amount of detergent left in the bottom. These containers are considered empty under Ohio EPA regulation. **This complaint is considered closed.**

Ohio EPA will issue an EPA identification (ID) number to track our inspection activity at Hawk Enterprise. You cannot use this number for manifesting hazardous waste shipments. If you want to use an EPA ID number for manifesting and other hazardous waste, used oil or universal waste activities, you must complete and submit a Notification of Regulated Waste Activity form (EPA Form 9029 (Rev. 11/2002)) to Ohio EPA. This form is available on our Web page at <http://www.epa.state.oh.us/dhwm/notiform.html> or contact the Division of Hazardous Waste Management, Central Office, RIS at (614) 644-2977 and we will mail you a copy.

You can find copies of rules, recycling lists, fact sheets and other information on the division's web page at <http://www.epa.state.oh.us/dhwm>. Ohio EPA also has helpful information about pollution prevention at the following web address: <http://www.epa.state.oh.us/ocapp/ocapp.html>

If you have any questions, please contact me at (419)373-3114.

Sincerely,



Wendy Miller
Division of Hazardous Waste Management

/llr

Enclosures

pc: Colleen Weaver, DHWM, NWDO
Cindy Lohrbach, DHWM, NWDO