



State of Ohio Environmental Protection Agency

Northwest District Office

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

**Re: Magnam Truck & Auto
Allen County
DHWM, NWDO
Return to Compliance**

June 3, 2008

Mr. Craig Burkholder
Magnam Truck & Auto
3639 East Bluelick Road
Lima, Ohio 45801

Dear Mr. Burkholder:

Thank you for sending the May 6, 2008, May 21, 2008, and May 30, 2008, responses to the Ohio Environmental Protection Agency's (Ohio EPA's) Notice of Violation (NOV) dated March 21, 2008. The following is a summary of the violations cited in the March 21, 2008, NOV and the facility's compliance with respect to each violation:

Violations:

1. **Ohio Administrative Code (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..."

Magnam Truck & Auto (MTA) failed to evaluate the following waste streams to determine if they were a hazardous waste in accordance with OAC Rule 3745-52-11, prior to sending them off site:

- A. waste paint filters, and
- B. spent bulbs.

In order to abate this violation, MTA must do the following:

- MTA must evaluate the following waste streams for the specified parameters:
 - A. Waste paint filters-In order for MTA to determine whether the waste paint filters exhibit any hazardous waste characteristics, MTA must obtain a chemical analysis of a representative sample of the waste paint filters.

MTA will need to contract the services of an environmental laboratory to analyze this material. MTA must at least determine the concentrations of the Resource Conservation and Recovery Act (RCRA) metals and volatile organic compounds (VOCs) in the waste. If the waste paint filters can be considered a liquid as defined in OAC Rule 3745-51-21, then the flashpoint of the material must be evaluated.

Due to the cost of sampling and analyzing this material, MTA has the option of analyzing the waste paint filters for total RCRA metals and total VOCs. However, based on the results of these tests, a Toxicity Characteristic Leaching Procedure (TCLP) test for RCRA metals and TCLP test for VOCs may also be required.

Based on the results of the analytical tests, MTA shall label the container(s) appropriately and dispose of the waste at a proper disposal facility.

MTA shall submit the analytical results indicating the proper evaluation of the waste paint filters and appropriate manifest documents or shipping papers indicating proper disposal of the waste paint filters. 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, MTA must explain what treatment, storage, or disposal facility the waste will be sent to.

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.

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

Ohio EPA received analytical documentation on May 6, 2008, that showed this waste stream was sampled on April 23, 2008. The sample was analyzed for total RCRA metals and total VOCs. The results showed that no VOCs were present. However, there was a detection of barium and chromium in the sample.

Although the chromium detection was small enough that the waste stream would not be considered hazardous for chromium, this was not the case for barium.

MTA ran a TCLP test for barium on the waste paint filters. Ohio EPA received the results of this test on May 21, 2008. These results showed that the waste paint filters were considered non-hazardous waste.

Ohio EPA received a bill of lading for the non-hazardous waste paint filters on May 30, 2008.

Therefore, this violation was considered abated on May 30, 2008.

- B. Spent bulbs-MTA failed to have waste evaluation documentation or an established recycling plan in place for the fluorescent bulbs generated at the facility.

Part B of this violation was abated on April 22, 2008.

2. **OAC Rule 3745-279-22 (C)(1), Used Oil Storage Requirements for Generators:** "Containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words 'Used Oil.'"

This violation was abated on March 5, 2008.

Should you have any questions, please feel free to call me at (419) 373-3065.

Sincerely,

Kara Reynolds

Kara Reynolds
Environmental Specialist
Division of Hazardous Waste Management

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pc: Colleen Weaver, DHWM, NWDO
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(DHWM; NWDO Allen County File: Magnam Truck & Auto >
Chad Foisset, Price Law Firm, LLC, Columbus, Ohio

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.