



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
Partial Return to
Compliance**

May 6, 2008

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

Dear Mr. Burkholder:

Thank you for sending the April 22, 2008, response 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:

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- 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.

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Ohio EPA received documentation on April 22, 2008, that stated this waste stream would be sampled on April 23, 2008. At this time Ohio EPA has not received sampling results from MTA and this portion of the violation remains outstanding. This information should be submitted to Ohio EPA by May 24, 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.

MTA must immediately cease disposing of the fluorescent bulbs as non-hazardous waste until a proper waste evaluation has been completed. Fluorescent bulbs typically contain mercury and other heavy metals which could make them a hazardous waste. Hazardous waste bulbs are considered "spent materials" and remain hazardous waste even when recycled. Hazardous waste lamp generators have the option of handling their lamps as hazardous waste or as universal waste. Managing hazardous waste lamps under the universal waste rules eases certain regulations imposed on generators of spent lamps.

MTA must choose one of the following options and submit to Ohio EPA the requested information as documentation to demonstrate how you plan to properly manage your fluorescent bulbs: 1) If MTA decides to manage the bulbs as a hazardous waste, then MTA will need to sample each type and brand of bulb at the facility using a TCLP test for RCRA metals. MTA must then submit all analytical results to Ohio EPA along with a description of how the spent bulbs will be managed. 2) The other alternative is that MTA can begin to manage spent bulbs as universal waste. If MTA chooses this option, then MTA should submit a bulb management plan that outlines how the spent bulbs will be managed as universal waste and where they will be shipped. MTA should also submit photographic documentation that a closed container will be used to store the spent bulbs and that this container has the proper label and accumulation start date located on it. Ohio EPA recommends that spent bulbs be managed as a universal waste and recycled.

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During the inspection, I gave you the following fact sheets on spent bulbs for your information: Universal Waste Rules for Handlers of Lamps, dated June 2005; Fluorescent Lamps: What You Should Know, dated January 2007; and Computer, Fluorescent Lamp and Ballast Recyclers, dated December 2007.

Ohio EPA received documentation on April 22, 2008, that included a bulb management plan and photographic documentation that proper containers have been set up for the storage of universal waste lamps.

Therefore, 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
Environmental Specialist
Division of Hazardous Waste Management
/csl

cc: Colleen Weaver, DHWM, NWDO
Kara Reynolds, DHWM, NWDO
Cindy Lohrbach, DHWM, NWDO
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.