



State of Ohio Environmental Protection Agency

Northwest District Office

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

Re: **Complaint #2591**
Kinstle Sterling/Western Star Truck Center
Auglaize County
Hazardous Waste
Return to Compliance
OH 151979689

July 3, 2008

Mr. Mike Kinstle, Owner
Kinstle Sterling/Western Star Truck Center
1770 Wapak-Fisher Road
P.O. Box 1986
Wapakoneta, Ohio 45895

Dear Mr. Kinstle:

Thank you for your May 16, 2008, and July 2, 2008, responses to Ohio EPA's April 11, 2008, 2nd Notice of Violation letter. My review of all the documentation submitted reveals that Kinstle Sterling/Western Star Truck Center (KSWS) has adequately demonstrated abatement of all of the violations cited in the November 16, 2007, Notice of Violation letter. Based upon the waste evaluation documentation, it was determined that KSWS is operating as a non-generator of hazardous waste.

The following is a summary of the violations cited and your compliance with respect to each:

1. **OAC Rule 3745-52-11: Waste Evaluation:** Any person who generates a waste must determine if that waste is a hazardous waste by using generator knowledge or by testing the waste.
 - a. KSWS failed to have waste evaluation documentation or an established recycling plan in place for the fluorescent bulbs generated at the facility.

Hazardous 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.

Please be aware that incandescent, fluorescent, metal halide, neon, high-intensity discharge, high-pressure sodium and mercury-vapor lamps could be hazardous waste when discarded. Fluorescent lamps may contain up to 40 milligrams (mg) of mercury, depending on the brand and manufacturer. Lamps may also contain lead and cadmium. Many lamps exhibit a characteristic of toxicity for heavy metals when disposed.

KSWS must submit to Ohio EPA documentation to demonstrate how you plan to properly manage your fluorescent bulbs. If KSWS decides to conduct waste sampling, please notify me at least seven days prior to the sampling event date, so that a representative from Ohio EPA can be present to observe the sampling and to split samples if necessary.

If KSWs plans to manage the spent fluorescent bulbs as universal waste, please submit photographic documentation showing the storage containers properly closed, labeled, and dated. KSWs must also properly train employees, who handle or have responsibility for managing universal waste, on waste handling and emergency procedures relative to their responsibilities. In addition, KSWs must submit the name of the facility where you plan to recycle the bulbs.

Ohio EPA made a site visit on May 1, 2008, to provide sampling oversight. During this visit I spoke with Anthony Moore, Safety-Kleen, who stated that they would be picking up your spent fluorescent bulbs and sending them to Lighting Resources, Inc., located in Indianapolis, Indiana, for recycling. During this visit Ohio EPA verified that KSWs properly labeled, dated and closed each cardboard container used to store the spent fluorescent bulbs. Employees have received instruction on the proper handling procedures for the spent fluorescent bulbs KSWs is managing as universal waste.

- b. At the time of the inspection, KSWs did not have waste evaluation documentation for the sludge generated in the hot water parts washer. KSWs has historically disposed of this spent material as a non-hazardous waste. KSWs must immediately cease disposing of the sludge as non-hazardous waste until a proper waste evaluation has been completed.

KSWs must obtain a representative sample of the sludge and have it analyzed for Toxic Characteristic Leaching Procedure (TCLP) Resource Conservation and Recovery Act (RCRA) metals (SW-846 Method 1311/6010). You must notify me at least seven days prior to the sampling event date so that a representative from Ohio EPA can be present to observe the sampling and to split samples if necessary. To abate this violation, KSWs must submit a copy of the analytical results to Ohio EPA. Once analytical results have been reviewed, Ohio EPA will advise KSWs on proper disposal options for this waste stream.

On May 1, 2008, Anthony Moore, Safety-Kleen, collected a sample of the sludge from the hot water parts washer for analysis. Ohio EPA was present during this sampling event. The hot water parts washer was last cleaned in September 2007, and there was approximately an inch of sludge on the bottom of the unit. The sludge in the unit is cleaned out once every six months.

On May 30, 2008, Safety-Kleen electronically mailed a copy of the analytical results, along with a copy of the chain of custody, to Ohio EPA for review. The analytical results indicate that this waste stream is non-hazardous. KSWs should continue to dispose of the spent parts washer water and sludge as a non-hazardous waste.

With this information, this violation has been abated.

2. OAC Rule 3745-279-22(C)(1): Labeling

Containers, aboveground tanks, and fill pipes used for underground storage tanks shall be labeled or marked clearly with the words "used oil."

KSWs had two 250-gallon tanks of used oil inside the building and six 250-gallon tanks outside the building that were not properly labeled.

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KSWS must properly label these storage tanks with the words "Used Oil" and submit photographic documentation to demonstrate compliance.

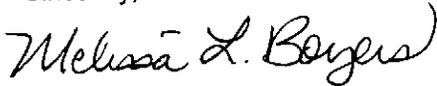
Ohio EPA made a site visit on May 1, 2008, to check the compliance status of the used oil storage tanks. All the used oil storage tanks were properly labeled, however, there were several pans and buckets of used oil located next to the inside used oil storage tank that were not properly labeled. You were directed to properly clean up this area and label any containers used to store used oil and submit photographic documentation to document compliance.

On July 2, 2008, KSWS submitted photographic documentation showing the containers located next to the inside used oil tank now properly labeled.

With this information, this violation has been abated.

If you have any questions or if I can be of assistance, please contact me at (419) 373-3066.

Sincerely,



Melissa L. Boyers
Division of Hazardous Waste Management

/csl

pc: Cindy Lohrbach, DHWM, NWDO
Colleen Weaver, DHWM, NWDO
DHWM, NWDO Auglaize County General File:

ec: Melissa Boyers, DHWM, NWDO

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.