



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: **Complaint #2591**
Kinstle Sterling/Western Star Truck Center
Auglaize County
Hazardous Waste
2nd Notice of Violation

April 11, 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:

On November 6, 2007, the Ohio Environmental Protection Agency (Ohio EPA) conducted a complaint investigation of Kinstle Sterling/Western Star Truck Center (KSWS) located at 1770 Wapak-Fisher Road in Wapakoneta, Ohio. On November 16, 2007, you were sent a Notice of Violation (NOV) letter which outlined the violations we found and what you needed to do to correct these violations. To date, KSWS has failed to respond to the initial NOV letter and the violations cited remain outstanding.

The following is a summary of the violations cited in the NOV which was sent to you on November 16, 2007:

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.

- 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.

Ohio EPA may use the data you collect, in part, to make regulatory decisions concerning the waste(s) tested. A data review process, referred to as data validation, may be utilized to confirm the validity of the data. This data validation can include a review of the following components: sampling techniques, sample containers, representativeness of sample, laboratory test methods, laboratory data completeness, documentation of holding time(s), chain(s) of custody and quality assurance/quality control (QA/QC) data. Please include data sufficient for Ohio EPA to perform the data validation review. Information on conducting a data validation can be obtained from Ohio EPA's web page at http://www.epa.state.oh.us/dhwm/tier_i_data_validation_manual.html.

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.

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

Please submit documentation demonstrating abatement of the above outstanding violations to this office within **15 days** of receipt of this letter.

Mr. Mike Kinstle
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Ohio EPA has helpful information about compliance assistance and pollution prevention at the following web address: <http://www.epa.state.oh.us/ocapp/ocapp.html>.

In addition, you can find copies of the rules and other information on the division's web page at <http://www.epa.state.oh.us/dhwm>.

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.