



State of Ohio Environmental Protection Agency

Northwest District Office

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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 #2499**
Lageman Garage
Auglaize County
Hazardous Waste
Return to Compliance

February 4, 2008

Mr. Bernie Roessner, Owner
Lageman Garage
200 E. Bremen Street
New Knoxville, Ohio 45871

Dear Mr. Roessner :

Thank you for your January 14, 2008, response to Ohio EPA's November 16, 2007, Notice of Violation letter. My review of this documentation reveals that Lageman Garage (LG) has adequately demonstrated abatement of all of the violations discovered during the November 6, 2007, complaint investigation.

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

1. 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."

The used oil drums and containers stored in the garage were not properly labeled.

LG must properly label the drums and containers with the words "used oil" and submit photographic documentation to demonstrate compliance with this rule.

On January 14, 2008, LG submitted photographic documentation for the used oil storage drum and container that are now properly labeled.

With this information, this violation is considered abated.

2. OAC Rule 3745-279-22(D)(3): Storage:

Upon detection of a release of used oil, a generator shall clean up and manage properly the released used oil and other materials.

The area surrounding the used oil drums and containers stored in the garage had evidence of spilled used oil.

LG must clean up the used oil on the concrete floor in this area. LG must evaluate the used oil and clean-up material generated to determine if it is a characteristic hazardous waste. LG must obtain a representative sample of the generated waste and have it analyzed for Toxic Characteristic Leaching Procedure (TCLP) Resource Conservation and Recovery Act (RCRA) metals (SW-846 Method 1311/6010). LG need only to analyze the sample for cadmium, chromium, lead, and benzene.

To abate this violation, LG must submit a copy of the analytical results to Ohio EPA. Once analytical results have been reviewed, Ohio EPA will advise you on proper disposal options for this waste stream. LG must also submit photographic documentation to demonstrate that the used oil in this area has been cleaned up.

On January 14, 2008, LG submitted photographic documentation for the used oil storage area that is now properly cleaned up. In addition, LG submitted a copy of the analytical results for the used oil/absorbent that was cleaned up in the storage area. The analytical results indicate that this waste stream is a solid waste and may be disposed of in the solid waste dumpster.

With this information, this violation is considered abated.

3. OAC Rule 3745-279-24: Off-Site Shipment:

Generators shall ensure that their used oil is transported only by transporters who have obtained an EPA identification number.

LG has been giving the used oil generated to private citizens who burn it in their own oil burners.

LG must immediately cease giving used oil to any person or transporter who does not have an EPA identification number. LG must notify Ohio EPA with how you plan to manage you used oil in the future and provide the applicable documentation for review.

On January 14, 2008, LG submitted documentation stating that Recon Recycling Concepts in Yellow Springs, Ohio, was going to pick up your used oil. You listed the driver, Tim Duncan, as a contact for the company. On January 22, 2008, I spoke with Mr. Duncan regarding the EPA ID number he was using. The EPA ID number (KYD985094077) belongs to Recon Recycling Concepts and since he is a business partner and not an employee of Recon, he is not able to transport used oil using this EPA ID number. Mr. Duncan was notified that he must obtain his own EPA ID number in order to transport used oil. LG must ensure that Mr. Duncan has obtained his own EPA ID number before allowing him to pick up and transport your used oil. Compliance with this requirement may be verified during a future site visit.

With this information, this violation is considered abated.

Mr. Bernie Roessner
February 4, 2008
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If you have any questions or 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
Tammy McConnell, DHWM, CO
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.