



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 #2499**
Lageman Garage
Auglaize County
Hazardous Waste
Notice of Violation

November 16, 2007

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

Dear Mr. Roessner :

On November 6, 2007, Wendy Miller and I conducted a complaint investigation at Lageman Garage (LG) located at 200 E. Bremen Street in New Knoxville, Ohio. The Ohio Environmental Protection Agency (Ohio EPA) received a complaint that you were not properly managing the wastes generated at your garage. This letter will explain the validity of the complaint, the violations found as a result of our investigation, and what you need to do to respond to these violations.

LG is a service garage where you provide general maintenance work, oil changes, brake repairs and alignments. Used oil is stored in 55-gallon drums and is given to private citizens to burn in their own oil burners. Antifreeze is also collected and re-used. Used car batteries are exchanged through Piqua Battery and you take your spent fluorescent bulbs back for recycling to New Knoxville Supply, where you also purchase your bulbs. You stated that no painting is done at your location and no solvents are generated.

We found the following violations of Ohio's hazardous waste and used oil laws. In order to correct these violations you must do the following and send me the required information within 30 days of your receipt of this letter:

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.

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.

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 your used oil in the future and provide the applicable documentation for review.

Ohio EPA will issue an EPA ID number to track our inspection activity at LG. LG cannot use this number for manifesting hazardous waste shipments. If LG wants to use an EPA ID number for manifesting and other hazardous waste, used oil or universal waste activities, you must complete and submit a Notification of Regulated Waste Activity form (*EPA Form 9029 (Rev. 11/2002)*) to Ohio EPA. This form is available at <http://www.epa.state.oh.us/dhwm/notiform.html> or you can call me at (419) 373-3066 or the Division of Hazardous Waste Management, Central Office, RIS at (614) 644-2977 and we will mail you a copy.

Enclosed you will find a copy of the checklist that was completed during the inspection, two guidance documents: Environmental Compliance Guide for Auto Body Shops, and Fluorescent Lamps: What You Should Know, a Fact Sheet outlining the Used Oil Regulations for generators, a list of used oil recyclers and registered used oil collection centers.

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

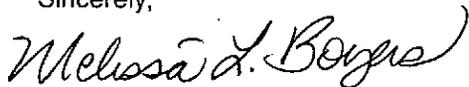
The investigation performed by Ohio EPA was conducted as the result of a complaint received by this Agency. A comprehensive Compliance Evaluation Inspection was not conducted, therefore, failure to list specific deficiencies in this communication does not relieve you from the responsibility of complying with all applicable regulations.

Mr. Bernie Roessner
November 16, 2007
Page 3

Ohio EPA did not find any evidence to substantiate the alleged complaint. Therefore, Ohio EPA considers this complaint to be closed.

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

Enclosure

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.

E-mail this completed form to tammy.mcconnell@epa.state.oh.us or mail it to Tammy McConnell, Central Office

**Ohio Environmental Protection Agency
RCRA SUBTITLE C SITE IDENTIFICATION/VERIFICATION FORM**

For Ohio EPA use only

2. Site EPA ID No.

EPA ID Number:

3. Site Name

Name: Lageman Garage

Website (optional):

Site Location Information

Street Address: 200 E. Bremen Street

City, Town, or Village: New Knoxville

State: OH

County Name: Auglaize

Zip Code: 45871

5. Site Land Type (check only one)

Private County District Federal Indian Municipal State Other

X

6. NAICS code(s)

www.census.gov/epcd/www/naics.html

A.

B.

C.

D.

Personality Record

First Name: Bernie

MI:

Last Name: Roessner

Phone Number:

Phone Number Extension:

E-Mail Address:

Fax Number:

Fax Number Extension:

Street or P.O. Box:

City, Town or Village:

State:

Country:

Zip Code:

8. Legal Owner and Operator of the Site List Additional Owners and/or Operators in the Comment Section or on another copy of this form page.

A. Name of Site's Legal Owner:

Date Became Owner (mm/dd/yyyy):

Owner Type: Mark with an X

Private County District Federal Indian Municipal State Other

Street or P.O. Box:

City, Town, or Village:

Owner Phone #:

State:

Country:

Zip Code:

B. Name of Site's Operator:

Date Became Operator (mm/dd/yyyy):

Operator Type: Mark with an X

Private County District Federal Indian Municipal State Other

Street or P.O. Box:

City, Town, or Village:

Operator Phone #:

State:

Country:

Zip Code:

9. Violations Cited?

X

Yes

No

10. Type of Regulated Waste Activity (Mark "X" in all of the appropriate boxes.)

Not Regulated

A. Hazardous Waste Activities

(choose only one of the following categories)

UNKNOWN: Cited for violation of 3745-52-11

a. Large Quantity Generator (LQG):

b. Small Quantity Generator (SQG)

c. Conditionally Exempt Small Quantity Generator

d. United States Importer of Hazardous Waste

e. Mixed Waste (hazardous and radioactive) Generator

3. Treater, Storer or Disposer of Hazardous Waste

4. Recycler of Hazardous Waste

5. Exempt Boiler and/or Industrial Furnace

a. Small Quantity On-site Burner Exemption

b. Smelting, Melting, Refining Furnace Exemption

6. Underground Injection Control Facility

B. Universal Waste Activities

1. Small Quantity Handler of Universal Waste
(Indicate types of universal waste generated and/or accumulated (check all boxes that apply):

2. Large Quantity Handler of Universal Waste
(accumulates 5,000 kg or more).

3. Destination Facility for Universal Waste
(Check all boxes below that apply for each of the three types of facilities above.)

| | Generated | Accumulated |
|----------------|--------------------------|--------------------------|
| A. Batteries | <input type="checkbox"/> | <input type="checkbox"/> |
| B. Pesticides | <input type="checkbox"/> | <input type="checkbox"/> |
| C. Thermostats | <input type="checkbox"/> | <input type="checkbox"/> |
| D. Lamps | <input type="checkbox"/> | <input type="checkbox"/> |

C. Used Oil Activities

1. Used Oil Generator

2. Used Oil Transporter Indicate Type(s) of Activity(ies)

Transporter

Transfer Facility

3. Used Oil Processor and/or Re-refiner
Indicate Type(s) of Activity(ies)

Processor

Re-refiner

4. Off-Specification Used Oil Burner

5. Used Oil Fuel Marketer -
Indicate Type(s) of Activity(ies)

a. Marketer Who Directs Shipment of Off-Specification Oil

b. Used Oil to Off-Specification Used Oil Burner

11. Waste Codes for Federally Regulated Hazardous Wastes. Please list the codes for the federally regulated hazardous waste handled at your site. List them in the order they are presented in the regulations (e.g., D001, D003, F007, U112). Use an additional page if more space is needed. If there are more than 7 waste codes and they are the same as listed in the most recent RCRAInfo source record, you do not need to list them all. Instead just indicate the date of the most recent source record.

| | | | | | | |
|--|--|--|--|--|--|--|
| | | | | | | |
|--|--|--|--|--|--|--|

12. Comments: Use this area to describe whether the inspection was announced, whether the waste is stored in tanks or containers, etc.

| | | | |
|---|-------------|--------------------------------------|-----------------|
| N | Announced ? | Additional Facility Representatives: | Other comments: |
| N | Tanks? | | |
| Y | Containers? | | |

13. Name of Inspector(s) Name of Inspector(s) Date of Inspection/ Time (mm-dd-yyyy) (HH:MM)

| | | |
|----------------|--------------|----------------|
| Melissa Boyers | Wendy Miller | 11-6-2007 1:00 |
|----------------|--------------|----------------|

14. OPTIONAL CERTIFICATION. I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

| | | |
|---|------------------------|-------------------|
| Signature of owner, operator, or an authorized representative | Name and Title (Print) | Date (mm-dd-yyyy) |
| | | |