



State of Ohio Environmental Protection Agency

**Northwest District Office**

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Bowling Green, OH 43402-9398

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

RE: Defiance Fire Department  
Defiance County  
Hazardous Waste  
Notice of Violation

July 24, 2008

Mr. Mark Marentette, Fire Chief  
702 W. 3<sup>rd</sup> Street  
Defiance, Ohio 43512

Dear Chief Marentette:

On July 10, 2008, Wendy Miller and I conducted a compliance evaluation inspection at the Defiance Fire Department (DFD) located at 702 W. 3<sup>rd</sup> Street in Defiance, Ohio. We inspected DFD to determine its compliance with Ohio's hazardous waste laws as found in Chapter 3734 of the Ohio Revised Code (ORC) and Chapter 3745 of the Ohio Administrative Code (OAC). Pollution prevention options were also discussed during this inspection. This letter will explain the violations we found and what you need to do to correct these violations.

During our visit we toured your station and observed your operations. The fire department services the emergency vehicles located at the station. Oil changes and some maintenance work is performed. No painting is done at your station and no solvents are generated. Used oil is stored in 5-gallon plastic containers. DFD also generates spent fluorescent lamps which have been managed in the past as solid waste. At the time of our inspection, DFD was operating as a non-generator of hazardous waste.

We found the following violations of Ohio's hazardous waste and used oil rules. 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 3745-52-11: 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.

DFD 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. A copy of the fact sheet, Fluorescent Lamps: What You Should Know, is enclosed. I recommend that you review this document and contact me if you have any questions.

DFD must submit to Ohio EPA documentation to demonstrate how you plan to properly manage your fluorescent bulbs. If DFD 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 DFD plans to manage the spent fluorescent bulbs as universal waste, please submit photographic documentation showing the storage containers properly closed, labeled, and dated. DFD must also properly train employees, who handle or have responsibility for managing universal waste, on waste handling and emergency procedures relative to their responsibilities and send me documentation that this has been completed. In addition, DFD must submit the name of the facility where you plan to recycle the bulbs.

**2. OAC Rule 3745-279-22(C)(1) and 3745-279-45(G): Labeling:**

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

DFD had several 5-gallon storage containers of used oil located inside the building that were not properly labeled.

DFD properly labeled the containers with the words "used oil" at the time of our inspection. A copy of the fact sheet, The Regulation of Used Oil: An Overview for Ohio Businesses Who Generate Use Oil, is enclosed. Please review this information and contact me if you have any questions.

***Therefore, 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.

DFD has been giving the used oil generated at the fire station to Exceptional Motorcar who is burning it in their on-site burner.

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

Ohio EPA will issue an EPA ID number to track our inspection activity. DFD can not use this number for manifesting hazardous waste shipments. If DFD 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 on our Web page 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.

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>.

Should 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

/csf

Enclosures

pc: Cindy Lohrbach, DHWM, NWDO  
Kristina Durnell, DHWM, CO  
Colleen Weaver, DHWM, NWDO  
{DHWM; NWDO Defiance 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.

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

For Ohio EPA use only

E-mail this completed form to  
[tammy.mcconnell@epa.state.oh.us](mailto:tammy.mcconnell@epa.state.oh.us) or mail it to Tammy  
McConnell, Central Office

2. Site EPA ID No.	EPA ID Number:								
3. Site Name	Name: Defiance Fire Department				Website: (Optional)				
4. Site Location Information	Street Address: 702 W. 3 <sup>rd</sup> Street								
	City, Town, or Village: Defiance				State: OH				
	County Name: Defiance				Zip Code: 43512				
5. Site Land Type (check only one)	Private <input type="checkbox"/>	County <input type="checkbox"/>	District <input type="checkbox"/>	Federal <input type="checkbox"/>	Indian <input type="checkbox"/>	Municipal <input type="checkbox"/>	State <input type="checkbox"/>	Other <input type="checkbox"/>	
6. NAICS code(s) <a href="http://www.census.gov/epcd/www/naics.html">www.census.gov/epcd/www/naics.html</a>									
7. Facility Representative  Additional names can be recorded in number 12.  Only provide address information if it is different than the site address	First Name: Mark			MI:	Last Name: Marentette				
	Phone Number:				Phone Number Extension:				
	E-Mail Address:								
	Fax Number:				Fax Number Extension:				
	Street or P.O. Box: 702 W. 3 <sup>rd</sup> Street								
	City, Town or Village: Defiance				State: Ohio		Country:		Zip Code: 43512
	Name of Site's Legal Owner:								
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	Date Became Owner (mm/dd/yyyy):								
	Owner Type:	Private <input type="checkbox"/>	County <input type="checkbox"/>	District <input type="checkbox"/>	Federal <input type="checkbox"/>	Indian <input type="checkbox"/>	Municipal <input type="checkbox"/>	State <input type="checkbox"/>	Other <input type="checkbox"/>
	Street or P.O. Box:								
	City, Town or Village:				Owner Phone #:				
	State:				Country:		Zip Code:		
	Name of Site's Operator:				Date Became Operator (mm/dd/yyyy):				
	Owner Type:	Private <input type="checkbox"/>	County <input type="checkbox"/>	District <input type="checkbox"/>	Federal <input type="checkbox"/>	Indian <input type="checkbox"/>	Municipal <input type="checkbox"/>	State <input type="checkbox"/>	Other <input type="checkbox"/>
	Street or P.O. Box:								
	City, Town or Village:				Operator Phone #:				
	State:				Country:		Zip Code:		
9. Violations Cited?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No								
10A. Type of Regulated Waste Activity (Mark "X" in all of the appropriate boxes)									
<input type="checkbox"/> Not Regulated				<input type="checkbox"/> Conditionally Exempt Small Quantity Generator					
<input type="checkbox"/> UNKNOWN: Cited for violation of 3745-52-11				<input type="checkbox"/> United States Importer of Hazardous Waste					
<input type="checkbox"/> Large Quantity Generator (LQG)				<input type="checkbox"/> Mixed Waste (Hazardous and Radioactive) Generator					
<input type="checkbox"/> Small Quantity Generator (SQG)									
<input type="checkbox"/> Hazardous Waste Transporter				<input type="checkbox"/> Exempt Boiler and/or Industrial Furnace					
<input type="checkbox"/> Treater, Storer or Disposer of Hazardous Waste				<input type="checkbox"/> Small Quantity On-Site Burner Exemption					
<input type="checkbox"/> Recycler of Hazardous Waste				<input type="checkbox"/> Smelting, Melting, Refining Furnace Exemption					
<input type="checkbox"/> Underground Injection Control Facility									

10B. Universal Waste Activities (Indicate types of universal waste managed (check all boxes that apply))			
<input type="checkbox"/> Small Quantity Handler of Universal Waste		<input type="checkbox"/> Large Quantity Handler of Universal Waste (accumulates 5,000 kg. or more)	
<input type="checkbox"/> Destination Facility for Universal Waste			
Check all boxes below that apply for each of the three types of facilities above		10C. Used Oil Activities (Indicate Type(s) of Activity(ies))	
	<b>Managed</b>	<input checked="" type="checkbox"/> Used Oil Generator	<input type="checkbox"/> Off-Specification Used Oil Burner
Batteries	<input type="checkbox"/>	<input type="checkbox"/> Used Oil Transporter	<input type="checkbox"/> Used Oil Fuel Marketer Who Directs Shipment of Off-Spec. Oil
Pesticides	<input type="checkbox"/>	<input type="checkbox"/> Used Oil Transfer Facility	<input type="checkbox"/> Used Oil Fuel Marketer to Off-Specification Used Oil Burner
Mercury containing equipment	<input type="checkbox"/>	<input type="checkbox"/> Used Oil Processor	
Lamps	<input type="checkbox"/>	<input type="checkbox"/> Used Oil Re-refiner	
11. Waste Codes for Federally Regulated Hazardous Wastes: Please list the codes for the federally regulated hazardous waste handled at the 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.			
<b>Announced</b>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<b>Additional Facility Representatives:</b>
<b>Tanks</b>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<b>Other Comments:</b>
<b>Containers</b>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
13. Name of Inspector(s)		Name of Inspector(s)	Date of Inspection/Time (mm/dd/yyyy) (hh:mm)
Melissa Boyers		Wendy Miller	7/10/2008 1:05
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)

**USED OIL INSPECTION CHECKLIST  
GENERATORS, COLLECTION CENTERS AND AGGREGATION POINTS**

*NOTE: A facility is subject to the federal SPCC regulations (40 CFR 112) if it is non-transportation related (e.g., fixed) and has an aggregate above ground storage capacity greater than 1,320 gallons or a total underground storage capacity greater than 42,000 gallons of oil (including used oil), and there is reasonable expectation of a discharge to navigable waters.*

**PROHIBITIONS**

1. Does the generator manage used oil in a surface impoundment or waste pile? If yes: Yes  No  N/A
- a. Is the surface impoundment or waste pile regulated as a hazardous waste management unit? [3745-279-12(A)] Yes  No  N/A
2. Is used oil used as a dust suppressant? [3745-279-12(B)] Yes  No  N/A
3. Is off-specification used oil fuel burned for energy recovery in devices specified in 3745-279-12(C)? Yes  No  N/A

*NOTE: Multiple used oil checklists may be applicable if used oil handler is performing multiple tasks (e.g., if generating used oil and shipping directly to a burner, complete generator and marketer checklists at a minimum).*

**GENERATOR STANDARDS**

4. Does the generator mix hazardous waste with used oil? If so, Yes  No  N/A
- a. Is the mixture managed as specified in 3745-279-10(B)? [3745-279-21(A)] Yes  No  N/A

*NOTE: Used Oil mixed with listed (3745-51-30 to 3745-51-35) or characteristic (3745-51-20 to 3745-51-24) hazardous waste are subject to regulation as a hazardous waste, unless the listed hazardous waste is listed solely because it exhibits a hazardous characteristic, and the resultant mixtures do not exhibit a characteristic. Mixtures of used oil and CESQG hazardous waste are subject to OAC Chapter 3745-279.*

5. Does the generator of a used oil containing greater than 1,000 ppm total halogens manage the used oil as a hazardous waste unless the presumption is rebutted successfully? [3745-279-21(B)] Yes  No  N/A

*NOTE: If used oil contains greater than 1000 ppm total halogens, it is presumed to be listed hazardous waste until the presumption is successfully rebutted.*

6. Does the generator store used oil in tanks; or containers; or a unit(s) subject to regulation as a hazardous waste management unit? [3745-279-22(A)] Yes  No  N/A
7. Are containers and aboveground tanks used to store used oil in good condition with no visible leaks? [3745-279-22(B)] Yes  No  N/A
8. Are containers, above ground tanks, and fill pipes used for underground tanks clearly labeled or marked "Used Oil?" [3745-279-22(C)] Yes  No  N/A

9. Has the generator, upon detection of a release of used oil, done the following: [3745-279-22(D)]
- a. Stopped the release? Yes  No  N/A
- b. Contained the release? Yes  No  N/A
- c. Cleaned up and properly managed the used oil and other materials? Yes  No  N/A
- d. Repaired or replaced the containers or tanks prior to returning them to service, if necessary? Yes  No  N/A

**ON-SITE BURNING IN SPACE HEATER**

10. Does the generator burn used oil in used-oil fired space heaters? [3745-279-23] If so: Yes  No  N/A
- a. Does the heater burn only used oil that owner/operator generates or used oil received from household do-it-yourself (DIY) used oil generators? Yes  No  N/A
- b. Is the heater designed to have a maximum capacity of not more than 0.5 million BTU per hour? Yes  No  N/A
- c. Are the combustion gases from heater vented to the ambient air? Yes  No  N/A

**GENERATOR TRANSPORTATION**

11. If the generator self-transported used oil to an approved collection site or to an aggregation point owned by the generator: [3745-279-24]  
Used oil given to Exceptional Motorcar to burn in their on-site burner.
- a. Does the generator transport used oil in a vehicle owned by the generator or an employee of the generator?[3745-279-24] Yes  No  N/A
- b. Does the generator transport more than 55 gallons of used oil at any time?[3745-279-24] Yes  No  N/A

*NOTE: Used oil generators may arrange for used oil to be transported by a transporter without a U.S. EPA ID # if the used oil is reclaimed under a contractual agreement (i.e., tolling arrangement).*

**COLLECTION CENTERS AND AGGREGATION POINTS**

12. Is the DIY used oil collection center in compliance with the generator standards in 3745-279-20 to 3745-279-24? [3745-279-30] Yes  No  N/A
13. Is the non-DIY used oil collection center registered with Ohio EPA? [3745-279-31] Yes  No  N/A
14. Is the used oil aggregation point in compliance with the generator standards in 3745-279-20 to 3745-279-24? [3745-279-32] Yes  No  N/A

*NOTE: Complete Used Oil Generator and any other applicable used oil handler checklist (e.g., marketer, burner, etc.) for used oil collection centers and aggregation points.*

Keyword: UsedOilChecklistforGenerators.Oct.2007.doc

## PROCESS DESCRIPTION/WASTE ACTIVITIES SUMMARY

Facility Name: Defiance Fire Department

Facility Type: LQG/SQG/CESQG/TSD

EPA ID#:

Description of Waste				On-Site Management			Off-Site Management
Process/Activity Generating Waste <small>(e.g. plating bath, machining, baghouse, painting, etc)</small>	Waste Generated <small>(e.g. sludge, spent solvent, ash, etc)</small>	EPA Waste Code	QTY Generated per Month	Type of Accumulation/Storage <small>(e.g. container, tank, etc)</small>	Type of On-Site Treatment <small>(recycle, wwt, etc)</small>	Waste Location <small>(Include map if possible)</small>	Name, state, and type of activity occurring at the facility.
1	Lighting	Spent Fluorescent Bulbs					Manage as solid waste
2	Fire Truck Maintenance	Used Oil		5-gallon storage containers		Located inside the building	Fire Department is currently giving the used oil to Exceptional Motorcar to burn in their on-site burner.
3							
4							