



State of Ohio Environmental Protection Agency

Northwest District Office

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

Re: Exceptional Motorcar, Inc.
Defiance County
Hazardous Waste
OHR000150151
Return to Compliance

June 1, 2009

Mr. Ron Burk
531 East 2nd Street
Defiance, Ohio 43512

Dear Mr. Burk:

Thank you for your September 10, 2008, response to Ohio EPA's July 30, 2008, Notice of Violation letter. The information you submitted included photographic documentation for the drums of used oil, information regarding on-site burning of used oil, and documentation for universal waste bulbs. On May 20, 2009, I made a follow-up site visit to verify your compliance with the used oil labeling requirements. The photographs you submitted were not labeled and it was unclear from which location, Exceptional Motorcar or Marathon Service Center, the photos were taken. My review of the documentation submitted, along with my site visit, reveals that Exceptional Motorcar, Inc. (EMI) has adequately demonstrated abatement of all of the violations cited in the July 30, 2008, NOV letter.

The following is a summary of the violations cited in the July 30, 2008, NOV 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.

EMI 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.

EMI must submit to Ohio EPA documentation to demonstrate how you plan to properly manage your fluorescent bulbs. If EMI 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 EMI plans to manage the spent fluorescent bulbs as universal waste, please submit photographic documentation showing the storage containers properly closed, labeled, and dated. EMI 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, EMI must submit the name of the facility where you plan to recycle the bulbs.

On September 10, 2008, EMI submitted information regarding the management of your spent fluorescent bulbs. EMI plans to manage the spent bulbs as universal waste and have them picked up for recycling by Environmental Recycling in Bowling Green, Ohio. Currently, EMI does not have any spent bulbs in storage. All packages and containers holding spent fluorescent lamps/bulbs are to be labeled with the words "Universal Waste - Lamps", "Waste Lamps" or "Used Lamps". EMI's letter states that they will be labeled "Hazardous Waste". During my site visit on May 20, 2009, I spoke with your employee, Frank, who verified there were not bulbs currently in storage. When EMI begins to accumulate and store spent fluorescent bulbs, please be sure you have updated the labeling requirements with your staff as outlined above.

With this information, this violation is considered abated.

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

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

EMI had several storage drums of used oil located outside behind the building that were not properly labeled.

EMI must properly label all the drums of used oil located outside behind the building with the words "Used Oil" and submit photographic documentation to demonstrate compliance.

On September 10, 2008, EMI submitted photographic documentation of a yellow storage tank properly labeled "used oil". On May 20, 2009, I made a site visit to evaluate the status of the drums of used oil that were located outside behind the building. The drums are now empty. Your employee, Frank, stated that all the used oil was burned in the on-site heater over the winter months. He also stated that you are planning to have the empty drums picked up since you may decide to no longer heat that building using the on-site burner.

With this information, this violation is considered abated.

3. OAC Rule 3745-279-45(G): Used Oil Transfer Facility Labeling

Containers and aboveground tanks used to store used oil at transfer facilities must be labeled or marked clearly with the words "Used Oil."

EMI had several storage drums of used oil located outside behind the building that were not properly labeled.

EMI must properly label all the drums of used oil located outside behind the building with the words "Used Oil" and submit photographic documentation to demonstrate compliance.

On September 10, 2008, EMI submitted photographic documentation of a yellow storage tank properly labeled "used oil". On May 20, 2009, I made a site visit to evaluate the status of the drums of used oil that were located outside behind the building. The drums are now empty. Your employee, Frank, stated that all the used oil was burned in the on-site heater over the winter months. He also stated that you are planning to have the empty drums picked up since you may decide to no longer heat that building using the one-site burner.

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With this information, this violation is considered abated.

4. OAC Rule 3745-279-23(A): On-Site Burning of Used Oil

Generators may burn used oil in used oil-fired space heaters provided that the heater burns only used oil that the owner or operator generates or used oil received from household do-it-yourself used oil generators.

EMI has been collecting used oil from other generators (i.e., Defiance Fire Department, City of Defiance Street Department and Water Department) and burning it in the on-site furnace.

EMI must cease burning used oil obtained from sources other than what is generated at your facility or from household do-it-yourself generators. EMI must submit a copy of an internal policy outlining your used oil practices and procedures.

On September 10, 2008, EMI submitted information regarding on-site burning of used oil. Your letter states that only the used oil your business generates can be burned in the on-site used oil burner.

With this information, this violation is considered abated.

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

/lb

pc: Cindy Lohrbach, DHWM, NWDO
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.