



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: Marathon Service Center  
Defiance County  
Hazardous Waste  
OHD987056918  
Return to Compliance

June 1, 2009

Mr. Ron Burk  
531 East 2<sup>nd</sup> 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 on transporting drums 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, Marathon Service Center or Exceptional Motorcar, the photos were taken. My review of the documentation submitted, along with my site visit, reveals that Marathon Service Center (MSC) 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.

MSC 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.

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



On September 10, 2008, MSC submitted information regarding the management of your spent fluorescent bulbs. MSC plans to manage the spent bulbs as universal waste and have them picked up for recycling by Environmental Recycling in Bowling Green, Ohio. Currently, MSC 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". MSC's letter states that they will be labeled "Hazardous Waste". During my site visit on May 20, 2009, I spoke with your employee, Korey, and gave him a copy of Fluorescent Lamps: What You Should Know. When MSC 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."

MSC had three 55-gallon drums of used oil located outside behind the building and two carboys located in the maintenance area that were not properly labeled. **On May 20, 2009, MSC had approximately five 55-gallon drums of used oil located outside behind the building that were not properly labeled.**

MSC properly labeled the three drums and two carboys with the words "used oil" at the time of our inspection. **At the time of our site visit your employee, Korey, properly labeled the drums with the words "used oil".**

*Therefore, 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."

MSC had three 55-gallon drums of used oil located outside behind the building and two carboys located in the maintenance area that were not properly labeled.

MSC properly labeled the three drums and two carboys with the words "used oil" at the time of our inspection on July 10, 2008.

*This violation was previously abated.*

**4. OAC Rule 3745-279-24(B)(2): Off-Site Shipments of used Oil by Generators**

Generators may transport, without a U.S. EPA identification number, used oil that is generated at the generator's site to an aggregation point provided that the generator transports no more than fifty-five gallons of used oil at any time.

MSC has been transporting excess used oil generated at the facility to Exceptional Motorcar, Inc. (EMI), which is a business you currently own. According to Zac Schmunk, service manager at MSC, the drums of excess used oil are placed on a trailer and taken to EMI. More than 55 gallons of used oil are transported at a time to EMI.

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MSC must cease transporting greater than 55 gallons of used oil at any time to EMI. To abate this violation, MSC must submit a copy of an internal policy outlining your used oil practices and procedures which must include the transportation of used oil from one business you own to another.

**On September 10, 2008, MSC submitted information regarding transporting drums of used oil from the MSC to Exceptional Motorcar. MSC's letter states that only one 55-gallon drum of used oil will be transported at a time. During my site visit on May 20, 2009, I spoke with your employee, Korey, and gave him a copy of the fact sheet, The Regulation of Used Oil: An Overview for Ohio Businesses Who Generate Used Oil.**

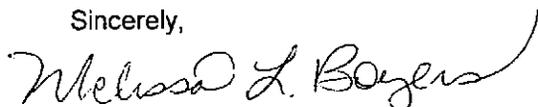
*With this information, this violation is considered abated.*

**Area of Concern:**

**At the time of my site visit on May 20, 2009, MSC had approximately five drums of used oil sitting outside the building that were not properly labeled "used oil". Your employee, Korey, properly labeled them during my visit, however, your continued non-compliance is concerning to Ohio EPA. Please review the guidance documents that were given to you and contact me if you have any questions or concerns. Your compliance with all the hazardous waste rules may be assessed at a future unannounced compliance inspection.**

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.