



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: Complaints #25<sup>5</sup>~~3~~3, 2749, 2766, 2769, 2770  
Glenn Hunter & Associates  
OHR000124396  
Fulton County  
Hazardous Waste / Used Oil  
**Second Notice of Violation**

August 13, 2008

Certified Mail 7006 0100 0004 1318 2814

Mr. Glenn Hunter  
Glenn Hunter & Associates  
3672 County Road 6-1  
Delta, Ohio 43515

Dear Mr. Hunter:

I received your response to my May 20, 2008, Notice of Violation (NOV) letter on June 18, 2008. The documentation that you submitted included: photos of used oil containers, a copy of your mining permit, Material Safety Data Sheets (MSDS), water sample results and product specification sheets.

As a result of my investigation on May 7, 2008, I found the following violations of Ohio's hazardous waste laws. In order to correct these violations, you were required to do the following and send me the required information within 30 days of your receipt of this letter. The status of the violations is described below. Glenn Hunter & Associates (GH&A) should respond within 30 days of receipt of this letter.

1. **Used Oil Labeling**  
**OAC Rule 3745-279-22(C)(1)**

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

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GH&A failed to label the following containers and tanks of used oil with the words "Used Oil": two tanks and approximately one dozen drums under an enclosure, one tote of used hydraulic fluid nearby and one open, full, drum of used oil in the same general area as the rest of the containers. In order to correct this violation, GH&A must label all tanks and containers of used oil with the words "Used Oil" and submit to me photographs documenting their proper labeling.

In the letter from GH&A, dated June 17, 2008, Dean Daenens of GH&A stated that the drums and totes of used oil were "properly disposed of" and that GH&A is "now using only the containers shown in the photographs." The five photos enclosed with the June 17, 2008 letter demonstrate that the two tank-like containers have been labeled with the words "Used Oil." On July 14, 2008, I observed that there were only two tanks being used to accumulate used oil and they were properly labeled. However, in order to correct this violation, GH&A must submit copies of the shipping papers documenting the off-site shipment and destination for the used oil.

2. **Condition of Units**  
**OAC Rule 3745-279-22(B)**

Containers and aboveground tanks used to store used oil at generator facilities must be in good condition (no severe rusting, apparent structural defects or deterioration).

GH&A failed to store used oil in a container in good condition. I observed that one full 55-gallon drum of used oil, in the same vicinity as the drums under the enclosure, was not closed. In order to correct this violation, GH&A must immediately close the drum and submit to me photographs documenting its proper storage condition.

In the letter from GH&A dated June 17, 2008, Dean Daenens of GH&A stated that the drums and totes of used oil were "properly disposed of" and that GH&A is "now using only the containers shown in the photographs." The five photos enclosed with the June 17, 2008 letter demonstrate that drums are not being used to accumulate used oil and that the two tank-like containers are closed. On July 14, 2008, I observed that there were only two tanks being used to accumulate used oil and they were both in good condition. Therefore, this violation has been corrected.

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In addition to a response to the violations cited in the May 20, 2008 Notice of Violation (NOV) letter, Ohio EPA requested that GH&A submit the following information:

1. A chemical or manufacturer's description of each of the refractory stored at GH&A.

**I have reviewed the MSDS that you submitted with your June 17, 2008 letter. GH&A must provide the following information regarding the MSDS:**

- a. **Explain your relationship with The Levy Company.**
- b. **Explain how the following materials are used at GH&A and how the waste from their use is managed:**
  - i. **Bravo**
  - ii. **SB-200**
  - iii. **Oxane LLR-2**
  - iv. **"B'Laster" Penetrating Catalyst 16PB**
  - v. **3M Super 77 Spray Adhesive**
  - vi. **Alcohol Prep/Swab**
  - vii. **Mac's Electronic Cleaner 4710**
  - viii. **Mac's Super Fast Flush**
  - ix. **Epoxy Steel Hardener**
  - x. **Belkamp Thread Sealant 1/4 PT**
  - xi. **NAPA Sil-Glyde Aerosol**
  - xii. **Mac's Starting Fluid**
- c. **Explain the following about various refractory:**
  - i. **The other 40% of constituents in the 1.) H-W 99 L.S. Magnesite; 2.) H-W 97A Magnesite BMF50; 3.) H-W 98 Magnesite; 4.) H-W 42-62 Magnesite; 5.) NARMAG.**
  - ii. **The other constituents found in Monofrax H (1%) (Also, what does glass, oxide refer to?); Monofrax E (4-5%); (Also, what does Spinel refer to?); Monofrax M (1%); Monofrax K-3 (1%) (Also, what does "trace level" of free metal mean?); Monofrax S (CS-3, CS-4, CS-5) & Monofrax R (10-20% glass, oxide); and Monofrax Z (0.5%).**

- iii. How Maglock is managed at your facility.
  - d. Why are refractory crushed at GH&A if the MSDS state "DO NOT CUT, SAND OR GRIND THIS PRODUCT in a manner that will lead to the generation of dusts"?
  - e. Provide all laboratory analyses you have for the material that is managed at the facility.
2. An explanation of the on-line statements, "GH&A is a company that began business in 1986 with one goal in mind, the separation of hazardous and non-hazardous material and then recycling removing all liabilities from your company and supply you with a Certificate of Recycling." (emphasis mine) "In separation of non-hazardous from hazardous material a cost saving along as the cost rising of hazardous waste landfills." (emphasis mine)

**In your letter dated June 17, 2008, Dean Daenens states "GH&A separates recyclable materials from hazardous waste that is left at the customer's site for direct disposal at a licensed facility." Please explain in detail: how materials are determined to be hazardous and provide laboratory analyses (totals and/or TCLP), and how the recyclable material and the hazardous waste is separated at the customer's site. Provide a list of facilities, including names, addresses, contact persons and phone numbers where GH&A has performed furnace work/tear-out at in the last five years.**

3. A description of where the various materials come from and when, including the time period for the storage of the piles and the companies that the materials come from.

**Submit your customer list (for tear-outs), including the name, address, contact person, phone number for each and date that the tear-out/furnace work was done.**

4. A description of where the various materials are shipped, including the names of the businesses.

**Submit your list of customers that purchase bulk solids (the bricks that are not crushed at your facility) and explain, in detail, how your customers use the bulk solids that you ship to them.**

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5. A description of GH&A's typical production volumes.

**Thank you for the information that you provided. Please describe the production volumes in terms of truck loads of a particular product by name. Also, submit a summary of the incoming refractory (in tons) and outgoing refractory (in tons) for the last five years.**

6. Any chemical analyses of material handled at the facility or any environmental media sampled at the facility.

**It appears that most of the chemical analyses that you submitted were of the virgin product and not of the materials accepted at and stored at your facility. In addition, the analyses only describe the percentage of certain compounds. You did not provide any total metals or TCLP metals analytical results for refractory or slag stored at your facility. There are some TCLP analyses in the file (3 from 1994 and 4 from 1997), but these are quite old and do not represent all the materials stored at your facility. Therefore, GH&A must sample and perform TCLP analyses of the various materials stored at its facility. I did review your TCLP analyses of what appears to be surface water from different locations and potable ground water from different locations. Please explain the purpose of these samples and your conclusions.**

7. During a previous complaint investigation on July 14, 2005, Mr. Phil Ray explained to them that "Refractory is sampled and evaluated for TCLP metals ... GHA may perform the sampling and analysis of refractory or the facility may do it. As a result, GHA will know if any of the refractory is hazardous waste. They [GH&A] may perform the demolition/tear-down or the facility may do it themselves. In either case, the analyses will indicate if any of the refractory must be segregated since it possesses a characteristic of hazardous waste." However, on May 7, 2008, Mr. Brian Hunter said that none of the refractory from tear-outs is hazardous waste. Please explain this difference in descriptions.

**See the response to item number 2. Please explain in detail how GH&A's customers determine what is hazardous waste and how they demonstrate that to you.**

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8. A copy of the mining permit.

**A copy of the permit was enclosed with your June 17, 2008 letter. No further information is required at this time.**

9. Please explain how Universal Materials, Inc. is utilized, or how another company of its type is utilized.

**You explained that Universal Materials was a competitor that has gone out of business.**

10. On May 7, 2008, Mr. Brian Hunter said that chrome brick did not have enough chrome in it to be hazardous. However, documentation in the file indicates that certain brick has a high percentage of chromic oxide. For example, Magnex OHR Magnesite-Chrome Brick has 13.1% and Magnex H Magnesite-Chrome Brick has 8.8% chromic oxide. Please explain this difference in descriptions.

**Please state if the chrome containing bricks have enough chrome in them to be hazardous. Please submit documentation demonstrating the TCLP concentration of chrome in chrome containing brick.**

11. Please explain, if you can, where the two water samples were taken from in April and May of 1998.

**No further information is required at this time.**

12. An explanation of the statement in your brochure that "Our trained personnel have over 8 years in recycling hazardous refractories including: MGO, AZS, Mono & M&H, Zircon, TZB, Fireclays, Silica, Chrome." (emphasis mine)

**It appears from your explanation that some of the refractory could be hazardous waste due to the concentration of TCLP chromium. You state the following: "Some of the materials such as Chrome were considered hazardous if they were going to treat them as a waste and not a recyclable material. We only take in recyclable materials." GH&A must be able to demonstrate that it meets all the requirements for a recycler.**

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13. A description of the role that Joe Quigley has with your company and his phone number.

**In your letter you explain that Joe Quigley is a customer. You provided his web address. No further information is needed at this time.**

14. A complete list of the refractory handled at the facility.

**Thank you for the MSDS collection. Please create a complete list of the refractory handled at the facility.**

15. A MSDS for each of the refractory.

**No further information is needed at this time.**

16. A proposal to have the neighboring wells sampled and the water analyzed.

**Please provide the proposal that you promised.**

Based on the information provided, Ohio EPA has determined that GH&A is also in violation of the following Ohio hazardous waste laws. In order to correct this violation, you must do the following and send me the required information, **within 30 days** of your receipt of this letter:

1. **Waste Evaluation  
OAC Rule 3745-52-11**

A generator must determine whether its waste is hazardous by first determining if the waste is listed as a hazardous waste in rules 3745-51-30 to 3745-51-35; by testing the waste according to the methods set forth in rules 3745-51-20 to 3745-51-24; or by applying knowledge of the hazardous characteristic of the waste in light of the materials or the processes used.

GH&A has failed to adequately evaluate all of its waste properly. At least, the following wastes have not been properly evaluated:

- a. Gold Chrome brick which is crushed.

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In order to abate this violation, you must immediately evaluate the wastes listed above, and any other waste discovered at the facility by Ohio EPA or GH&A, in accordance with the requirements of Ohio Administrative Code Rule 3745-52-11 and this letter. You must obtain a representative sample of each waste pile and brick type at the facility, according to OAC 3745-51-20. You must evaluate all samples through laboratory analysis for at least the TCLP and total metals, any appropriate characteristic (such as ignitability – D001 or corrosivity – D002) and list and submit the results of the laboratory analyses to Ohio EPA as soon as they are available. **GH&A must give Ohio EPA a five-day advance notice of sampling activities in order for an inspector to make arrangements to view the sampling.**

Before sampling, you must submit a sampling and analysis plan for Ohio EPA's approval, which explains, in writing, how you will obtain a representative sample of each waste pile and type of brick (including the number of samples and the number of containers sampled), the sampling equipment to be used (collectors and sample containers), who will collect it, who will analyze it and how it will be analyzed (constituents and method numbers). Please refer to the following guidance document for help with writing your waste sampling and analysis plan: RCRA Waste Sampling Draft Technical Guidance. It can be found at:  
<http://www.epa.gov/epaoswer/hazwaste/test/pdfs/rwsdtg.pdf>.

The complete analytical results from implementation of the approved sampling and analysis plan must be submitted to me as soon as they are available. Your results must document if the waste is hazardous or not and whether it is restricted from land disposal. If it is hazardous, you must explain what treatment, storage or disposal facility you will send it to. GH&A must submit to me a legible copy of the manifest(s), signed by a representative of the permitted treatment, storage or disposal facility, that documents the proper off-site shipment of all its hazardous waste. **If the waste is hazardous, I will determine the status of your facility's compliance with other hazardous waste laws and notify you of my findings in a separate letter.**

Ohio EPA will use the data you provide, in addition to other documentation, to make regulatory decisions concerning the waste(s) tested. The data you submit should be reviewed using a data review process, referred to as data validation, to confirm the validity of your data prior to submission. Data validation includes a review of the following components: laboratory test methods, laboratory data completeness, documentation of holding time(s), chain(s) of custody, and quality assurance/quality control (QA/QC) data. To confirm the validity of your data, you may use Ohio EPA's tier

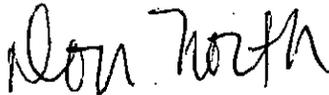
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1 data validation plan review form, which can be obtained from Ohio EPA's web page at [http://www.epa.state.oh.us/dhwm/tier\\_i\\_data\\_validation\\_manual.html](http://www.epa.state.oh.us/dhwm/tier_i_data_validation_manual.html). Ohio EPA may request the documentation needed to confirm the validity of the data submitted.

Please submit, with your laboratory data, a brief narrative of each sampling event which includes: process generating the waste, point in the process the sample was obtained, sampling techniques used to obtain the sample and a description of how this sample was determined to be a representative sample of the waste tested.

If you have any questions, please feel free to contact me at (419)373-3074. You can find copies of the rules and other information on the division's web page at <http://epa.state.oh.us/dhwm>. Ohio EPA also has helpful information about pollution prevention at <http://www.epa.state.oh.us/opp>.

Sincerely,



Don North  
Environmental Specialist  
Division of Hazardous Waste Management

/cs

pc: Colleen Weaver, DHWM, NWDO  
Cindy Lohrbach, DHWM, NWDO  
~~DHWM, NWDO - File: Fulton County, Glenn Hunter & Assoc.~~

ec: Don North, 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.

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Glenn Hunter  
Glenn Hunter + Assoc.  
3672 Co. Rd. 6-1  
Delta, Ohio 43515

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  
*[Signature]*  Addressee

B. Received by (Printed Name) C. Date of Delivery  
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D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

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 Certified Mail  Express Mail  
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 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

2. 7006 0100 0004 1318 2814

*Kera/Don Ka*