



State of Ohio Environmental Protection Agency

Northwest District Office

347 North Dunbridge Road
Bowling Green, Ohio 43402

TELE: (419) 352-8461 FAX: (419) 352-8468
www.epa.state.oh.us

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Laura H. Powell, Acting Director

Re: Dukes Transportation Services, Inc.
OHD 987 049 855
Hazardous Waste
Hancock County
PRTC / 2nd Notice of Violation

January 26, 2007

CERTIFIED MAIL

Mr. Jason Dukes, President
Dukes Transportation Services, Inc.
1525 Lima Avenue
P.O. Box 447
Findlay, Ohio 45839

Dear Mr. Dukes:

On August 3, 2004, I conducted a hazardous waste compliance evaluation inspection (CEI) of Dukes Transportation Services, Inc. (Dukes) located at 1525 Lima Avenue, Findlay, Ohio. On September 15, 2004, I sent you a Notice of Violation (NOV) citing the following violations and areas of concern:

Violations

1. OAC Rule 3745-52-11, Waste Evaluation.
2. OAC Rule 3745-51-05 (G) (3), Ensure Delivery of Hazardous Waste.

Areas of Concern

1. Generator Status.
2. Used Oil labels.

On April 4, 2005, Wendy Miller and I conducted an additional site visit to assess your compliance with the violations / areas of concern cited in your 9-15-04, NOV.

Based on this site visit, Dukes demonstrated abatement of the following **violation** discovered during the August 3, 2004, CEI:

2. **OAC Rule 3745-51-05 (G) (3), Ensure Delivery of Hazardous Waste.**

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In addition, based on this site visit, Dukes has satisfied the following **area of general concern** discovered during the August 3, 2004, CEI:

1. **Generator Status.**

Dukes has failed to submit documentation to abate the following **violation**:

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

Any person who generates a waste in the state of Ohio must determine if that waste is a hazardous waste in accordance with the criteria for hazardous waste as set forth in Chapter 3745-51 of the Administrative Code.

Dukes has not evaluated the spent parts washing solvent to determine if this waste is hazardous for metals.

To properly evaluate the above waste stream Dukes must do one of two options: 1) Dukes must take a representative sample of this waste to properly evaluate this waste stream through a laboratory analysis which lists constituents present and at what concentration. Dukes must sample the spent parts washing solvent to determine the concentration(s) of the following Resource Conservation and Recovery Act (RCRA) metals: lead, cadmium, chromium as listed in the Ohio Administrative Code Rule 3745-51-24 following the method as outlined in U.S. EPA's SW-846. Dukes may run total concentrations for these constituents as a screening tool. If concentrations are detected for any of the constituents at or above regulatory limits, a Toxicity Characteristic Leaching Procedure (TCLP) may be required to ensure these constituents are not present above Ohio EPA regulatory levels. The material safety data sheet for the parts washing solvent stated the flashpoint of this material to be greater than 120 degrees Fahrenheit. Due to the vagueness of this flashpoint, Dukes should also determine the flashpoint of this waste through a laboratory analysis, or 2) Dukes must apply generator knowledge of the hazardous characteristic(s) of the waste in light of the materials or the processes used through adequate documentation.

To abate this violation, you must submit to me a waste management plan detailing that you will evaluate and manage this waste as outlined in this letter upon the next generation of this waste stream.

Please submit to me documentation of waste evaluation and if you have had this material picked up for disposal - waste receipts for disposal of this waste. (At the time of inspection (both 8-3-04 & 4-4-05) you had not changed or serviced your parts washer in "awhile").

This violation remains outstanding.

Dukes has failed to submit documentation to abate the following **area of concern**:

2. **Used Oil labels.**

Dukes has their used oil containers labeled "Waste Oil". Per OAC Rule OAC 3745-279-22 (C) (1), containers used to store used oil shall be labeled or marked clearly with the words "Used Oil". Dukes should re-label their used oil containers with the words "Used Oil". Please consult the fact sheet The Regulation of Used Oil: An Overview for Ohio Businesses, Used Oil Generators given to you during the inspection for this and other used oil requirements.

Dukes may use a sharpie, paint, sticker, or similar instrument to write the words "Used Oil" on their used oil containers. Dukes should submit to me a photograph documenting the words "Used Oil" have been placed on their used oil containers.

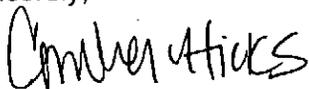
This area of concern remains outstanding.

This letter is Ohio EPA's third attempt to get outstanding violations/issues at Dukes resolved. Please respond to this letter no later than 7 days after your receipt.

Please note that Duke's failure to respond to this and the September 15, 2004, NOV may result in referral of Duke's to our Central Office Enforcement Section for consideration of escalated enforcement.

Please address all correspondence to Amber Hicks, Ohio EPA, 347 N. Dunbridge Road, Bowling Green, Ohio 43402. Should you have any questions, please feel free to call me at (419) 373-3082.

Sincerely,



Amber M. Hicks
Division of Hazardous Waste Management

/csl

pc: Colleen Weaver, DHWM, NWDO
Cindy Lohrbach, DHWM, NWDO
{DHWM, NWDO File: Hancock County General}
7002 2410 0003 1155 9314
ec: John Pasquarette, DHWM, NWDO
Amber Hicks, 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 JASON DUKES PRESIDENT
DUKES TRANSPORTATION SERVICES INC
1525 LIMA AVE
FINDLAY OH 45839

DHWM/Amber H./csl

COMPLETE THIS SECTION ON DELIVERY

A. Signature
 Agent
 Addressee
Pat Blood

2B. Received by (Printed Name)
2001
C. Date of Delivery

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number
(Transfer from service label)

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