



State of Ohio Environmental Protection Agency

Northwest District Office

347 North Dunbridge Rd.
Bowling Green, OH 43402-9398

TELE: (419) 352-8461 FAX: (419) 352-8468
www.epa.ohio.gov

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

Re: MTJ Trailer Sales, LLC
Hardin County
DHWM Compliance Evaluation
Inspection/Complaint Investigation (2880)
2nd Notice of Violation

November 2, 2009

CERTIFIED MAIL

Mr. William Newman, Owner
MTJ Trailer Sales, LLC
19269 County Road 209
Mount Victory, Ohio 43340

Dear Mr. Newman:

On June 12, 2009, I investigated a complaint (2880) at the above mentioned facility for the Ohio Environmental Protection Agency. Even though no evidence to substantiate the complaint was found during this inspection, several violations of Ohio's hazardous waste laws were cited in a Notice of Violation letter dated June 22, 2009. You were given 30 days to respond to that letter. To date, no response regarding these violations has been received at this office. On October 27, 2009, I conducted a follow up visit but I found nobody at the facility. During my visit, I could see around the outside of the facility that the drums containing used oil still remain and no used oil contaminated soil has been removed. It appears that none of the violations cited in the Notice of Violation letter as a result of the June 12, 2009, inspection have been corrected. In order to avoid escalated enforcement action, you must abate the cited violations and address the general comments/concerns.

Ohio EPA found the following violations of Ohio's hazardous waste laws. In order to correct these violations you must do the following and send me the required information ***within 30 days of receipt of this letter:***

- OAC Rule 3745-279-22 (D): Used oil storage requirements for generators -- Response to releases.**

Generators shall clean up and properly manage a release of used oil.

MTJ did not clean up the used oil released from several containers located outdoors behind the facility's main building.

Mr. William Newman
November 2, 2009
Page Two

MTJ shall immediately clean up all visible contamination around containers used to store used oil. This material shall be placed in containers in good condition prior to disposal. In order for MTJ to determine whether the used oil contaminated soil exhibits any hazardous waste characteristics, MTJ must obtain a chemical analysis of a representative sample of the used oil contaminated soil. MTJ will need to contract the services of an environmental laboratory to analyze this material. MTJ must determine, at least, the concentrations of the RCRA metals: cadmium, chromium, and lead (OAC Rule 3745-51-24).

MTJ may run total concentrations for the RCRA metals as a screening tool. If concentrations are detected for the RCRA metals 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.

Please notify me at least five days prior to taking the sample(s) so that I or another Ohio EPA representative may be present.

Based on the results of the analytical, MTJ shall label the container(s) appropriately and dispose of the material at a proper disposal facility.

To abate this violation, MTJ shall submit to me the analytical results indicating the proper evaluation of the used oil contaminated soil, appropriate manifest documents or shipping papers indicating proper disposal of the used oil contaminated soil, and pictures indicating the release has been cleaned up. 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. If the waste is hazardous, I will determine the status of your 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 wastes 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 1 data validation plan review form which can be obtained from Ohio EPA's web page:

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 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:*

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

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

Totes and additional containers storing used oil within and outside the facility were not properly labeled with the words "used oil".

To abate this violation, MTJ must label the containers with the words "Used Oil" and send me photographic documentation of the labeled container.

General Comments/Concerns: provide the following information within 30 days of receipt of this letter

a) During my investigation I suggested that all drums should be moved inside the building and away from the elements. After their used oil content is verified, you must identify an approved used oil recycling facility or a used oil collection facility. You are allowed to self-transport up to 55-gallons of used oil to an appropriate collection center or recycling facility. Be aware that if you cannot positively identify the content of the drums as used oil, a proper evaluation may involve tanking a sample from the drum and sending it laboratory analysis. Please contact me if you any question regarding this issue.

b) I spoke with you regarding the available options regarding the proper management of spent bulbs. I would like to restate those options here:

Prior to disposal of any spent light bulb, MTJ must conduct a proper waste evaluation. The waste evaluation must be conducted through one of **three options**: **1)** MTJ may apply generator knowledge of the hazardous characteristic(s) of the waste in light of the materials or the processes used through adequate documentation [manufacturer analytical information –TCLP test results], or **2)** MTJ may 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. MTJ must ensure that the laboratory chosen to perform this sampling utilizes the proper method(s) to evaluate these bulbs.

Mr. William Newman
November 2, 2009
Page Four

MTJ must sample the fluorescent bulbs to determine the concentration of mercury (D009), cadmium (D006) and lead (D008) as listed in the OAC Rule 3745-51-24 following the method as outlined in U.S. EPA's SW-846. MTJ may run a total concentration for these constituents as a screening tool. If the concentration is detected for mercury, lead or cadmium at or above the regulatory limit, a TCLP may be required to ensure this constituent is not present above the Ohio EPA regulatory level; or 3) a combination of options 1 and 2.

If the bulbs are determined to be hazardous through a proper waste evaluation, MTJ will have to manage their bulbs either as 1) a universal waste (OAC Chapter 3745-273) or 2) as a hazardous waste under Ohio's generator standards (OAC Chapter 3745-52). ***Instead of taking samples for analysis as described above, MTJ may recycle their bulbs if they are hazardous or non-hazardous by managing them as universal waste. Ohio EPA would encourage this option as a pollution prevention alternative. Please refer to the information I gave you on how to manage light bulbs as universal waste.***

c) Provide to me a written statement on how you are planning to manage your spent light bulbs from now on. Based on the previously provided information include on your statement how do you plan to properly stored, disposed/recycled your spent bulbs, and to train your personnel on the proper care and management of your spent bulbs

The Division of Hazardous Waste Management has created an electronic news service to provide you with quick and timely updates on events and news related to hazardous waste activities in Ohio. If you haven't already, we encourage you to sign up for this free service. You can find more information at <http://www.epa.state.oh.us/dhwm/listserv.html>. Please feel free to share this information with your colleagues.

As we discussed during the inspection, you may be able to reduce the waste your company generates. If you find ways to recycle, reduce or altogether eliminate the amount of waste that your company generates you may be able to reduce your treatment and disposal costs. Thus, you may possibly reduce your regulatory requirements. Ohio EPA has helpful information about pollution prevention at the following web address: www.epa.state.oh.us/ocapp/ocapp.html.

Mr. William Newman
November 2, 2009
Page Five

Should you have any questions or if I can be of any assistance, please contact me at (419) 373-3015.

Sincerely,



Edgar V. Pulido
Division of Hazardous Waste Management

/lb

pc: Cindy Lohrbach, DHWM, NWDO
Colleen Weaver, DHWM, NWDO
~~DHWM, NWDO File: MTJ Trailer Sales, Hardin County~~
7007 2560 0000 4479 2407

ec: Ed Pulido, 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.

7007 2560 0000 4479 2407

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$.44
Modified Fee	2.80
Return Receipt Fee (Endorsement Required)	2.30
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 5.54

3 2009

OHIO EPA
Postmark Here

SENT TO
Mr. William Newman
Street, Apt. No., PO Box No. 19069
City, State, ZIP+4 Mount Vernon, OH 43340

PS Form 3800, August 2006 See Reverse for Instructions