



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.state.oh.us

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

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

June 25, 2009

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. The complainant expressed concerns regarding several containers of used oil being stored in the back of the property. The complainant is also concerned about the used oil being disposed on the ground and entering the ground water and contaminating the public drinking water wells located nearby.

MTJ Trailer Sales, LLC (MTJ) is a salvage operation. MTJ buys used automobiles and cuts them up in manageable pieces. MTJ sells the scrap metal. During the dismantling of the vehicles, MTJ generates used oil which is containerized in 55-gallon drums. During my visit, you stated that you have yet to dispose of any spent light bulbs. I advised you that once you generate any spent light bulbs, a proper waste evaluation must be conducted to determine the proper way to manage a potentially hazardous waste. In the meantime, spent light bulbs should be containerized in a suitable container to minimize any breakage, release, and potential exposure to any hazardous substances.

During the investigation, I observed approximately 25 55-gallon drum of used oil located near an overhead door of your main building. Dark stained soil was observed around the bottom of some of the drums. During my investigation, I did not observe any illegal disposal of used oil or any other potentially hazardous waste onto the ground at or near the facility.

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Based on my observations, I found the following violations of Ohio's hazardous waste laws. I am also stating several general observations. You must provide me the requested information within 30 days of receipt of this letter:

1. **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.

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.

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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.

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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.

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, JQC 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

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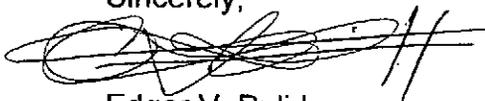
The Division of Hazardous Waste Management has created an electronic news service to provide you with quick and timely updates on events and news related to hazardous waste activities in Ohio. If you haven't already, we encourage you to sign up for this free service. You can find more information at <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.

I am enclosing the following documents for your assistance: The Regulation of Used Oil: An Overview for Ohio Businesses Who Generate Used Oil, April 2006; Used Oil Recyclers; Registered Used Oil Collection Centers, May 2005; Universal Waste Guidance, December, 2005; Universal Waste Rules for Handlers of Lamps, June, 2005; Computer, Fluorescent Lamps, and Ballasts Recyclers List, November, 2008; and Managing Your Hazardous Waste: A Guide for Small Businesses, December, 2001.

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

/llr

Enclosures

pc: Cindy Lohrbach, DHWM, NWDO
Colleen Weaver, DHWM, NWDO
DHWM, NWDO File: MTJ-Trailer Sales, Hardin County (new file)
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.

**Ohio Environmental Protection Agency
RCRA SUBTITLE C SITE
IDENTIFICATION/VERIFICATION FORM**

For Ohio EPA use only

E-mail this completed form to kristina.durnell@epa.state.oh.us
or mail it to Kristina Durnell, Central Office

Site EPA ID No. Site Name Site Location Information Site Land Type (check only one) NAICS code(s) www.census.gov/eod/www/naics.html	EPA ID Number: Name: MTJ Trailer Sales, LLC		Website: (Optional)						
	Street Address: 19269 County Road 209 City, Town, or Village: Mount Victory County Name: Hardin		State: OH Zip Code: 43340						
	Private <input checked="" type="checkbox"/>	County <input type="checkbox"/>	District <input type="checkbox"/>	Federal <input type="checkbox"/>	Indian <input type="checkbox"/>	Municipal <input type="checkbox"/>	State <input type="checkbox"/>	Other <input type="checkbox"/>	
Facility Representative Additional names can be recorded in number 12 Only provide address information if it is different than the site address	First Name: Mark Phone Number: (937)354-9965 E-Mail Address: Fax Number: Street or P.O. Box: City, Town or Village: State:		MI:	Last Name: Newman Phone Number Extension: Fax Number Extension: Zip Code:					
	Name of Site's Legal Owner: William Newman		Date Became Owner (mm/dd/yyyy):						
Legal Owner And Operator of the Site. List Additional Owners and/or Operators in the Comment Section or on another copy of this form page	Owner Type: <input checked="" type="checkbox"/>	County <input type="checkbox"/>	District <input type="checkbox"/>	Federal <input type="checkbox"/>	Indian <input type="checkbox"/>	Municipal <input type="checkbox"/>	State <input type="checkbox"/>	Other <input type="checkbox"/>	
	Street or P.O. Box: City, Town or Village: State:		Owner Phone #: Country:		Zip Code:				
Name of Site's Operator:		Date Became Operator (mm/dd/yyyy):							
	Owner Type: <input checked="" type="checkbox"/>	County <input type="checkbox"/>	District <input type="checkbox"/>	Federal <input type="checkbox"/>	Indian <input type="checkbox"/>	Municipal <input type="checkbox"/>	State <input type="checkbox"/>	Other <input type="checkbox"/>	
Street or P.O. Box: City, Town or Village: State:		Operator Phone #: United States		Zip Code:					

VIOLATIONS CITED? Yes No

TYPE OF HANDLER - A MINIMUM OF ONE BOX MUST BE CHECKED

<input checked="" type="checkbox"/> Not a Generator	<input type="checkbox"/> UNKNOWN: Cited for violation of 3745-52-11	<input type="checkbox"/> Large Quantity Generator (LQG)
		<input type="checkbox"/> Small Quantity Generator (SQG)
		<input type="checkbox"/> Conditionally Exempt Small Quantity Generator
		<input type="checkbox"/> U.S. Importer of Hazardous Waste
		<input type="checkbox"/> Mixed Waste (Hazardous and Radioactive) Generator

TYPE OF REGULATED WASTE ACTIVITY (MARK 'X' IN ALL OF THE APPROPRIATE BOXES)

<input type="checkbox"/> Recycler of Hazardous Waste	<input type="checkbox"/> Exempt Boiler and/or Industrial Furnace
<input type="checkbox"/> Underground Injection Control Facility	<input type="checkbox"/> Small Quantity On-Site Burner Exemption
<input type="checkbox"/> Hazardous Waste Transporter	<input type="checkbox"/> Smelting, Melting, Refining Furnace Exemption
<input type="checkbox"/> Treater, Storer or Disposer of Hazardous Waste	

UNIVERSAL WASTE ACTIVITIES (INDICATE TYPES OF UNIVERSAL WASTE MANAGED (CHECK ALL BOXES THAT APPLY))

<input type="checkbox"/> Small Quantity Handler of Universal Waste	<input type="checkbox"/> Destination Facility for Universal Waste
<input type="checkbox"/> Large Quantity Handler of Universal Waste (accumulates 5,000 kg. or more)	

CHECK ALL BOXES BELOW THAT APPLY FOR THE TYPES OF UNIVERSAL WASTE THE FACILITY MANAGES

Batteries
 Pesticides
 Mercury containing equipment
 Lamps

USED OIL ACTIVITIES (INDICATE TYPE(S) OF ACTIVITY(S))

Used Oil Generator
 Used Oil Transporter
 Used Oil Transfer Facility
 Used Oil Processor
 Used Oil Re-refiner
 Off-Specification Used Oil Burner
 Used Oil Fuel Marketer Who Directs Shipment of Off-Spec. Oil
 Used Oil Fuel Marketer to Off-Specification Used Oil Burner

Waste Codes for Federally Regulated Hazardous Wastes: Please list the codes for the federally regulated hazardous waste handled at the site. List them in the order they are presented in the regulations (e.g., D001, D003, F007, U112). Use an additional page if more space is needed. If there are more than 7 waste codes and they are the same as listed in the most recent RCRAInfo source record, you do not need to list them all. Instead just indicate the date of the most recent source record.

COMMENTS: USE THIS AREA TO DESCRIBE WHETHER THE INSPECTION WAS ANNOUNCED, WHETHER THE WASTE IS STORED IN TANKS OR CONTAINERS, ETC.

Announced	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Additional Facility Representatives:
Tanks	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Other Comments: Complaint #2880, concerns about mismanagement of waste (used oil)
Containers	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	

Name of Inspector(s)	Name of Inspector(s)	Date of Inspection/Time (mm/dd/yyyy) (hh:mm)
Ed Pulido		6/12/2009 10:30am

OPTIONAL CERTIFICATION: I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature of Owner, Operator, or an Authorized Representative	Name and Title (Print)	Date (mm/dd/yyyy)