



State of Ohio Environmental Protection Agency

Northwest District Office

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

Re: DHWM Inspection/Complaint Investigation (2887)
Hogrefe Auto Parts, Inc.
Henry County
OHR 000 146 167
Partial Return to Compliance

October 28, 2009

Mr. Donald Reynolds, Owner
Hogrefe Auto Parts, Inc.
690 East Riverview Avenue
Napoleon, Ohio 43545

Dear Mr. Reynolds:

On October 27, 2009, I visited your facility to follow-up on a Notice of Violation Letter I sent you on July 23, 2009. Based on the observations I made, the status of the violations previously cited as a result of my June 30 and July 1, 2009 compliance evaluation inspection follows:

Main building, 690 East Riverview Avenue, OHR 000 146 167

1. 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."

All containers storing used oil were not properly labeled with the words "used oil".

To abate this violation, Hogrefe Auto Parts, Inc. (HAPs) must label all containers with the words "Used Oil" and send me photographic documentation of the labeled containers. ***During the October 27, 2009, follow up visit, it was verified that all the used oil containers have been properly labeled. This violation was abated.***

Engine Repair Shop, 540 East Riverview Avenue, no EPA ID number

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.

HAPs did not clean up the used oil released from several engines located at the repair shop, 540 East Riverview Avenue.

HAPs shall immediately clean up all visible contamination around containers used to store used oil, engines and outside the building located at 540 East Riverview Drive. This material shall be placed in containers in good condition prior to disposal. In order for HAPs to determine whether the used oil contaminated soil exhibits any hazardous waste characteristics, HAPs must obtain a chemical analysis of a representative sample of the used oil contaminated soil.

HAPs will need to contract the services of an environmental laboratory to analyze this material. HAPs must determine, at least, the concentrations of the RCRA metals: cadmium, chromium, and lead (OAC Rule 3745-51-24), and the volatile organic compound (voc) benzene.

HAPs 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, HAPs shall label the container(s) appropriately and dispose of the material at a proper disposal facility.

To abate this violation, HAPs 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.

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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.*

To avoid escalated enforcement action, the collected used oil contaminated soil must be properly evaluated and disposed of. This outstanding violation must be abated immediately. Please call me at (419)373-3015 if you need any assistance.

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, HAPs must label all containers with the words "Used Oil" and send me photographic documentation of the labeled container. ***During the October 27, 2009, follow up visit, it was verified that all used oil containers have been properly labeled. This violation was abated.***

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

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, HAPs must conduct a proper waste evaluation. The waste evaluation must be conducted through one of **three options**: 1) HAPs 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) HAPs 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.

HAPs must ensure that the laboratory chosen to perform this sampling utilizes the proper method(s) to evaluate these bulbs.

HAPs 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. HAPs 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, HAPs 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, HAPs 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.

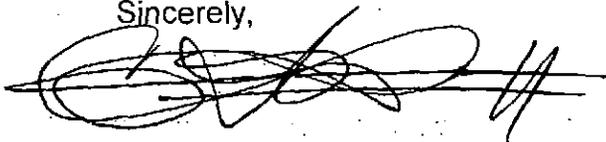
Provide to me a written statement on how you are planning to manage your spent light bulbs from now on. Based on the previously provided information include on your statement how you plan to properly store, dispose/recycle your spent bulbs, and to train your personnel on the proper care and management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

You must provide to me the above still remaining information including: analytical results of used oil contaminated soil, used oil disposal documentation, and spent light bulbs recycling facility within 20 days on receipt of this letter.

Donald Reynolds
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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

/csl

Enclosures

pc: Cindy Lohrbach, DHWM, NWDO
Colleen Weaver, DHWM, NWDO
DHWM, NWDO File: Hogrefe Auto Parts, Inc. aka Hogrefe Salvage Yard. Henry;
County

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.