OhioEPA

State of Ohio Environmental Protection Agency

Northwest District Office

347 North Dunbridge Road
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: **Complaint #2596**
ProTeam Corvette Sales
Henry County
Hazardous Waste
2nd Notice of Violation

April 11, 2008

Mr. Terry Michaelis, President
ProTeam Corvette Sales
1410 North Scott Street
Napoleon, Ohio 43545

Dear Mr. Michaelis:

On October 11, 2007, the Ohio Environmental Protection Agency (Ohio EPA) conducted a compliance evaluation inspection of ProTeam Corvette Sales (ProTeam) located in Napoleon, Ohio. On October 25, 2007, you were sent a Notice of Violation (NOV) letter which outlined the violations we found and what you needed to do to correct these violations. To date, ProTeam has failed to respond to the initial NOV letter and the violations cited remain outstanding.

The following is a summary of the violations cited in the NOV which was sent to you on October 25, 2007:

1. **OAC Rule 3745-52-11: Waste Evaluation:** Any person who generates a waste must determine if that waste is a hazardous waste by using generator knowledge or by testing the waste.

   a. ProTeam failed to have waste evaluation documentation or an established recycling plan in place for the fluorescent bulbs generated at the facility.
   Hazardous bulbs are considered "spent materials" and remain hazardous waste even when recycled. Hazardous waste lamp generators have the option of handling their lamps as hazardous waste or as universal waste. Managing hazardous waste lamps under the universal waste rules eases certain regulations imposed on generators of spent lamps.

   Please be aware that incandescent, fluorescent, metal halide, neon, high-intensity discharge, high-pressure sodium and mercury-vapor lamps could be hazardous waste when discarded. Fluorescent lamps may contain up to 40 milligrams (mg) of mercury, depending on the brand and manufacturer. Lamps may also contain lead and cadmium. Many lamps exhibit a characteristic of toxicity for heavy metals when disposed.

   ProTeam must submit to Ohio EPA documentation to demonstrate how you plan to properly manage your fluorescent bulbs. If ProTeam decides to conduct waste sampling, please notify me at least seven days prior to the sampling event date, so that a representative from Ohio EPA can be present to observe the sampling and to split samples if necessary. If ProTeam plans to manage the spent fluorescent bulbs as universal waste, please submit photographic documentation showing the storage containers properly closed, labeled, and dated. ProTeam must also properly train employees, who handle or have responsibility for managing universal waste, on waste handling and emergency procedures relative to their responsibilities. In addition, ProTeam must submit the name of the facility where you plan to recycle the bulbs.

b. At the time of the inspection, ProTeam did not have waste evaluation documentation for the spent paint filters. ProTeam has historically disposed of this spent material as a non-hazardous waste. ProTeam must immediately cease disposing of the waste paint filters as non-hazardous waste until a proper waste evaluation has been completed.

ProTeam must obtain a representative sample of the spent paint filters and have it analyzed for Toxic Characteristic Leaching Procedure (TCLP) Resource Conservation and Recovery Act (RCRA) metals (SW-846 Method 1311/6010) and volatile organics (SW-846 Method 1311/8260). You must notify me at least seven days prior to the sampling event date so that a representative from Ohio EPA can be present to observe the sampling and to split samples if necessary. To abate this violation, ProTeam must submit a copy of the analytical results to Ohio EPA. Once analytical results have been reviewed; Ohio EPA will advise ProTeam on proper disposal options for this waste stream.

c. ProTeam had two drums located in the outside storage area that were not labeled and at the time of the inspection the contents were unknown. You stated that they may contain oil or kerosene, but would need to check with the maintenance department to determine what was in the drums.

ProTeam must submit to Ohio EPA documentation to demonstrate the contents of the two drums. If you are unable to determine the contents based upon the operations conducted in the maintenance department, ProTeam will need to conduct a proper waste evaluation. ProTeam must obtain a representative sample of the contents of each drum and have it analyzed for Toxic Characteristic Leaching Procedure (TCLP) Resource Conservation and Recovery Act (RCRA) metals (SW-846 Method 1311/6010), volatile organics (SW-846 Method 1311/8260), pH and flashpoint. You must notify me at least seven days prior to the sampling event date so that a representative from Ohio EPA can be present to observe the sampling and to split samples if necessary. To abate this violation, ProTeam must submit a copy of the analytical results to Ohio EPA. Once analytical results have been reviewed, Ohio EPA will advise ProTeam on proper disposal options for this waste stream.

Ohio EPA may use the data you collect, in part, to make regulatory decisions concerning the waste(s) tested. A data review process, referred to as data validation, may be utilized to confirm the validity of the data. This data validation can include a review of the following components: sampling techniques, sample containers, representativeness of sample, laboratory test methods, laboratory data completeness, documentation of holding time(s), chain(s) of custody and quality assurance/quality control (QA/QC) data. Please include data sufficient for Ohio EPA to perform the data validation review. Information on conducting a data validation can be obtained from Ohio EPA's web page at http://www.epa.state.oh.us/dhwm/tier_i_data_validation_manual.html.

Ohio EPA will review the submitted waste evaluation information and determine if there is any change in ProTeam's generator status. Additional violations may be cited based upon a change in your generator status. You will be notified of any additional violations in a separate letter.

This violation has not been abated.

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."

ProTeam had one tank of used oil that was not properly labeled.

ProTeam properly labeled the tank with the words "used oil" at the time of our investigation.

Therefore, this violation is considered abated.

Please submit documentation demonstrating abatement of the above outstanding violation to this office within **15 days** of receipt of this letter.

Ohio EPA has helpful information about compliance assistance and pollution prevention at the following web address: http://www.epa.state.oh.us/ocapp/ocapp.html.

In addition, you can find copies of the rules and other information on the division's web page at http://www.epa.state.oh.us/dhwm.

If you have any questions or if I can be of assistance, please contact me at (419) 373-3066.

Sincerely,

Melissa L. Boyers

Melissa L. Boyers
Division of Hazardous Waste Management

/csl

pc: Cindy Lohrbach, DHWM, NWDO
Colleen Weaver, DHWM, NWDO
DHWM, NWDO File: ProTeam Corvette Sales File

ec: Melissa Boyers, 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.