



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
Notice of Violation

OH R 000 146 175

October 25, 2007

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

Dear Mr. Michaelis:

Thank you for accompanying Wendy Miller and me during the Ohio Environmental Protection Agency's (Ohio EPA's) October 11, 2007, hazardous waste compliance evaluation inspection of ProTeam Corvette Sales (ProTeam) located in Napoleon, Ohio. We inspected ProTeam to determine its compliance with Ohio's hazardous waste laws as found in Chapter 3734 of the Ohio Revised Code (ORC), and Chapter 3745 of the Ohio Administrative Code (OAC). Pollution prevention options were also discussed during this inspection.

We also investigated a complaint that was received by the Ohio EPA on November 17, 2006 from the State of Michigan, Department of Environmental Quality (MDEQ). MDEQ reported that your facility shipped hazardous waste to Michigan and no valid EPA identification number was noted on the manifest.

ProTeam Corvette Sales specializes in classic Corvette sales, service and restoration. The facility generates approximately 15 gallons of spent solvent (D001, F003, F005) a month from their painting operations. ProTeam has one paint booth and changes the filters once every six months. ProTeam has historically disposed of these spent paint filters as solid waste in a solid waste landfill. Used oil is collected in a tank and is picked up by DISC Environmental and recycled. ProTeam uses a gun washer to clean the paint guns. At the time of the inspection, ProTeam was operating as a Conditionally Exempt Small Quantity Generator (CESQG).

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

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. I have enclosed a copy of Fluorescent Lamps: What You Should Know. I recommend that you review this document and contact me if you have any questions.

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.

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.

Ohio EPA will issue an EPA ID number to track our inspection activity at ProTeam Corvette Sales. ProTeam cannot use this number for manifesting hazardous waste shipments. If ProTeam wants to use an EPA ID number for manifesting and other hazardous waste, used oil or universal waste activities, you must complete and submit a Notification of Regulated Waste Activity form (*EPA Form 9029 (Rev. 11/2002)*) to Ohio EPA. This form is available at <http://www.epa.state.oh.us/dhwm/notiform.html> or you can call me at (419) 373-3066 or the Division of Hazardous Waste Management, Central Office, RIS at (614) 644-2977 and we will mail you a copy.

Mr. Terry Michaelis
October 25, 2007
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Enclosed you will find a copy of the checklists that I completed during the investigation, a guidance document: Managing Your Hazardous Waste – A Guide for Small Businesses, and a Fact Sheet outlining the used oil generator requirements. Please review this information and contact me if you have any questions.

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 also find copies of the rules and other information on the division's web page at <http://www.epa.state.oh.us/dhwm>.

In regards to the complaint investigation: A hazardous waste compliance inspection was conducted and Ohio EPA found that ProTeam has obtained a valid Michigan EPA ID#. ProTeam has been using this number to ship hazardous waste to Michigan for proper disposal. A CESQG does not have to obtain an Ohio EPA hazardous waste ID# in order to ship waste off-site for disposal in Ohio. ProTeam only needed to ensure proper treatment and disposal of the waste. ProTeam needs to ensure they comply with all other applicable regulations if you transport your waste to another state for disposal. Ohio EPA considers this complaint to be closed. Failure to list specific deficiencies in this communication does not relieve you from the responsibility of complying with all applicable regulations.

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

Sincerely,



Melissa L. Boyers
Division of Hazardous Waste Management

/cs

Enclosures

pc: Lynne King, Michigan DEQ
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.

E-mail this completed form to tammy.mcconnell@epa.state.oh.us or mail it to Tammy McConnell, Central Office	Ohio Environmental Protection Agency RCRA SUBTITLE C SITE IDENTIFICATION/VERIFICATION FORM		For Ohio EPA use only																		
2. Site EPA ID No.	EPA ID Number:																				
3. Site Name	Name: ProTeam Corvette Sales		Website (optional): www.proteam-corvette.com																		
4. Site Location Information	Street Address: 1410 N. Scott Street		P.O. Box 606																		
	City, Town, or Village: Napoleon		State: OH																		
	County Name: Henry		Zip Code: 43545																		
5. Site Land Type (check only one)	<table border="1" style="width: 100%; text-align: center;"> <tr> <td>Private</td> <td>County</td> <td>District</td> <td>Federal</td> <td>Indian</td> <td>Municipal</td> <td>State</td> <td>Other</td> </tr> <tr> <td>X</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table>			Private	County	District	Federal	Indian	Municipal	State	Other	X									
Private	County	District	Federal	Indian	Municipal	State	Other														
X																					
6. NAICS code(s) www.census.gov/epcd/www/naics.html	A.		B.																		
	C.		D.																		
7. Facility Representative: Additional names can be recorded in number 12. Only provide address information if it is different than the site address.	First Name: Terry		MI:																		
	Phone Number: 419-592-5086		Phone Number Extension:																		
	E-Mail Address: proteam@proteam-corvette.com																				
	Fax Number: 419-592-4242		Fax Number Extension:																		
	Street or P.O. Box:																				
	City, Town or Village:																				
	State:		Country:																		
Zip Code:																					
8. 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.	A. Name of Site's Legal Owner:		Date Became Owner (mm/dd/yyyy):																		
	<table border="1" style="width: 100%; text-align: center;"> <tr> <td>Owner Type: Mark with an X</td> <td>Private</td> <td>County</td> <td>District</td> <td>Federal</td> <td>Indian</td> <td>Municipal</td> <td>State</td> <td>Other</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table>			Owner Type: Mark with an X	Private	County	District	Federal	Indian	Municipal	State	Other									
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	Street or P.O. Box:																				
	City, Town, or Village:		Owner Phone #:																		
	State:		Country:																		
	Zip Code:																				
	B. Name of Site's Operator:		Date Became Operator (mm/dd/yyyy):																		
	<table border="1" style="width: 100%; text-align: center;"> <tr> <td>Operator Type: Mark with an X</td> <td>Private</td> <td>County</td> <td>District</td> <td>Federal</td> <td>Indian</td> <td>Municipal</td> <td>State</td> <td>Other</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table>			Operator Type: Mark with an X	Private	County	District	Federal	Indian	Municipal	State	Other									
Operator Type: Mark with an X	Private	County	District	Federal	Indian	Municipal	State	Other													
Street or P.O. Box:																					
City, Town, or Village:		Operator Phone #:																			
State:		Country:																			
Zip Code:																					
9. Violations Cited?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No																			
10. Type of Regulated Waste Activity (Mark "X" in all of the appropriate boxes.)																					
<input type="checkbox"/> Not Regulated																					

10. Type of Regulated Waste Activity (Mark "X" in all of the appropriate boxes.)

A. Hazardous Waste Activities	
(choose only one of the following categories)	
<input checked="" type="checkbox"/> UNKNOWN: Cited for violation of 3745-52-11	<input type="checkbox"/> 3. Treater, Storer or Disposer of Hazardous Waste
<input type="checkbox"/> a. Large Quantity Generator (LQG):	<input type="checkbox"/> 4. Recycler of Hazardous Waste
<input type="checkbox"/> b. Small Quantity Generator (SQG)	<input type="checkbox"/> 5. Exempt Boiler and/or Industrial Furnace
<input type="checkbox"/> c. Conditionally Exempt Small Quantity Generator	<input type="checkbox"/> a. Small Quantity On-site Burner Exemption
<input type="checkbox"/> d. United States Importer of Hazardous Waste	<input type="checkbox"/> b. Smelting, Melting, Refining Furnace Exemption
<input type="checkbox"/> e. Mixed Waste (hazardous and radioactive) Generator	<input type="checkbox"/> 6. Underground Injection Control Facility

B. Universal Waste Activities		C. Used Oil Activities	
<input type="checkbox"/> 1. Small Quantity Handler of Universal Waste	<input checked="" type="checkbox"/> 1. Used Oil Generator	(Indicate Type(s) of Activity(ies))	
(Indicate types of universal waste generated and/or accumulated (check all boxes that apply):	<input type="checkbox"/> 2. Used Oil Transporter	Transporter	
<input type="checkbox"/> 2. Large Quantity Handler of Universal Waste	<input type="checkbox"/> Transfer Facility	Transfer Facility	
(accumulates 5,000 kg or more).	<input type="checkbox"/> 3. Used Oil Processor and/or Re-refiner	(Indicate Type(s) of Activity(ies))	
<input type="checkbox"/> 3. Destination Facility for Universal Waste	<input type="checkbox"/> Processor	Processor	
(Check all boxes below that apply for each of the three types of facilities above.)	<input type="checkbox"/> Re-refiner	Re-refiner	
	<input type="checkbox"/> 4. Off-Specification Used Oil Burner		
<u>Generated</u>	<input type="checkbox"/> 5. Used Oil Fuel Marketer -	(Indicate Type(s) of Activity(ies))	
<u>Accumulated</u>	<input type="checkbox"/> a. Marketer Who Directs Shipment of Off-Specification Oil	a. Marketer Who Directs Shipment of Off-Specification Oil	
A. Batteries	<input type="checkbox"/> b. Used Oil to Off-Specification Used Oil Burner	b. Used Oil to Off-Specification Used Oil Burner	
B. Pesticides			
C. Thermostats			
D. Lamps			

11. Waste Codes for Federally Regulated Hazardous Wastes. Please list the codes for the federally regulated hazardous waste handled at your 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.

D001	F003	F005				
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12. Comments: Use this area to describe whether the inspection was announced, whether the waste is stored in tanks or containers, etc.

N	Announced ?	Additional Facility Representatives:	Fred Michaelis
N	Tanks?	Other comments:	
Y	Containers?		

13.	Name of Inspector(s)	Name of Inspector(s)	Date of Inspection/ Time (mm-dd-yyyy) (HH:MM)
	Melissa Boyers	Wendy Miller	10-11-2007 11:00

14. 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)

USED OIL INSPECTION CHECKLIST (Short Version)

NOTE: This checklist does not include requirements for used oil transporters and transfer facilities, processors and re-refiners, burners, and marketers.

PROHIBITIONS

1. Is used oil being managed in a surface impoundment or waste pile? If so: Yes ___ No N/A ___ RMK# ___
Is the surface impoundment or waste pile being regulated under OAC 3745-54 to 3745-57 and 3745-205 or 3745-65 to 3745-69 and 3745-256? [3745-279-12(A)] Yes ___ No N/A RMK# ___
2. Is used oil being used as a dust suppressant? [3745-279-12(B)] Yes No N/A ___ RMK# ___
3. Is off-specification used oil fuel burned for energy recovery only in devices specified in 3745-279-12(C)? Yes ___ No N/A RMK# ___

USED OIL GENERATOR STANDARDS

4. Does the generator mix hazardous waste with used oil only as provided in 3745-279-10(B)? [2745-279-21(A)] Yes ___ No N/A RMK# ___
5. Does the generator of a used oil containing greater than 1,000 ppm total halogens manage the used oil as a hazardous waste unless the presumption is rebutted successfully? [3745-279-21(B)] Yes ___ No N/A RMK# ___
6. Does the generator only store used oil in tanks, containers, or units subject to OAC 3745-54 to 3745-57 and 3745-205 or 3745-65 to 3745-69 and 3745-256? [3745-279-22(A)] Yes No N/A ___ RMK# ___
7. Are containers and aboveground tanks used to store used oil in good condition with no visible leaks? [3745-279-22(B)] Yes No N/A ___ RMK# ___
8. Are containers, above ground tanks, and fill pipes used for underground tanks clearly labeled or marked "Used Oil?" [3745-279-22(C)] *Tank needed labeled.* Yes ___ No N/A ___ RMK# ___
9. Has the generator, upon detection of a release of used oil, done the following: [3745-279-22(D)]
- a. Stopped the release? Yes No N/A ___ RMK# ___
- b. Contained the release? Yes No N/A ___ RMK# ___

- c. Cleaned up and properly managed the used oil and other materials? Yes No N/A RMK#
- d. Repaired or replaced the containers or tanks prior to returning them to service, if necessary? Yes No N/A RMK#
10. Does the generator burn used oil in used fired space heaters? [3745-279-23] If so: Yes No N/A RMK#
- a. Does the heater burn only used oil that owner/operator generates or used oil received from household do-it-yourself (DIY) used oil generators? Yes No N/A RMK#
- b. Is the heater designed to have a maximum capacity of not more than 0.5 million BTU per hour? Yes No N/A RMK#
- c. Are the combustion gases from heater vented to the ambient air? Yes No N/A RMK#
11. Does the generator have the used oil hauled only by transporters that have obtained U.S. EPA ID#, unless the generator qualifies for an exemption pursuant to 3745-279-24 (self transportation or tolling agreements)? [3745-279-24] *Disc Environmental* Yes No N/A RMK#

USED OIL COLLECTION CENTERS AND AGGREGATION POINTS

12. Is the DIY used oil collection center in compliance with the generator standards in 3745-279-20 to 3745-279-24? [3745-279-30] Yes No N/A RMK#
13. Is the non-DIY used oil collection center registered with Ohio EPA? [3745-279-31] Yes No N/A RMK#
14. Is the used oil aggregation point in compliance with the generator standards in 3745-279-20 to 3745-279-24? [3745-279-32] Yes No N/A RMK#

WASTE EVALUATION

15. Have all wastes generated at the facility been evaluated? [3745-52-11] Yes No N/A RMK# /

L:\Inspection Checklist\MegaSet Rule Updates\USED OIL.SHORT.11.2004.fin.megaset.wpd

REMARKS

#1- Spent paint booth filters not evaluated - managed as solid waste. Fluorescent bulbs thrown in solid waste dumpster.

**CONDITIONALLY EXEMPT SMALL QUANTITY GENERATOR REQUIREMENTS
COMPLETE AND ATTACH A PROCESS, WASTE, P2 SUMMARY SHEET**

CESQG: ≤100Kg. (Approximately 25-30 gallons) of waste in a calendar month or < 1 Kg. of acutely hazardous waste.

SQG: Between 100 and 1,000 Kg. (About 25 to under 300 gallons) of waste in a calendar month.

LQG: ≥1,000 Kg. (~300 gallons) of waste in a calendar month or ≥1 Kg. of acutely hazardous waste in a calendar month.

NOTE: To convert from gallons to pounds: Amount in gallons x Specific Gravity x 8.345 = Amounts in pounds.

Safety Equipment Used:

WASTE EVALUATION

1. Have all wastes generated at the facility been adequately evaluated? [3745-52-11] Yes No N/A

GENERATOR CLASSIFICATION

2. Does the generator produce <100 kg. of hazardous waste per month? Yes No N/A
[conditionally exempt small quantity generator ("CESQG")]

NOTE: If quantities of hazardous waste accumulated on-site at any one time exceed 1,000 Kg. - or the generator produces between 100 and 1,000 Kg. of hazardous waste per month, it is operating as a Small Quantity Generator ("SQG"). If so, complete the Small Quantity Generator Requirements checklist.

OFF-SITE SHIPMENT OF HAZARDOUS WASTE

3. Does the CESQG ensure delivery of hazardous waste(s) to an off-site permitted TSD? [3734.02(F)] Yes No N/A

TREATMENT OF HAZARDOUS WASTE

4. Does the generator treat hazardous waste in a:

a.	Container that meets 3745-66-70 to 3745-66-77?	Yes	<input type="checkbox"/> No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
b.	Tank that meets 3745-66-90 to 3745-66-101 except 3745-66-97(C)?	Yes	<input type="checkbox"/> No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
c.	Drip pads that meet 3745-69-40 to 3745-69-45?	Yes	<input type="checkbox"/> No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
d.	Containment building that meets 3745-256-100 to 3745-256-102?	Yes	<input type="checkbox"/> No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>

NOTE: Complete appropriate checklist for each unit.

NOTE: If the CESQG conducts treatment they are subject to the LQG requirements.

NOTE: If waste is treated to meet LDRs, use LDR checklist.

REMARKS

Spent paint booth filters have not been evaluated. May change generator category.

Fluorescent bulbs thrown in solid waste dumpster