



State of Ohio Environmental Protection Agency

Southeast District Office

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

May 16, 2007

**JACKSON COUNTY
OSBORNE EQUIPMENT
DHWM/SEDO
OHD0000969873**

Mr. Eric G. Brown
Office Manager
Osborne Equipment Service
10 McCarty Lane
Jackson, Ohio 45640

Dear Mr. Brown:

On February 6, 2007, Jim Michnowicz and I inspected the Osborne Equipment Service facility located at 10 McCarty Lane, Jackson, to determine its compliance with Ohio's hazardous waste laws and regulations as found in Chapter 3734. of the Ohio Revised Code (ORC) and Chapter 3745. of the Ohio Administrative Code (OAC). I sent you a notice of violation letter (NOV) on February 16, 2007, specifying the violations observed during the inspection. To date, Osborne Equipment has not responded to the February 16, 2007 NOV letter and remains in violation of the following:

- (1) **OAC Rule 3745-279-22(C)(1), Used Oil Storage Requirements for Generators:** Containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words "Used Oil."

Containers of Used oil in the shop area were not labeled with the words "used oil", in violation of this rule. All containers/tanks used for containing used oil must be labeled with the words "used oil." In order to demonstrate compliance with this rule, Osborne Equipment Service must label all containers of used oil and submit documentation to this office demonstrating that all used oil containers have been labeled.

- (2) **OAC Rule 3745-279-72, On-specification Used Oil Fuel, Analysis of used oil fuel:** A generator, transporter, processor/re-refiner, or burner shall determine that used oil that is to be burned for energy recovery meets the fuel specifications of rule 3745-279-11 of the Administrative Code by performing analyses or obtaining copies of analyses or other information documenting that the used oil fuel meets the specifications.

Osborne Equipment Service is providing used oil to an off-site facility that is burning this used oil in a space heater without determining if this oil meets the specifications in OAC 3745-279-11, in violation of this rule.

In order to demonstrate compliance with this rule, Osborne Equipment Service or the business accepting the used oil must first determine if the used oil is on-spec as specified in OAC 3745-279-11. Please provide documentation to this office that used oil generated at your facility has been determined to be "on-spec" prior to being burned for energy recovery.

- (3) **OAC Rule 3745-52-11, Evaluation of Wastes:** Any person who generates a waste in the State of Ohio, as defined in rule 3745-51-02 of the Administrative Code, ...shall determine if that waste is a hazardous waste using the following method: (A) He shall first determine if the waste is excluded from regulation under rule 3745-51-04 of the Administrative Code; (B) He shall then determine if the waste is listed as a hazardous waste in rules 3745-51-30 to 3745-51-35 of the Administrative Code; and (C) For purposes of compliance with Chapter 3745-270 of the Administrative Code, or if the waste is not listed as a hazardous waste in rules 3745-51-30 to 3745-51-35 of the Administrative Code, the generator shall then determine whether the waste is identified in rules 3745-51-20 to 3745-51-24 of the Administrative Code by either: (1) Testing the waste according to the methods set forth in rules 3745-51-20 to 3745-51-24 of the Administrative Code, or according to an equivalent method approved by the Region V Administrator of U.S. EPA pursuant to 40 CFR 260.21; or (2) Applying knowledge of the hazardous characteristic of the waste in light of the materials or the process used.

Spent fluorescent lamps generated at the Osborne Equipment Facility have not been evaluated to determine if they are a hazardous waste. In order to demonstrate compliance with this rule, Osborne Equipment Service must evaluate spent fluorescent lamps and manage them accordingly. As we discussed during the inspection, spent fluorescent lamps can be managed as a universal waste. Universal waste rules can be found on Ohio EPA's web page at <http://www.epa.state.oh.us/dhwm/guidancedocs.html#UW>. Please contact Ohio EPA with information as to the selected management of spent lamps that Osborne Equipment Service intends to pursue.

GENERAL COMMENTS

- (a) Miscellaneous drums are located near the storage building west of the main building. Please identify the contents of these drums and manage accordingly. Some were tipped on their sides and contain unknown materials.

As discussed during the inspection, you may be able to reduce the wastes your business 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 treatment and disposal costs and potentially reduce your regulatory requirements. The Ohio EPA strongly encourages pollution prevention as the preferred approach for waste management. The first priority of pollution prevention is to eliminate the generation of wastes and pollutants at the source (source

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reduction). For wastes or pollutants that are generated, the second priority is to recycle or reuse them in an environmentally sound manner. You may benefit economically, help preserve the environment, and improve your public image by implementing pollution prevention programs. You can find more information about pollution prevention, including fact sheets, at the following web address: <http://www.epa.state.oh.us/opp>. If you would like to be considered for an in-depth on-site pollution prevention assessment, or if you would like more information about pollution prevention assessments, please contact me at 740-380-5262.

Should you have any questions, please feel free to call me at (740) 380-5262. You can find copies of Ohio's hazardous waste rules and other information on the division's web page at: <http://www.epa.state.oh.us/dhwm>.

Please submit the above requested documentation to this office **within 15 days** of receipt of this letter demonstrating that all violations have been abated.

Sincerely,



John Rochotte
District Representative
Division of Hazardous Waste Management

JR/mlm

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.