



Environmental
Protection Agency

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

Re H&K Chevy Pontiac Buick
OHD017929969
Putnam County
DHWM, NWDO
Return to Compliance

February 7, 2011

Mr. Bob Quigley
H&K Chevy Pontiac Buick
200 South Main Street
Continental, Ohio 45831

Dear Mr. Quigley:

Thank you for sending the documentation in response to the Ohio Environmental Protection Agency's (Ohio EPA's) Notice of Violation dated November 23, 2010. The documentation was received by Ohio EPA on February 1, 2011. The documentation submitted by H&K Chevy Pontiac Buick (H&K) includes universal waste training information.

Ohio EPA conducted a focused inspection at H&K on December 29, 2010. During this inspection, Ohio EPA focused on determining compliance concerning the antifreeze and paint booth sludge that is generated at the facility. I will send a separate letter outlining your compliance status with Ohio's hazardous waste laws regarding this inspection. However, one outstanding violation was abated during the December 29, 2010, inspection as outlined below.

My review of the submitted information reveals that H&K has abated all violations discovered during the February 23, 2009, October 8, 2009, and November 4, 2010, compliance evaluation inspections as outlined below. In an attempt to streamline this letter, details concerning previously abated violations have been omitted. H&K is an episodic small quantity generator of hazardous waste and a generator of used oil, universal waste lamps, and universal waste batteries.

Violations:

- 1. Ohio Administrative Code (OAC) Rule 3745-52-11, Hazardous Waste Determination:**
"Any person who generates a waste, as defined in rule 3745-51-02 of the Administrative Code, must determine if that waste is a hazardous waste..."

H&K failed to evaluate the following waste streams to determine if they were a hazardous waste in accordance with OAC Rule 3745-52-11, prior to sending them off site: a) spent lamps, b) waste paint booth filters, c) water and sludge from the paint booth channel, d) parts washer solution, and e) antifreeze.

- a. **Spent Lamps**-*This violation is considered abated on August 21, 2009, per the December 22, 2009, letter.*

- b. **Waste Paint Booth Filters**-*This violation is considered abated on August 21, 2009, per the December 22, 2009, letter.*
- c. **Water and Sludge from the Paint Booth Channel**-H&K failed to have proper waste evaluation documentation for the water and sludge generated from the paint booth channel.

During the December 29, 2010, inspection, Ohio EPA observed no water or solids in the paint booth channel. H&K told Ohio EPA that although the paint booth was in need of cleaning, no plans to clean the paint booth had been made. Therefore, the next time the paint booth channel waste would be generated is unknown. Ohio EPA discussed sampling strategies for the paint booth channel wastes with H&K. However, Ron Winkle, owner of H&K, decided while Ohio EPA was on site that the paint booth channel solids will be managed as hazardous waste; Ron Winkle decided not to sample the waste. This decision was based upon the infrequent generation of the waste, the small amount of waste generated per incident, and the economic cost to sample and analyze the waste versus managing the waste as hazardous waste without sampling it first.

As discussed during the inspection, H&K has the option of containerizing the paint booth channel solids along with the hazardous waste paint prior to disposal as hazardous waste or managing the paint booth channel solids in a completely separate container as hazardous waste.

As the paint booth channel liquid waste is being pumped to the sanitary sewer, H&K should notify the local waste water treatment plant of the waste that is being disposed of in this fashion. H&K may be regulated through the Division of Surface Water (DSW) for this waste stream. H&K should contact Ryan Gierhart of DSW at 419-373-3053 with any questions related to this practice and compliance with DSW rules and regulations.

Since H&K has decided not to sample the waste, but will manage the waste as a hazardous waste, this violation is considered abated through the information gathered during the inspection concerning the change in management practices for this waste stream.

Therefore, this violation is considered abated on December 29, 2010.

- d. **Waste Parts Washer Fluid**- *This violation is considered abated on August 21, 2009, per the December 22, 2009, letter.*
- e. **Antifreeze**-H&K failed to have proper waste evaluation documentation for the antifreeze.

Ohio EPA sampled the waste antifreeze at H&K on November 4, 2010.

Analytical results received from Test America on December 3, 2010, show that the antifreeze at H&K is hazardous due to the toxicity level of benzene (D018). A copy of these results have been enclosed.

H&K must manage this waste stream as hazardous waste.

Therefore, this violation is considered abated on December 3, 2010.

2. **OAC Rule 3745-279-22 (C)(1), Used oil storage requirements for generators:** *This violation was abated on February 23, 2009, per the March 16, 2009, letter.*
3. **OAC Rule 3745-52-34(D)(5)(b), Accumulation time of hazardous waste:** *This violation is considered abated on August 21, 2009, per the December 22, 2009, letter.*
4. **OAC Rule 3745-65-33, Testing and Maintenance of equipment:** This violation is considered abated on August 21, 2009, per the December 22, 2009, letter.
5. **OAC Rule 3745-52-34(C)(1)(a), Accumulation time of hazardous waste:** This violation is considered abated on February 23, 2009, per the December 22, 2009, letter.
6. **OAC Rule 3745-52-34(C)(1)(b), Accumulation time of hazardous waste:** This violation is considered abated on February 23, 2009, per the December 22, 2009, letter.
7. **OAC Rule 3745-66-74: Inspections:** This violation is considered abated on August 21, 2009, per the December 22, 2009, letter.
8. **OAC Rule 3745-279-22 (C)(1), Used oil storage requirements for generators:** This violation is considered abated on November 4, 2010, per the November 23, 2010, letter.
9. **OAC Rule 3745-273-13(D)(1), Waste management-standards for small quantity handlers of universal waste:** This violation is considered abated on November 4, 2010, per the November 23, 2010, letter.
10. **OAC Rule 3745-273-15(C), Accumulation time limits-standards for small quantity handlers of universal waste:** This violation is considered abated on November 4, 2010, per the November 23, 2010, letter.
11. **OAC Rule 3745-273-16, Employee training for small quantity handlers of universal waste:** "A small quantity handler of universal waste shall inform all employees who handle or have responsibility for managing universal waste. The information shall describe proper handling and emergency procedures appropriate to the type(s) of universal waste handled at the facility."

During the site visit, Ohio EPA observed two universal waste lamps, approximately 8 feet long, leaning against a cardboard box next to the used oil tank in the back shop.

The lamps were not contained in a container, the lamps were not labeled, and the lamps were in an area of high traffic where the possibility of damage or breakage is high. It is obvious to Ohio EPA from the observations made during the site visit that any training given to H&K personnel whose job duties include managing or handling universal waste was not sufficient to ensure the proper management of universal waste lamps.

During a phone conversation in late January, you and I discussed the steps necessary to abate this violation. You indicated that less than 5 people at H&K handle universal waste lamps. You indicated that you would train your employees utilizing the universal waste fact sheets. On February 1, 2011, Ohio EPA received training documents that included a sign-in sheet for the universal waste training that you provided to your employees that handle universal waste.

Therefore, this violation is considered abated on February 1, 2011.

General Concerns:

- A. **Used Oil:** This general concern is considered addressed per the March 16, 2009, letter.
- B. **Sandblasting Sand and Other Waste Streams:** This general concern is considered addressed per the March 16, 2009, letter.
- C. **Parts Washer Fluid:** This general concern is considered addressed on August 21, 2009, per the December 22, 2009, letter.
- D. **Paint Booth Sump/Channel:** H&K should determine if the channel in the paint booth which receives and manages the paint booth wash water and sludge (see violation #1(c)) is a tank or surface impoundment based on the Ohio Administrative Code and Ohio Revised Code rule definitions. For more information, I have previously sent the Tank and Surface Impoundment, Definitions Memorandum dated April 8, 1983. If H&K determines this unit ultimately manages a hazardous waste (either now or in the future), H&K should be aware that there are significant regulatory requirement differences between a surface impoundment and a tank.

At this time, no information regarding this general concern has been submitted to Ohio EPA. However, during the December 29, 2010, inspection, H&K determined that the paint booth channel wastes would be managed as hazardous waste without sampling the wastes (please refer to violation 1c above). Please be advised that this paint booth channel may be considered a hazardous waste tank and additional rules and regulations may be applicable to H&K concerning hazardous waste tanks. For more information I have enclosed the Tank and Surface Impoundment, Definitions Memorandum dated April 8, 1983, the Ohio EPA, Division of Hazardous Waste Management, Hazardous Waste Generator Handbook, dated October 2009, and the checklist SQG Tank System Requirements [3745-66-101], dated September 2010. If you have any questions concerning compliance with the applicable rules and regulations, please feel free to call me at the number listed below.

This general concern is considered addressed at this time.

E. Universal Waste Lamp Labeling: This general concern is considered addressed per the November 23, 2010, letter.

F. Universal Waste Lamps: During Ohio EPA's November 4, 2010, site visit, Ohio EPA reviewed a hazardous waste manifest where H&K had shipped off three (3) boxes of spent lamps to Petro-Chem Processing Group (PCPG) in Michigan. This manifest was dated by the generator "11-02-10". During the site tour you told Ohio EPA that three (3) boxes of universal waste lamps had been shipped off site "a couple days ago".

After reviewing the manifest and speaking to PCPG, it is unclear if the lamps shipped off-site utilizing the hazardous waste manifest will be recycled as universal waste lamps or if they will be disposed of as a hazardous waste.

At this time, no information regarding this general concern has been submitted to Ohio EPA. H&K is reminded that it is the responsibility of the generator to ensure that universal waste lamps are recycled at a proper recycling facility. This general concern is considered addressed.

G. Spill Prevention Control and Countermeasure (SPCC) Requirements: This general concern is considered addressed per the November 23, 2010, letter.

Should you have any questions, please feel free to call me at (419) 373-3065. Please also feel free to have Mr. Mercer contact Todd Anderson of Ohio EPA's Legal Office at (614) 644-2840.

Sincerely,



Kara Reynolds
Environmental Specialist
Division of Hazardous Waste Management

//lr

pc: Colleen Weaver, DHWM, NWDO
Kara Reynolds, DHWM, NWDO
Cindy Lohrbach, DHWM, NWDO
DHWM, NWDO Putnam County File: H&K Chevrolet Pontiac Buick

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.