



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: Williams County Engineer's Office
Hazardous Waste
Complaint # 2810
Williams County
Notice of Violation

September 24, 2008

OHR 000 151 043

Mr. Willis R. Allomong, Operations Manager
Williams County Engineer's Office
12953 County Road G
Bryan, Ohio 43506

Dear Mr. Allomong:

On September 3, 2008, I investigated a complaint at the Williams County Engineer's Office (WCE) located at 12953 County Road G, Bryan, Ohio following a spill complaint investigated by Ohio EPA's Division of Emergency & Remedial Response (DERR) on August 22, 2008. DERR notified the Division of Hazardous Waste Management (DHWM) on August 25, 2008, that WCE utilized diesel fuel to clean out a piece of machinery that cleans asphalt. WCE was represented by you. The investigation included a tour of your facility and a review of your paperwork. This letter will explain the violations I found, what you need to do to correct these violations, three areas of general concern, and what you need to do to address these areas of concern.

On August 27, 2008, you and I spoke by phone after the DERR response and you stated you had collected a representative sample of the soil waste from the spillage of diesel fuel that you used to clean out your asphalt trucks. In addition, you stated that the soil was in trucks under cover awaiting this analysis. At this time we set up the date of 9-3-08, for me to come to your facility and conduct an inspection.

WCE is a general county / highway garage for Williams County. WCE paves roads and performs maintenance on county vehicles. Wastes generated at the county garage include parts washer solvent, used antifreeze, used oil filters, used oil, waste from clean out of asphalt trucks, and lamps.

During the inspection, I gave you the following information: the fact sheets Universal Waste, Rules for Handlers of Lamps; Fluorescent Lamps: What you Should Know; The Regulation of Used Oil: An Overview for Ohio Businesses Who Generate Used Oil; Identifying your Hazardous Waste; The Regulation of Used Oil: Used Oil Burners; a list of computer, fluorescent lamp and ballast recyclers; a list of used oil recyclers; and a list of registered used oil collection centers.

As a result of my inspection on September 3, 2008, I found the following violations of Ohio's hazardous waste 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. Waste Evaluation.
OAC Rule 3745-52-11

Any person who generates a waste must determine if that waste is a hazardous waste in accordance with the criteria for hazardous waste as set forth in Chapter 3745-51 of the Administrative Code.

A.) You stated that you utilize diesel fuel to clean out your asphalt trucks. Then, this mixture is generally stored in a tank and utilized to do patch work on roads. This may be acceptable but first WCE must properly evaluate this resultant mixture – if it is non-hazardous then WCE may use it as they have been doing. If it is hazardous, then we can discuss your options.

To properly evaluate the above waste stream, WCE must do one of three options: 1) WCE must 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. WCE must sample the diesel fuel/ asphalt residue waste from the cleaning of asphalt trucks to determine the flashpoint and any other concentrations of hazardous characteristics (which may be present in the materials utilized in the process) as listed in the Ohio Administrative Code Rule 3745-51-24 following the methods as outlined in U.S. EPA's SW-846. WCE may run total concentrations for these constituents as a screening tool.

If the concentrations are detected for the constituents at or above the regulatory limit, a Toxicity Characteristic Leaching Procedure (TCLP) may be required to ensure this constituent is not present above the Ohio EPA regulatory level, or 2) WCE must apply generator knowledge of the hazardous characteristic(s) of the waste in light of the materials or the processes used through adequate documentation, or 3) a combination of option one and two.

- To abate this violation, WCE must submit the analytical information or the documentation for generator knowledge to me. Your results must document if the waste is hazardous or not and, if hazardous, whether it is restricted from land disposal. 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.

B.) WCE has failed to evaluate the antifreeze/ oil dry mixture generated from the maintenance of the larger vehicles they service to determine if this is hazardous. WCE generally re-uses the antifreeze they generate. However, when WCE generates antifreeze they cannot use they mix this waste with oil dry then throw this in the trash. WCE must stop throwing this resultant waste in the solid waste stream until a proper waste evaluation has been conducted.

To properly evaluate the above waste stream, WCE must do one of three options: 1) WCE must 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.

WCE must sample their used antifreeze/oil dry waste to determine the concentrations of the Resource Conservation and Recovery Act (RCRA) metals and any other regulated volatile organics that may be present in the waste in light of the materials or the processes used as listed in the Ohio Administrative Code Rule 3745-51-24 following the methods as outlined in U.S. EPA's SW-846. WCE may run total concentrations for these constituents as a screening tool.

If the concentrations are detected for the constituents 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 2) WCE must apply generator knowledge of the hazardous characteristic(s) of the waste in light of the materials or the processes used through adequate documentation, or 3) a combination of option one and two.

- To abate this portion of violation, WCE must submit the analytical information or the documentation for generator knowledge to me. Your results must document if the waste is hazardous or not and, if hazardous, 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.

C.) WCE has failed to evaluate the large used oil filters generated from the maintenance of heavy machinery and large trucks. Currently, WCE is not draining these filters, and then once they are properly drained, they are throwing these filters into the trash. Larger vehicles could have terne-plated filters which may be hazardous for metals.

WCE must stop throwing larger filters from heavy machinery and large vehicles into the trash until a proper waste evaluation has been conducted which indicates these are non-hazardous or WCE may begin to recycle their filters as scrap metal as an option in lieu of conducting a waste evaluation.

To properly evaluate the above waste stream, WCE must do one of three options: 1) WCE must 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. WCE must sample their used oil filters to determine the concentrations of the RCRA metals and any other regulated volatile organics that may be present in the waste in light of the materials or the processes used as listed in the Ohio Administrative Code Rule 3745-51-24 following the methods as outlined in U.S. EPA's SW-846. WCE may run total concentrations for these constituents as a screening tool.

If the concentrations are detected for the constituents 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 2) WCE must apply generator knowledge of the hazardous characteristic(s) of the waste in light of the materials or the processes used through adequate documentation, or 3) a combination of option one and two.

- To abate this portion of violation, WCE must submit the analytical information or the documentation for generator knowledge to me. Your results must document if the waste is hazardous or not and, if hazardous, 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.

- As generator knowledge, WCE can demonstrate whether the used oil filters they generate are terne-plated or not. Terne-plated filters could be regulated as hazardous based on their lead content (D008). Filters that are not terne-plated can be disposed as solid waste as long as they are properly drained.
- As discussed during the CEI, if WCE recycles their used oil filters as scrap metal then they would not need to evaluate this waste. As long as the filters are properly hot drained and the metal recycled as scrap metal, the filters are excluded from regulation. If you choose this option, please provide me the name of the recycler of your scrap metal.

If you perform sampling, 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. 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_1_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.

In addition, if sampling is performed, please notify me at least seven days prior to taking the samples so that I or an Ohio EPA representative may be present.

**2. Used oil storage requirements - proper labels.
OAC Rule 3745-279-22 (C) (1)**

Containers used to store used oil shall be labeled or marked clearly with the words "Used Oil."

WCE failed to mark one 55-gallon drum and a 25-gallon drum (where used oil filters are draining) with the words "Used Oil."

- To abate this violation, WCE must submit photograph documentation indicating that all drums used to store used oil have been properly labeled "Used Oil".

Areas of Concern:

- 1. Waste generated from the spillage of diesel fuel/asphalt waste on August 22, 2008.**

At this time, you are waiting of the results from the sampling of this waste stream.

- To satisfy this area of concern, please submit to me the analytical results from the sampling of this waste. Your results must document if the waste is hazardous or not and, if hazardous, 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.

2. Records for servicing of parts washer.

During the CEI, you stated that your parts washer is serviced by Safety-Kleen. You stated that Safety-Kleen only brings in more solvent, and they do not remove anything. You also stated that Carl is the maintenance man who has the records for the maintenance of the parts washer. You stated you would forward this information to me by September 5, 2008. To date, I have not received this information.

- To satisfy this area of concern, please submit to me the records for the maintenance of your parts washer for the past two years.

3. Maintenance of lamps.

During the CEI, you stated you thought that Carl took your lamps for recycling, but you were not sure. We did not observe any spent lamps being stored on-site. You stated you would speak with Carl and determine how your lamps were managed. You stated you would forward this information to me by September 5, 2008. To date, I have not received this information.

- To satisfy this area of concern, please submit to me information on how you manage your spent lamps. If your spent lamps are being recycled, please state the name of the recycling facility that you take your lamps.

Ohio EPA will issue an EPA ID number to track our investigation activity at the property in question. You cannot use this number for manifesting hazardous waste shipments. If you want 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 on our Web page at <http://www.epa.state.oh.us/dhwm/notiform.html> or you can call me or the Division of Hazardous Waste Management, Central Office, RIS at (614) 644-2977 and we will mail you a copy.

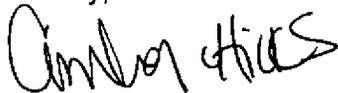
The Division of Hazardous Waste Management (DHWM) has created an electronic news service to provide you with quick and timely updates on events and news related to hazardous waste activities in Ohio. If you haven't already, we encourage you to sign-up for this free service. You can find more information at the following Web link <http://www.epa.state.oh.us/dhwm/listserv.html>. Please feel free to share this information with your colleagues.

Please address all correspondence to Amber Hicks, Ohio EPA, 347 N. Dunbridge Road, Bowling Green, Ohio 43402. Should you have any questions, please feel free to call me at (419) 373-3082.

Mr. Willis R. Allomong, Operations Manager
September 24, 2008
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You can find copies of the rules and other information on the division's web page at <http://www.epa.state.oh.us/dhwm>. Ohio EPA has helpful information about pollution prevention at the following web address: <http://www.epa.state.oh.us/ocapp/ocapp.html>.

Sincerely,



Amber M. Hicks
Division of Hazardous Waste Management

/llr

Enclosures

pc: Colleen Weaver, DHWM, NWDO
Cindy Lohrbach, DHWM, NWDO
~~DHWM; NWDO File: Williams County Engineer's Office~~
ec: Amber Hicks, 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.

PROCESS, WASTE, P2 SUMMARY SHEET

Facility Name: Williams County Engineer's Office Facility Type: LQG SQG CESQG TSD Date of Inspection: 9-3-08 EPA ID#:

Waste Generated			On- or Off-Site Management		P2 Activities		
Process/Activity Generating Waste (e.g. plating bath, machining, baghouse, painting, general maintenance, etc)	Waste Description (e.g. sludge, solvent, ash, used oil, spent lamps, etc.) and EPA Waste Code, if applic.	QTY Generated per Month, Type of Accumulation (container, tank, etc) and location of waste accumulation area	Type of On-Site Treatment (recycle, wwt, etc)	Name, state, and type of activity occurring at the off-site facility.	Current P2 Activities	P2 Opportunities	
1	Cleaning out of trucks used to lay asphalt	Diesel fuel/asphalt waste	Unknown, but facility cited for 52-11 to determine if haz*	NA	None	At this time, facility re-uses as product to conduct patchwork on roads.	
2	maintenance of vehicles	Used Oil	Unknown	Burned on-site in used oil burner.		Re-using for energy.	Recycle.
3	maintenance of vehicles	Used oil filters	Unknown, facility cited for 52-11 since generate filters from large trucks which are drained then throw in the trash.		Thrown in trash.	None	Can recycle as scrap metal.
4	maintenance of vehicles	Used antifreeze/oil dry mixturne.	Unknown, facility generally re-uses their antifreeze, but when cannot mixed with oil dry and thrown in trash. Cited for 52-11.		Thrown in trash.		
5	Lightning	Lamps	Unknown - no spent on-site.		Unsure at this time - facility checking.		

6							
7							
8							
9							

REMARKS-GENERAL INFORMATION

General Process Information:

** Advance not a registered used oil collection center. Facility needs to state which registered collection center they will be taking used oil to.

Regulatory/Enforcement History (if applicable):

* facility cited for multiple 52-11 violations - will access generator status after proper waste evaluations have been conducted.

Additional P2 remarks and information:

Would this facility be interested in a P2 assessment? Yes* No *If yes, refer promptly to your district P2 coordinator.

Office of Compliance Assistance and Pollution Prevention - 1-800-329-7518 or p2mail@epa.state.oh.us or www.epa.state.oh.us/ocapp/ocapp.html

Other:

Ohio Environmental Protection Agency
**RCRA SUBTITLE C SITE
IDENTIFICATION/VERIFICATION FORM**

For Ohio EPA use only

E-mail this completed form to
tammy.mcconnell@epa.state.oh.us or mail it to Tammy
McConnell, Central Office

2. Site EPA ID No.	EPA ID Number:								
3. Site Name	Name: Williams County Engineer's Office				Website: wmscoengineer.com (Optional)				
4. Site Location Information	Street Address: 12953 County Road G								
	City, Town, or Village: Bryan				State: OH				
	County Name: Williams				Zip Code: 43506				
5. Site Land Type (check only one)	Private <input type="checkbox"/>	County <input checked="" type="checkbox"/>	District <input type="checkbox"/>	Federal <input type="checkbox"/>	Indian <input type="checkbox"/>	Municipal <input type="checkbox"/>	State <input type="checkbox"/>	Other <input type="checkbox"/>	
6. NAICS code(s) www.census.gov/epcd/www/naics.html									
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: Willis		MI: R.	Last Name: Allomong					
	Phone Number: 419-636-2454				Phone Number Extension: 31				
	E-Mail Address: ops@wmsco.org								
	Fax Number: 419-636-8687				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	Name of Site's Legal Owner:				Date Became Owner (mm/dd/yyyy):				
	Owner Type:	Private <input type="checkbox"/>	County <input type="checkbox"/>	District <input type="checkbox"/>	Federal <input type="checkbox"/>	Indian <input type="checkbox"/>	Municipal <input type="checkbox"/>	State <input type="checkbox"/>	Other <input type="checkbox"/>
	Street or P.O. Box:								
	City, Town or Village:				Owner Phone #:				
	State:		Country:		Zip Code:				
	Name of Site's Operator:				Date Became Operator (mm/dd/yyyy):				
	Owner Type:	Private <input type="checkbox"/>	County <input type="checkbox"/>	District <input type="checkbox"/>	Federal <input type="checkbox"/>	Indian <input type="checkbox"/>	Municipal <input type="checkbox"/>	State <input type="checkbox"/>	Other <input type="checkbox"/>
	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								
10A. Type of Regulated Waste Activity (Mark "X" in all of the appropriate boxes)									
<input type="checkbox"/> Not Regulated				<input type="checkbox"/> Conditionally Exempt Small Quantity Generator					
<input checked="" type="checkbox"/> UNKNOWN: Cited for violation of 3745-52-11				<input type="checkbox"/> United States Importer of Hazardous Waste					
<input type="checkbox"/> Large Quantity Generator (LQG)				<input type="checkbox"/> Mixed Waste (Hazardous and Radioactive) Generator					
<input type="checkbox"/> Small Quantity Generator (SQG)									
<input type="checkbox"/> Hazardous Waste Transporter				<input type="checkbox"/> Exempt Boiler and/or Industrial Furnace					
<input type="checkbox"/> Treater, Storer or Disposer of Hazardous Waste				<input type="checkbox"/> Small Quantity On-Site Burner Exemption					
<input type="checkbox"/> Recycler of Hazardous Waste				<input type="checkbox"/> Smelting, Melting, Refining Furnace Exemption					
<input type="checkbox"/> Underground Injection Control Facility									