



State of Ohio Environmental Protection Agency

**Northwest District Office**

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

Re: Fremont Volvo and GMC Trucks  
OHD 981 534 159  
Hazardous Waste  
Sandusky County  
Return to Compliance

February 29, 2008

Mr. William A. Christensen, Vice-President  
Fremont Volvo and GMC Trucks  
3108 East State Street  
Fremont, Ohio 43420-0626

Dear Mr. Christensen:

Thank you for your responses to Ohio EPA's September 2, 2005, Notice of Violation (NOV) letter. The following occurred on the dates below:

- October 12, 2005 – Sampling of the six containers (approximately 30 gallons each) and two 55-gallon drums of waste located behind the building. Site visit – Ohio EPA was represented by me and Ed Pulido for this sampling event.
- October 28, 2005 – Lorretta Enders faxed me the analytical data from the 10/12/05 sampling event received from Philips Environmental Services (Philips/Cousins).
- January 6, 2006 – Lorretta Enders faxed me the report generated by Philips/Cousins summarizing the 10/12/05 sampling event analytical data. Based on this report, two of the samples taken indicated this material was a hazardous waste.
- January 29, 2008 – Site visit by Ohio EPA to your facility to review the paperwork for the off-site shipments of the containers of waste sampled on 10/12/05. I reviewed two manifests – one hazardous waste manifest for the off-site shipment of four containers of hazardous waste (F003) and a non-hazardous waste manifest for the off-site shipment of five containers of used oil.

My review of this documentation reveals that Fremont Volvo and GMC Trucks (Fremont) has adequately demonstrated abatement of the following violations discovered during the July 28, 2005, compliance evaluation inspection (CEI) as listed below:

1. OAC Rule 3745-52-11, Waste Evaluation:
  - A.) ***This portion of the violation was abated during the October 12, 2005, site visit where we observed your bulbs being managed as a universal waste including that the bulbs would be recycled by Onyx Environmental Recycling.***
  - B.) ***This portion of the violation was abated with the October 28, 2005, response (submittal of drum analytical).***

2. OAC Rule 3745-279-22(C)(1); Used oil storage requirements – proper labels. ***This violation was abated during the July 28, 2005, CEI.***
3. OAC Rule 3745-279-22(D)(3); Clean up and management of used oil releases. ***This violation was abated with the October 12, 2005, site visit where it was observed that all visible oil contamination was cleaned up and drummed and with the October 28, 2005, response (submittal of drum analytical).***

### Compliance Issues

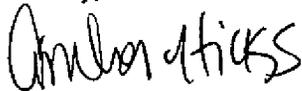
- ⇒ Your characterization of the drums of waste indicated that some were an F003 hazardous waste. This was based on the presence of xylene and ethyl benzene in some of the samples.
- ⇒ Xylene and ethyl benzene are not regulated hazardous waste characteristics. The presence of these constituents could indicate that a solvent with these constituents may have been present in the waste. The F003 waste code would only apply to this waste stream if we knew, in fact, that a solvent had been used for cleaning, was spent, and contained greater than 10% by volume xylene and/or ethyl benzene. In addition, the solvent blend for F003 received its hazardous waste F listing based on the fact that this material was ignitable. Your samples did not flash.
- ⇒ In addition, toluene was also detected in one sample. This sample was given the F005 hazardous waste code. Again, as stated above, the F005 waste code would only apply to this waste stream if we knew, in fact, that a solvent had been used for cleaning, was spent, and contained greater than 10% by volume of toluene.
- ⇒ Tetrachloroethene was detected in one sample at the level of 1.6 mg/kg and was given the D039 hazardous waste code. This however was a "totals" sample and we do not have a Toxicity Characteristic Leaching Procedure (TCLP) sample confirming or denying that this material would exceed the regulatory limit of 0.7 mg/L (TCLP). Thus, we do not know for sure whether this material is hazardous for this characteristic.
- ⇒ During the CEI, I did not observe any solvent utilized by your facility that would contain these hazardous waste codes once becoming spent. You utilize a generic Stoddard solvent. This solvent would be a hazardous waste upon becoming spent based on ignitability (D001) for the 105 flash point. None of the samples flashed, thus were not ignitable.
- ⇒ I asked Ms. Enders several times if she knew if your facility had ever utilized any other solvent than what was present during the CEI. I asked her to speak with your maintenance employees and inquire if they knew. I never received any additional information pertaining to this. In addition, I requested the shipment documentation indicating when and how this material was shipped off-site and I never received a response.
- ⇒ During the January 29, 2008, site visit, I again observed the same Stoddard solvent utilized by your facility. I asked Ms. Enders if any painting may have occurred at your facility and the waste could have ended up in the pit thus, being the reason for some of the constituents being detected. She stated some painting may have occurred, but it would have been a very long time ago.
- ⇒ During the January 29, 2008, site visit, several of your employees stated they had never known your facility to utilize any other solvent than the Stoddard solvent observed. These employees had been working at your facility for 23 – 47 years.

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- ⇒ At this time, there is no conclusive evidence supporting the fact that the drums you disposed of from the cleaning out of your pit did, in fact, have an F listing or a hazardous characteristic. However, your facility did dispose of these containers as a hazardous waste thus; they were disposed at a permitted hazardous waste treatment, storage and disposal facility (Petro-Chem Processing in Detroit, Michigan). This material, whether it was in fact a hazardous waste or not, was properly disposed.
- ⇒ Because Ohio EPA does not have conclusive evidence that this material was a hazardous waste there are no other additional violations pertaining to this issue.
- ⇒ However, please note that if there had been conclusive evidence that the material was in fact a hazardous waste, Fremont would have been illegally storing hazardous waste since the clean-out of the pit occurred in 2003. This one-time clean-out of waste would have made your facility a small quantity generator of hazardous waste, thus you would have had 180 days to properly dispose of this material. This material would have been stored for three years, well above the 180-day limit.
- ⇒ An illegal storage violation is a serious violation of Ohio's hazardous waste laws which could result in possible escalated enforcement. Thus, please be advised that if in the future you conduct any type of similar clean out or activity to contact me or any Ohio EPA hazardous waste representative to ensure that you are following all applicable hazardous waste regulations to avoid incurring possible hazardous waste violations.

No response to this letter is necessary. If you should have any questions, please feel free to call me at (419)373-3082.

Sincerely,



Amber M. Hicks  
Division of Hazardous Waste Management

/cs

pc: Colleen Weaver, Supervisor, DHWM, NWDO  
Cindy Lohrbach, DHWM, NWDO  
~~DHWM, NWDO File - Fremont, Volvo and GMC Trucks~~

ec: Amber Hicks, DHWM, NWDO

<p><b>NOTICE:</b> 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.</p>
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