



State of Ohio Environmental Protection Agency

**Northwest District Office**

347 North Dunbridge Rd.  
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: Ken Wainer's Auto Center  
Complaint #2879  
Lucas County  
OH0000025320  
Hazardous Waste  
Notice of Violation

June 26, 2009

Mr. Ken Wainer  
Ken Wainer's Auto Center  
4924 Alexis Road  
Sylvania, Ohio 43560

Dear Mr. Wainer:

On June 12, 2009, the Ohio Environmental Protection Agency (Ohio EPA) conducted a complaint investigation and compliance evaluation inspection of Ken Wainer's Auto Center (KWAC) located at 4924 Alexis Road in Sylvania, Ohio. The Ohio EPA received a complaint that you were dumping five gallons of hydraulic fluid on to the ground on your property every week.

I inspected KWAC 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). This letter will explain the validity of the complaint, the violations I found as a result of my inspection/complaint investigation, and what you need to do to correct these violations.

During my visit, I spoke with you, inspected your facility operations and reviewed your paperwork. KWAC provides vehicle service work such as brake jobs and oil changes. Used oil is generated and stored in a 250 gallon storage tank located in the back room of your shop. The used oil is burned in an on-site Thermobile AT305 furnace. KWAC has a small parts washer, which generates spent solvent (D001), that is serviced by Vesco Oil two to three times a year. Brake fluid is stored in a five gallon container and it is taken off-site by Vesco Oil when they service the parts washer. No painting is done at your shop. Aero launder's your shop towels. KWAC also generates spent fluorescent bulbs that are managed as solid waste. At the time of my inspection, KWAC was operating as a conditionally exempt small quantity generator (CESQG) of hazardous waste.

I 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.

KWAC failed to have waste evaluation documentation or an established recycling plan in place for the fluorescent bulbs generated at the facility.

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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. A copy of Fluorescent Lamps: What You Should Know, was given to you at the time of my inspection. I recommend that you review this document and contact me if you have any questions.

KWAC must submit to Ohio EPA documentation to demonstrate how you plan to properly manage your fluorescent bulbs. If KWAC 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. In lieu of conducting sampling, KWAC can manage the spent fluorescent bulbs as universal waste. If KWAC plans to manage the spent fluorescent bulbs as universal waste, please submit photographic documentation showing the storage containers properly closed, labeled, and dated. KWAC must also properly train employees, who handle or have responsibility for managing universal waste, on waste handling and emergency procedures relative to their responsibilities and send me documentation that this has been completed. In addition, KWAC must submit the name of the facility where you plan to recycle the bulbs.

**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."

KWAC had one 250-gallon storage tank of used oil that was not properly labeled.

At the time of our inspection, KWAC properly labeled the 250-gallon storage tank with the words "used oil". A copy of the fact sheet, The Regulation of Used Oil: An Overview for Ohio Businesses Who Generate Use Oil, was given to you at the time of our inspection. Please review this information and contact me if you have any questions.

***Therefore, this violation is considered abated.***

Enclosed you will find a copy of the checklists that were completed during the inspection.

Ohio EPA has helpful information about compliance assistance and pollution prevention at the following web address: <http://www.epa.state.oh.us/opp>, <http://www.epa.state.oh.us/ocapp/ocapp.html>, <http://www.epa.state.oh.us/ocapp/ocapp.html>. In addition, you can 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, the Ohio EPA did not find evidence to support the complainant's allegations; therefore, the Ohio EPA considers the complaint investigation closed.

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

Sincerely,

*Melissa L. Boyers*

Melissa L. Boyers  
Division of Hazardous Waste Management

/lb

Enclosures

pc: Cindy Lohrbach, DHWM, NWDO  
Colleen Weaver, DHWM, NWDO  
~~DHWM, NWDO, Lucas County File (w/original enc.)~~

ec: Melissa Boyers, DHWM, NWDO

**Notice:**

Ohio's 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.

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

For Ohio EPA use only

E-mail this completed form to [kristina.durnell@epa.state.oh.us](mailto:kristina.durnell@epa.state.oh.us)  
or mail it to Kristina Durnell, Central Office

<b>Site EPA ID No.</b> <b>Site Name</b>	EPA ID Number: <b>OH000025320</b>		Website: (Optional)	
<b>Site Location Information</b>	Name: <b>Ken Wainer's Auto Center</b>		State: <b>OH</b>	
<b>Site Land Type</b> (check only one)	Street Address: <b>4924 Alexis</b>	City, Town, or Village: <b>Sylvania</b>	Zip Code: <b>43560</b>	
<b>NAICS code(s)</b> <a href="http://www.census.gov/epcd/www/naics.html">www.census.gov/epcd/www/naics.html</a>	County Name: <b>Lucas</b>	Private <input checked="" 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"/>	
<b>Facility Representative</b>	First Name: <b>Ken</b>	MI:	Last Name: <b>Wainer</b>	
Additional names can be recorded in number 12	Phone Number: <b>419-882-6470</b>	Phone Number Extension:		
Only provide address information if it is different than the site address	E-Mail Address:	Fax Number Extension:		
	Fax Number:	Street or P.O. Box:		
	City, Town or Village:	State:		
	State:	Zip Code:		
<b>Legal Owner And Operator of the Site.</b> 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 Private <input type="checkbox"/>	County <input type="checkbox"/>	District <input type="checkbox"/>	Federal <input type="checkbox"/>
	Type:	Indian <input type="checkbox"/>	Municipal <input type="checkbox"/>	State <input type="checkbox"/>
	Street or P.O. Box:	Other <input type="checkbox"/>	Owner Phone #:	
	City, Town or Village:	Country:		
	State:	Zip Code:		
	Name of Site's Operator:	Date Became Operator (mm/dd/yyyy):		
	Owner Private <input type="checkbox"/>	County <input type="checkbox"/>	District <input type="checkbox"/>	Federal <input type="checkbox"/>
	Type:	Indian <input type="checkbox"/>	Municipal <input type="checkbox"/>	State <input type="checkbox"/>
	Street or P.O. Box:	Other <input type="checkbox"/>	Operator Phone #:	
	City, Town or Village:	United States		
	State:	Zip Code:		

**VIOLATIONS CITED?**  Yes  No

**TYPE OF HANDLER- A MINIMUM OF ONE BOX MUST BE CHECKED**

<input type="checkbox"/> Not a Generator	<input type="checkbox"/> UNKNOWN: Cited for violation of 3745-52-11	<input type="checkbox"/> Large Quantity Generator (LQG)
		<input type="checkbox"/> Small Quantity Generator (SQG)
		<input checked="" type="checkbox"/> Conditionally Exempt Small Quantity Generator
		<input type="checkbox"/> U.S. Importer of Hazardous Waste
		<input type="checkbox"/> Mixed Waste (Hazardous and Radioactive) Generator

**TYPE OF REGULATED WASTE ACTIVITY (MARK "X" IN ALL OF THE APPROPRIATE BOXES)**

<input type="checkbox"/> Recycler of Hazardous Waste	<input type="checkbox"/> Exempt Boiler and/or Industrial Furnace
<input type="checkbox"/> Underground Injection Control Facility	<input type="checkbox"/> Small Quantity On-Site Burner Exemption
<input type="checkbox"/> Hazardous Waste Transporter	<input type="checkbox"/> Smelting, Melting, Refining Furnace Exemption
<input type="checkbox"/> Treater, Storer or Disposer of Hazardous Waste	

**UNIVERSAL WASTE ACTIVITIES (INDICATE TYPES OF UNIVERSAL WASTE MANAGED (CHECK ALL BOXES THAT APPLY))**

<input type="checkbox"/> Small Quantity Handler of Universal Waste	<input type="checkbox"/> Destination Facility for Universal Waste
<input type="checkbox"/> Large Quantity Handler of Universal Waste (accumulates 5,000 kg. or more)	

**CHECK ALL BOXES BELOW THAT APPLY FOR THE TYPES OF UNIVERSAL WASTE THE FACILITY MANAGES**

Batteries  
 Pesticides  
 Mercury containing equipment  
 Lamps

**USED OIL ACTIVITIES (INDICATE TYPE(S) OF ACTIVITY(S))**

Used Oil Generator  
 Used Oil Transporter  
 Used Oil Transfer Facility  
 Used Oil Processor  
 Used Oil Re-refiner  
 Off-Specification Used Oil Burner  
 Used Oil Fuel Marketer Who Directs Shipment of Off-Spec. Oil  
 Used Oil Fuel Marketer to Off-Specification Used Oil Burner

**Waste Codes for Federally Regulated Hazardous Wastes.** Please list the codes for the federally regulated hazardous waste handled at the 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 RCRA Info source record, you do not need to list them all. Instead just indicate the date of the most recent source record.

**D001**  
**COMMENTS: USE THIS AREA TO DESCRIBE WHETHER THE INSPECTION WAS ANNOUNCED, WHETHER THE WASTE IS STORED IN TANKS OR CONTAINERS, ETC.**

Announced	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Additional Facility Representatives:
Tanks	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Other Comments:
Containers	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	

Name of Inspector(s)	Name of Inspector(s)	Date of Inspection/Time (mm/dd/yyyy) (hh:mm)
<b>Melissa Boyers</b>		<b>6/12/2009 3:00</b>

**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)
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**PROCESS DESCRIPTION/WASTE ACTIVITIES SUMMARY**

**Facility Name:** Ken Wainer's Auto Center    **Facility Type:** LQG/SQG/CESQG/TSD    **EPA ID#:** OH0000025320

<i>Description of Waste</i>				<i>On-Site Management</i>			<i>Off-Site Management</i>
<b>Process/Activity Generating Waste</b> <small>(e.g. plating bath, machining, baghouse, painting, etc)</small>	<b>Waste Generated</b> <small>(e.g. sludge, spent solvent, ash, etc)</small>	<b>EPA Waste Code</b>	<b>QTY Generated per Month</b>	<b>Type of Accumulation/Storage</b> <small>(e.g. container, tank, etc)</small>	<b>Type of On-Site Treatment</b> <small>(recycle, wwt, etc)</small>	<b>Waste Location</b> <small>(Include map if possible)</small>	<b>Name, state, and type of activity occurring at the facility.</b>
1	Lighting						Managed as Solid Waste
2	Vehicle Maintenance			250-gallon storage tank		Back room of the shop	Burned in an on-site furnace
3	General vehicle maintenance	D001		5 gal. unit		Located in the shop area.	Vesco Oil Corp. services the parts washer two to three times a year.
4	General vehicle maintenance			5 gallon container		Located in the shop area next to the parts washer.	Brake Fluid is added to the parts washer solvent when it is serviced by Vesco Oil Corp. two to three times a year.

**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:  $\geq 1,000$  Kg. (~300 gallons) of waste in a calendar month or  $\geq 1$  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   
Fluorescent Bulbs

**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  No  N/A
  - b. Tank that meets 3745-66-90 to 3745-66-101 except 3745-66-97(C)? Yes  No  N/A
  - c. Drip pads that meet 3745-69-40 to 3745-69-45? Yes  No  N/A
  - d. Containment building that meets 3745-256-100 to 3745-256-102? Yes  No  N/A

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**

**USED OIL INSPECTION CHECKLIST  
GENERATORS, COLLECTION CENTERS AND AGGREGATION POINTS**

*NOTE: A facility is subject to the federal SPCC regulations (40 CFR 112) if it is non-transportation related (e.g., fixed) and has an aggregate above ground storage capacity greater than 1,320 gallons or a total underground storage capacity greater than 42,000 gallons of oil (including used oil), and there is reasonable expectation of a discharge to navigable waters.*

**PROHIBITIONS**

1.	Does the generator manage used oil in a surface impoundment or waste pile? If yes:	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
a.	Is the surface impoundment or waste pile regulated as a hazardous waste management unit? [3745-279-12(A)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>

*NOTE: For example, used oil contaminated scrap metal stored in a pile.*

2.	Is used oil used as a dust suppressant? [3745-279-12(B)]	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
3.	Is off-specification used oil fuel burned for energy recovery in devices specified in 3745-279-12(C)?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>

*NOTE: Multiple used oil checklists may be applicable if used oil handler is performing multiple tasks (e.g., If generating used oil and shipping directly to a burner, complete generator and marketer checklists at a minimum).*

**GENERATOR STANDARDS**

4.	Does the generator mix hazardous waste with used oil? If so,	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
a.	Is the mixture managed as specified in 3745-279-10(B)? [3745-279-21(A)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>

*NOTE: Used Oil mixed with listed (3745-51-30 to 3745-51-35) or characteristic (3745-51-20 to 3745-51-24) hazardous waste are subject to regulation as a hazardous waste, unless the listed hazardous waste is listed solely because it exhibits a hazardous characteristic, and the resultant mixtures do not exhibit a characteristic. Mixtures of used oil and CESQG hazardous waste are subject to OAC Chapter 3745-279.*

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 <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
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*NOTE: If used oil contains greater than 1000 ppm total halogens, it is presumed to be listed hazardous waste until the presumption is successfully rebutted.*

6.	Does the generator store used oil in tanks; or containers; or a unit(s) subject to regulation as a hazardous waste management unit? [3745-279-22(A)]	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
7.	Are containers and aboveground tanks used to store used oil in good condition with no visible leaks? [3745-279-22(B)]	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
8.	Are containers, above ground tanks, and fill pipes used for underground tanks clearly labeled or marked "Used Oil?" [3745-279-22(C)]	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
9.	Has the generator, upon detection of a release of used oil, done the following: [3745-279-22(D)]	
a.	Stopped the release?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
b.	Contained the release?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
c.	Cleaned up and properly managed the used oil and other materials?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
d.	Repaired or replaced the containers or tanks prior to returning them to service, if necessary?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>

**ON-SITE BURNING IN SPACE HEATER**

10.	Does the generator burn used oil in used-oil fired space heaters? [3745-279-23] If so:	
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 <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>

b.	Is the heater designed to have a maximum capacity of not more than 0.5 million BTU per hour?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
c.	Are the combustion gases from heater vented to the ambient air?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>

*NOTE: Ash accumulated in a space heater must be managed in accordance with 3745-279-10(E).*

**GENERATOR TRANSPORTATION**

11.	Does the generator have the used oil hauled only by transporters that have obtained a U.S. EPA ID#?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
12.	If the generator self-transport used oil to an approved collection site or to an aggregation point owned by the generator: [3745-279-24]	
a.	Does the generator transport used oil in a vehicle owned by the generator or an employee of the generator?[3745-279-24]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
b.	Does the generator transport more than 55 gallons of used oil at any time?[3745-279-24]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>

*NOTE: Used oil generators may arrange for used oil to be transported by a transporter without a U.S. EPA ID # if the used oil is reclaimed under a contractual agreement (i.e., tolling arrangement).*

**COLLECTION CENTERS AND AGGREGATION POINTS**

13.	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 <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
14.	Is the non-DIY used oil collection center registered with Ohio EPA? [3745-279-31]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
15.	Is the used oil aggregation point in compliance with the generator standards in 3745-279-20 to 3745-279-24? [3745-279-32]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>

*NOTE: Complete Used Oil Generator and any other applicable used oil handler checklist (e.g., marketer, burner, etc.) for used oil collection centers and aggregation points.*