Ohio | Environmental Protection Agency

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

Re: DH Automotive & Self Storage
Auglaize County
Hazardous Waste
Notice of Violation/Partial Return to Compliance
OHR-000165183

September 2, 2011

Mr. Mike Hertenstein
DH Automotive & Self Storage
507 South Wayne Street
St. Marys, Ohio 45885

Dear Mr. Hertenstein:

On August 17, 2011, I conducted a compliance evaluation inspection of DH Automotive & Self Storage (DHA) located at 507 South Wayne Street in St. Marys, Ohio. I inspected DHA 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). Pollution prevention options were also discussed during this inspection. This letter will explain the violations I found and your compliance with respect to each.

During my visit I spoke with you, observed your operations and reviewed applicable paperwork. DHA is an automotive service shop. No painting is done on-site. Used oil generated from on-site oil changes is stored in 55-gallon drums and a 275 gallon storage tank. DHA burns the used oil generated in their on-site used oil burner. Used oil filters are hot drained and managed as a solid waste. DHA has one parts washer that is detergent and water-based and serviced by Heritage Crystal Clean. Spent fluorescent lamps are managed as a solid waste. At the time of my inspection, DHA was operating as a non-generator of hazardous waste.

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. OAC Rule 3745-52-11, Waste Evaluation:

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

DHA must immediately cease disposing of the fluorescent lamps as non-hazardous waste until a proper waste evaluation has been completed. 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.

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.

Basically, you can run analytical to determine if the bulbs contain mercury, lead, or cadmium (if you would like to continue to dispose of them as solid waste) OR you can choose to handle them through the **universal waste rules** by **recycling**. When lamps are recycled as a universal waste, they are not considered a hazardous waste. You must ensure that the bulbs are recycled within one year of being generated and maintain this paperwork to demonstrate compliance. Also, you must label the box containing the burned out bulbs (prior to recycling) with the words "universal waste lamps".

To abate this violation, DHA must confirm how you plan to manage the lamps in the future and where they will be recycled if you choose to handle them as universal waste.

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."

DHA had thirteen 55-gallon drums, two portable carboys, and one 275-gallon storage tank that were not properly labeled.

At the time of my inspection, DHA properly labeled the thirteen 55-gallon drums, two portable carboys and one 275-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 Used Oil, was given to you at the time of my inspection. Please review this information and contact me if you have any questions.

Therefore, this violation is considered abated.

3. **OAC Rule 3745-279-23(A): On-Site burning of used oil:**

Generators may burn used oil in used oil-fired space heaters provided that the heater burns only used oil that the owner or operator generates or used oil received from household do-it-yourself used oil generators.

DHA has been collecting used oil from other generators (i.e. Speckman Automotive) and burning it in the on-site furnace.

DHA must cease burning used oil obtained from sources other than what is generated at your facility or from household do-it-yourself generators. DHA must submit a copy of an internal policy outlining your used oil practices and procedures. A copy of the fact sheet, Burning Used Oil in a Space Heater - For Businesses, was given to you at the time of my inspection. Please review this information and contact me if you have any questions.

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

Ohio EPA will issue an EPA ID number to track our inspection activity. DHA cannot use this number for manifesting hazardous waste shipments. If DHA wants 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.ohio.gov/dhwm/notiform.aspx or you can call me at (419)373-3066 or the Division of Hazardous Waste Management, Central Office, RIS at (614)644-2977 and we will mail you a copy.

Ohio EPA has helpful information about compliance assistance and pollution prevention at the following web address: http://www.epa.ohio.gov/ocapp. In addition, you can find copies of the rules and other information on the division's web page at: http://www.epa.ohio.gov/dhwm.

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 Materials & Waste Management

/llr

Enclosures

pc: Cindy Lohrbach, DMWM, NWDO
Colleen Weaver, DMWM, NWDO
DMWM-HW, NWDO, 2011 Auglaize County, General File (w/original enc.)

ec: Melissa Boyers, DMWM, 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.

Send to Central Office ☐	Ohio Environmental Protection Agency **RCRA SUBTITLE C SITE IDENTIFICATION/VERIFICATION FORM**	For Ohio EPA use only

Completed verification forms required to be submitted to CO should be e-mailed to brad.hauser@epa.state.oh.us.

Site EPA ID No. **Site Name**	EPA ID Number: Name: **DH Automotive & Self Storage**				Website: (Optional)			
Site Location Information	Street Address: **507 S. Wayne Street**							
	City, Town, or Village: **St. Marys**				State: OH			
	County Name: **Auglaize**				Zip Code: **45885**			
Site Land Type (check only one)	Private ☒	County ☐	District ☐	Federal ☐	Indian ☐	Municipal ☐	State ☐	Other ☐
NAICS code(s) www.census.gov/epcd/www/naics.html								

Facility Representative Additional names can be recorded in number 12 Only provide address information if it is different than the site address	First Name: **Mike**	MI:	Last Name: **Hertenstein**
	Title:		
	Phone Number: **419-394-5885**	Phone Number Extension:	
	E-Mail Address:		
	Fax Number:	Fax Number Extension:	
	Street or P.O. Box:		
	City, Town or Village:		
	State:	Zip Code:	

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 ☐	County ☐	District ☐	Federal ☐	Indian ☐	Municipal ☐	State ☐	Other ☐
	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):				
	Operator Type:	Private ☐	County ☐	District ☐	Federal ☐	Indian ☐	Municipal ☐	State ☐	Other ☐
	Street or P.O. Box:							
	City, Town or Village:			Operator Phone #:				
	State:			Country		Zip Code:		

VIOLATIONS CITED?	☒ Yes ☐ No

TYPE OF HANDLER - MARK "X" AS APPROPRIATE

☒ Not a HW Generator	☐ UNKNOWN: Cited for violation of 3745-52-11	☐ Large Quantity Generator (LQG)
	☐ Short-Term/Temporary Generator (generates from a short-term or one-time event and not from on-going processes). *Check the box for the applicable generator status and provide a comment.*	☐ Small Quantity Generator (SQG)
		☐ Conditionally Exempt Small Quantity Generator
		☐ U.S. Importer of Hazardous Waste
		☐ Mixed Waste (Hazardous and Radioactive) Generator

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

- ☐ Hazardous Waste Transporter
- ☐ Hazardous Waste Transfer Facility
- ☐ Treater, Storer or Disposer of Hazardous Waste
- ☐ Recycler of Hazardous Waste
- ☐ 72-Hour Recycler
- ☐ Exempt Boiler and/or Industrial Furnace
  - ☐ Small Quantity On-Site Burner Exemption
  - ☐ Smelting, Melting, Refining Furnace Exemption
- ☐ Underground Injection Control Facility
- ☐ Receives Hazardous Waste from Off-site

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

- ☒ Small Quantity Handler of Universal Waste
- ☐ Large Quantity Handler of Universal Waste (accumulates 5,000 kg. or more)
- ☐ Destination Facility for Universal Waste

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 Used Oil
- ☐ Used Oil Fuel Marketer who first claims the Used Oil meets the specifications

Eligible Academic Entities with Laboratories: Facility has previously notified that they are opting into managing laboratory hazardous waste pursuant to OAC rules 3745-52-200 through 3745-52-216. Check the box(es) below to indicate the laboratory type.

- ☐ College or University
- ☐ Teaching hospital that is owned by or has a formal written affiliation agreement with a college or university
- ☐ Non-profit Institute that is owned by or has a formal written affiliation agreement with a college or university

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 or list them in the comments if more space is needed. If the waste codes are the same as listed in the most recent RCRAInfo source record, you do not need to list them. Instead just indicate the date of the most recent source record.

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

Announced	☐ Yes	☒ No
Tanks	☒ Yes	☐ No
Containers	☒ Yes	☐ No

Additional Facility Representatives: **Ted Hertenstein**

Name of Inspector(s): **Melissa Boyers**

Name of Inspector(s):

Date of Inspection/Time (mm/dd/yyyy) (hh:mm): **08/17/2011 1:35**

Comments:

52-11 cited for bulbs, facility plans to manage them as universal waste and notify Ohio EPA where they are going to be recycled.

Revised 09.05.10

PROCESS DESCRIPTION/WASTE ACTIVITIES SUMMARY

Facility Name: DH Automotive & Self Storage **Facility Type:** LQG/SQG/CESQG/TSD **EPA ID#:**

Description of Waste					*On-Site Management*			*Off-Site Management*
	Process/Activity Generating Waste (e.g. plating bath, machining, baghouse, painting, etc)	**Waste Generated** (e.g. sludge, spent solvent, ash, etc)	**EPA Waste Code**	**QTY Generated per Month**	**Type of Accumulation/ Storage** (e.g. container, tank, etc)	**Type of On-Site Treatment** (recycle, wwt, etc)	**Waste Location** (Include map if possible)	**Name, state, and type of activity occurring at the facility.**
1	Lighting	Spent Fluorescent Bulbs						Managed as solid waste.
2	Vehicle Maintenance	Used Oil			55- gallon drums and 275-gallon storage tank		Shop area inside the building	Currently used in their on-site used oil burner. Facility given used oil fact sheets.
3	Vehicle Maintenance	Used Oil Filters						Managed as solid waste.
4	Vehicle Maintenance	Parts Washer	Non-haz.				Inside shop area	Detergent & water-based parts washer serviced by Heritage Crystal Clean.

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 ☐ No ☒ N/A ☐
	a.	Is the surface impoundment or waste pile regulated as a hazardous waste management unit? [3745-279-12(A)]	Yes ☐ No ☐ N/A ☒
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 ☐ No ☒ N/A ☐
3.	Is off-specification used oil fuel burned for energy recovery in devices specified in 3745-279-12(C)?		Yes ☐ No ☐ N/A ☒
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 ☐ No ☒ N/A ☐
	a.	Is the mixture managed as specified in 3745-279-10(B)? [3745-279-21(A)]	Yes ☐ No ☐ N/A ☒
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 ☐ No ☐ N/A ☒
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 ☒ No ☐ N/A ☐
7.	Are containers and aboveground tanks used to store used oil in good condition with no visible leaks? [3745-279-22(B)]		Yes ☒ No ☐ N/A ☐
8.	Are containers, above ground tanks, and fill pipes used for underground tanks clearly labeled or marked "Used Oil?" [3745-279-22(C)]		Yes ☐ No ☒ N/A ☐
9.	Has the generator, upon detection of a release of used oil, done the following: [3745-279-22(D)]		
	a.	Stopped the release?	Yes ☒ No ☐ N/A ☐
	b.	Contained the release?	Yes ☒ No ☐ N/A ☐
	c.	Cleaned up and properly managed the used oil and other materials?	Yes ☒ No ☐ N/A ☐
	d.	Repaired or replaced the containers or tanks prior to returning them to service, if necessary?	Yes ☒ No ☐ N/A ☐
ON-SITE BURNING IN SPACE HEATER			
10.	Does the generator burn used oil in used-oil fired space heaters? [3745-279-23] If so:		Yes ☒ No ☐ N/A ☐
	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 ☐ No ☒ N/A ☐

	b.	Is the heater designed to have a maximum capacity of not more that 0.5 million BTU per hour?	Yes ☒ No ☐ N/A ☐
	c.	Are the combustion gases from heater vented to the ambient air?	Yes ☒ No ☐ N/A ☐
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 ☐ No ☐ N/A ☒
12.	If the generator self-transports 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 ☐ No ☐ N/A ☒
	b.	Does the generator transport more than 55 gallons of used oil at any time?[3745-279-24]	Yes ☐ No ☐ N/A ☒
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 ☐ No ☐ N/A ☒
14.	Is the non-DIY used oil collection center registered with Ohio EPA? [3745-279-31]		Yes ☐ No ☐ N/A ☒
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 ☐ No ☐ N/A ☒
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.			