



**Environmental
Protection Agency**

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

Re: Toledo Mack Sales & Service
OHD058718768
Lucas County
Hazardous Waste
Notice of Violation

February 3, 2012

CERTIFIED MAIL

Mr. Dave Yeager
4805 Springbrook Drive
Toledo, Ohio 43615

Dear Mr. Yeager:

On September 29, 2010, I conducted an investigation of Toledo Mack Sales & Services Inc. (TMSS) at your request. TMSS used to service trucks and sell truck parts. TMSS is located at 2124 Front Street in Toledo, Ohio. I observed containers of material that you called waste. On October 20, 2010, Ohio EPA returned to the site and collected fourteen samples of waste. On December 1, 2010, I received the analytical report for the samples collected on October 20, 2010. The analytical report documents that some of the waste at your facility is hazardous waste. During an investigation of the site on March 1, 2011, and during a phone conversation on March 16, 2011, you provided additional information about the source of the waste. Ohio EPA has determined that the waste found at TMSS was generated, stored and abandoned by TMSS.

As a result of this investigation, and the information you provided on March 1 and March 16, 2011, 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:

**1. Unpermitted Hazardous Waste Treatment, Storage & Disposal
ORC Section 3734.02(E)&(F)**

No person shall store, treat, or dispose of hazardous waste identified or listed under this chapter and rules adopted under it, regardless of whether generated on or off the premises where the waste is stored, treated, or disposed of, or transport or cause to be transported any hazardous waste identified or listed under this chapter and rules adopted under it to any other premises, except at or to any of the following: (1) A hazardous waste facility operating under a permit issued in accordance with this chapter;

(2) A facility in another state operating under a license or permit issued in accordance with the "Resource Conservation and Recovery Act of 1976" 90 Stat. 2806, 42 U.S.C.A. 6921, as amended.

TMSS has become an unpermitted hazardous waste disposal facility by: unlawfully storing hazardous waste on its property for years. TMSS must immediately cease this unpermitted storage of hazardous waste. Specifically, TMSS stored the following hazardous wastes for at least the past four years:

1. Liquid waste in Container T-07 (2gallons)(benzene – D018)
2. Sludge in trench (12.5 cu. ft.)(methylene chloride & tetrachloroethylene – F001)
3. Liquid waste in Container T-33 (1 gallon)(tetrachloroethylene & methylene chloride – D039)
4. Liquid waste in Container T-31 (10 gallons)(barium – D005 and flash point D001)
5. Liquid waste in Drum T-50 (55 gallons)(benzene – D018 and tetrachloroethylene – D039)
6. Liquid waste in Container T-48 (2 gallons)(tetrachloroethylene & methylene chloride – F001, pH – D002)
7. Liquid waste in Container T-26 (3 gallons)(selenium – D010 & pH – D002)
8. Liquid waste in Container T-12 (½ gallon)(benzene - F005)
9. Liquid waste in Container T-25 (2 gallons)(barium – D005 and selenium – D010)

TMSS must immediately arrange for the lawful transportation of its hazardous waste to a permitted hazardous waste treatment, storage or disposal facility. Please provide Ohio EPA with advance notice prior to shipment of any hazardous waste off-site. You must explain to Ohio EPA, in advance, what treatment, storage or disposal facility you may send it to. Additionally, please provide a copy of the hazardous waste manifest returned from the designated facility.

Since TMSS has violated ORC Section 3734.02(E) & (F) by becoming an unpermitted storage facility, it is subject to OAC Rules 3745-55-10 through 3745-55-48 and 3745-55-97, including preparing, submitting and implementing a closure plan in accordance with these rules. TMSS also is subject to all applicable general facility standards, found in OAC Chapters 3745-54 and 55, until such time as TMSS has demonstrated that it has ceased operations as a storage facility. Additionally, at any time, Ohio EPA may assert its right to have

Due to the serious nature of this violation, a referral to our Central Office Compliance Assurance Section for escalated enforcement consideration may result.

**2. Waste Evaluation
OAC Rule 3745-52-11**

A generator must determine whether its waste is hazardous by first determining if the waste is listed as a hazardous waste in rules 3745-51-30 to 3745-51-35; by testing the waste according to the methods set forth in rules 3745-51-20 to 3745-51-24; or by applying knowledge of the hazardous characteristic of the waste in light of the materials or the processes used. TMSS failed to evaluate the waste abandoned at its Front Street facility.

In order to abate this violation, you must immediately evaluate all the wastes remaining at the Front Street facility, not mentioned in violation number 1 above, in accordance with the requirements of Ohio Administrative Code Rule 3745-52-11. Ohio EPA placed a number on most containers of waste when it conducted sampling operations. Therefore, TMSS can identify the containers listed under violation number one and the remaining containers not listed under violation number one must still be evaluated.

You must obtain a representative sample of the waste at the facility, according to OAC Rule 3745-51-20. You must evaluate all samples, through laboratory analysis, for at least the Toxicity Characteristic Leaching Procedure (TCLP) metals, TCLP VOCs (Volatile Organic Compounds), flash point and pH. You must submit the results of the laboratory analyses to Ohio EPA as soon as they are available. **Please provide Ohio EPA a five day advance notice of sampling activities, in order for an inspector to make arrangements to view the sampling.**

General Comments:

Liquid waste in Tank T-46 appears to be waste antifreeze, which must be properly discarded.

The used oil in the dump station and tank is contaminated with benzene, tetrachloroethylene, ethylbenzene, toluene, xylenes, isopropylbenzene, and methylcyclohexane. This system should be decontaminated.

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The liquid waste in T-24 (approximately 20 gallons) has a flash point very near the regulatory limit and should be properly discarded.

As a used oil generator you are required to store used oil in containers or aboveground tanks that are in good condition (no severe rusting, apparent structural defects or deterioration) and not leaking. Containers, aboveground tanks and fill pipes for underground tanks must be labeled with the words "Used Oil." If leaks are detected, the generator must stop the release; contain the release; clean up and manage properly the released used oil and other materials related to the release; and, if necessary, repair or replace any leaking containers or tanks prior to returning them to service. I have enclosed copies of the following used oil fact sheets: The Regulation of Used Oil: An Overview for Ohio Businesses Who Generate Used Oil, Used Oil Burners – New Guidance for Rebuttable Presumption, The Regulation of Used Oil: Transporters and Transfer Facilities, and Used Oil Recyclers. Please review these carefully and contact me immediately if you have any questions.

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. I have enclosed copies of the following documents to assist you in properly managing your spent lamps: Fluorescent Lamps: What You Should Know and Computer, Fluorescent Lamp and Ballast Recyclers. I recommend that you review these documents carefully and contact me if you have any questions. The first document describes the rules you must follow in order to manage lamps as a universal waste.

The Division of Materials and Waste Management 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://ohioepa.custhelp.com/cgi-bin/ohioepa.cfg/php/enduser/doc_serve.php?2=subscriptionpage. Please feel free to share this information with your colleagues.

TMSS needs to immediately take the necessary measures to return to compliance with Ohio's environmental laws. Within 14 days of receipt of this letter, TMSS is requested to provide documentation to this office including the steps taken to abate the violations cited above.

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Documentation of steps taken to return to compliance includes written correspondence, updated policies, and photographs, as appropriate, and may be submitted via the postal service or electronically to don.north@epa.ohio.gov.

Please be advised that violations cited above will continue until the violations have been properly abated. Failure to comply with Chapter 3734. of the Ohio Revised Code and rules promulgated thereunder may result in a civil penalty of up to \$10,000 per day for each violation. It is imperative that you return to compliance. If circumstances delay the abatement of violations, TMSS is requested to submit written correspondence of the steps that will be taken by date certain to attain compliance.

If you have any questions, please feel free to contact me at (419) 373-3074. You can find copies of the rules and other information on the division's web page at <http://www.epa.ohio.gov>. Ohio EPA also has helpful information about pollution prevention at the following web address: <http://www.epa.ohio.gov/ocapp>.

Sincerely,



Don North
District Representative
Division of Materials and Waste Management

/llr

pc: Cindy Lohrbach, DMWM, NWDO
Colleen Weaver, DMWM, NWDO (copy including checklists)
Certified Mail Receipt Number 7009 1410 0001 1834 1477

ec: Colleen Weaver, DMWM, NWDO (scanned copy including checklists)
Don North, DMWM, NWDO

Send to Central Office <input checked="" type="checkbox"/>	Ohio Environmental Protection Agency RCRA SUBTITLE C SITE IDENTIFICATION/VERIFICATION FORM	For Ohio EPA use only
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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: OHD058718768		Website: (Optional)
Site Location Information	Name: Toledo Mack Sales & Service Inc.		
Site Land Type (check only one) NAICS code(s) www.census.gov/epcd/www/naics.html	Street Address: 2124 Front Street		
	City, Town, or Village: Toledo		State: OH
	County Name: Lucas		
	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"/>	
	Zip Code:		

Facility Representative Additional names can be recorded in number 12 Only provide address information if it is different than the site address	First Name: Dave		MI:	Last Name: Yeager	
	Title: Owner				
	Phone Number:		Phone Number Extension:		
	E-Mail Address:				
	Fax Number:		Fax Number Extension:		
	Street or P.O. Box: 4805 Springbrook Drive				
	City, Town or Village: Toledo				
	State: Ohio		Zip Code: 43615		

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):				
	Operator 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:

VIOLATIONS CITED?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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TYPE OF HANDLER - MARK "X" AS APPROPRIATE

<input type="checkbox"/> Not a HW Generator	<input type="checkbox"/> UNKNOWN: Cited for violation of 3745-52-11	<input type="checkbox"/> Large Quantity Generator (LQG)
	<input type="checkbox"/> Short-Term/Temporary Generator (generates from a short-term or one-time event and not from on-going processes). <i>Check the box for the applicable generator status and provide a comment.</i>	<input checked="" type="checkbox"/> Small Quantity Generator (SQG)
		<input 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"/> Hazardous Waste Transporter | <input type="checkbox"/> Exempt Boiler and/or Industrial Furnace |
| <input type="checkbox"/> Hazardous Waste Transfer Facility | <input type="checkbox"/> Small Quantity On-Site Burner Exemption |
| <input type="checkbox"/> Treater, Storer or Disposer of Hazardous Waste | <input type="checkbox"/> Smelting, Melting, Refining Furnace Exemption |
| <input type="checkbox"/> Recycler of Hazardous Waste | <input type="checkbox"/> Underground Injection Control Facility |
| <input type="checkbox"/> 72-Hour Recycler | <input type="checkbox"/> Receives Hazardous Waste from Off-site |

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 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.

F001 D001 D005 D039 D002

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

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

Name of Inspector(s)
Don North

Name of Inspector(s)

Date of Inspection/Time
 (mm/dd/yyyy) (hh:mm)
09/20/2010

Comments: