



**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
Third Notice of Violation

April 25, 2012

CERTIFIED MAIL

Mr. Dave Yeager
4805 Springbrook Drive
Toledo, Ohio 43615

Dear Mr. Yeager:

On April 6, 2012, Ohio EPA became aware of an additional serious violation of Ohio's hazardous waste laws, since it issued the first two Notice of Violation (NOV) letters on February 3, 2012, and March 20, 2012. Attached to an email document you submitted to me on April 16, 2012, is a copy of a non-hazardous waste oil manifest (#85201) from DISC Environmental Services, Inc. (DISC), dated April 4, 2012, demonstrating that the contents of hazardous waste drum T-50 was pumped out by DISC and shipped to the DISC facility at 151 East Andrus Road in Northwood, Ohio. DISC is not permitted to accept hazardous waste.

Ohio EPA has found the following violation of Ohio's hazardous waste laws. In order to correct this violation, you must do the following and send me the required information:

**1. Causing the Transportation of Hazardous Waste to an Unauthorized Facility
ORC Section 3734.02(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.

The April 4, 2012, non-hazardous waste oil manifest (#85201) from DISC Environmental Services, Inc. (DISC), demonstrates that the contents of hazardous waste drum T-50 was pumped out by DISC and shipped to the DISC facility at 151 E. Andrus Road in Northwood, Ohio. DISC is not permitted to accept hazardous waste. Therefore, TMSS has caused hazardous waste to be transported to a facility not authorized to accept hazardous waste.

TMSS must immediately arrange for the lawful transportation of all the hazardous waste at the 2124 Front Street, Toledo, Ohio facility to a permitted hazardous waste treatment, storage or disposal facility. Please provide Ohio EPA with advance notice prior to shipment of the hazardous waste off-site. You must explain to Ohio EPA, in advance, what treatment, storage or disposal facility you will send it to. Additionally, please provide a copy of the hazardous waste manifest returned from the designated facility.

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

The violations previously cited in the February 3, 2012, NOV are:

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

TMSS has become an unpermitted hazardous waste storage facility by unlawfully storing 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)

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

The violation previously cited in the March 20, 2012, NOV is:

**1. Causing the Transportation of Hazardous Waste to an Unauthorized Facility
ORC Section 3734.02(F)**

TMSS has caused hazardous waste trench sludge (F001) to be transported to a facility not authorized to accept hazardous waste.

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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. 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.state.oh.us.

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
Certified Mail Receipt Number 7009 1410 0001 1843 8856

ec: Colleen Weaver, DMWM, NWDO
Don North, DMWM, NWDO