



**Environmental
Protection Agency**

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

Re: DISC Environmental Service
OHD980994891
Lucas County
Hazardous Waste
Notice of Violation

April 26, 2012

CERTIFIED MAIL

Mr. Patrick Kelley, President
DISC Environmental Service, Inc.
P. O. Box 167590
Oregon, Ohio 43616

Dear Mr. Kelley:

On April 6, 2012, Ohio EPA has become aware of a serious violation of Ohio's hazardous waste laws involving service by DISC Environmental Service, Inc. (DISC) at a facility formerly known as Toledo Mack Sales & Services Inc. (TMSS) located at 2124 Front Street in Toledo, Ohio. Attached to an email document submitted to Ohio EPA on April 16, 2012, by Mr. Dave Yeager, the facility owner, is a copy of a non-hazardous waste oil manifest (#85201) from 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 address this violation, you must do the following and send me the required information:

**1. 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.

According to DISC Invoice Manifest # 85201, on April 4, 2012, DISC pumped out the contents of a 55-gallon drum, marked by Ohio EPA with the drum identifier T-50, located at the former Toledo Mack Sales & Services Inc. (TMSS) at 2124 Front Street in Toledo, Ohio, and unlawfully transported this waste back to its facility at 151 E. Andrus Road in Northwood, Ohio.

The waste in drum T-50 was sampled and analyzed by Ohio EPA and found to be hazardous waste D018 and D039. DISC is not permitted to accept hazardous waste. Therefore, DISC has transported hazardous waste to a facility not authorized to accept hazardous waste.

**2. 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.

At the DISC facility, the hazardous waste was pumped into the 30,000 gallon horizontal tank. Therefore, **DISC has become an unpermitted hazardous waste storage facility by storing the hazardous waste from drum T-50 in the 30,000 gallon horizontal tank at its facility.**

DISC must obtain a representative sample of the waste in the 30,000 gallon tank at its 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), TCLP SVOCs (Semi-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. I recommend that you submit a sampling plan to me before conducting sampling to ensure that your sampling and analysis activities are acceptable to Ohio EPA.**

Your results must document if the waste is hazardous or not and whether it is restricted from land disposal. If it is hazardous, you must explain what treatment, storage or disposal facility you will send it to.

DISC must submit to me a legible copy of the manifest(s), signed by a representative of the permitted treatment, storage or disposal facility that documents the proper off-site shipment of all its hazardous waste. **If the waste is hazardous, I will determine the status of your facility's compliance with other hazardous waste laws and notify you of my findings in a separate letter.**

Since DISC has violated ORC Section 3734.02(E) & (F) by becoming an unpermitted storage facility (TSD), it is subject to OAC Rules 3745-55-10 through 3745-55-48 and 3745-55-97.

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DISC also is subject to all applicable general facility standards, found in OAC Chapters 3745-54 and 55, until such time as DISC has demonstrated that it has ceased operations as a storage facility. Additionally, at any time, Ohio EPA may assert its right to have DISC begin facility-wide cleanup, pursuant to the Corrective Action process under Ohio law.

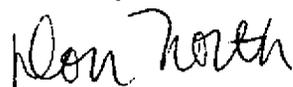
Due to the serious nature of these violations, a referral to our Central Office Compliance Assurance Section for escalated enforcement consideration may result.

DISC needs to immediately take the necessary measures to return to compliance with Ohio's environmental laws. Within 14 days of receipt of this letter, DISC 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, DISC 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>.

Sincerely,



Don North
District Representative
Division of Materials and Waste Management

/llr

pc: Cindy Lohrbach, DMWM, NWDO
~~Colleen Weaver, DMWM, NWDO (hard copy)~~
Certified Mail Receipt Number 7009 1410 0001 1843 8870

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