



State of Ohio Environmental Protection Agency

Northwest District Office

347 North Dunbridge Road
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: Dunn Chevrolet Buick
OHD 982 072 613
Conditionally Exempt Small
Quantity Generator
Lucas County, NWDO
PRTC

March 16, 2009

Mr. Phil Tipton, Service Manager
Dunn Chevrolet Buick
3000 Dustin Road
Oregon, Ohio 43616-3371

Dear Mr. Tipton:

I received your response to my March 3, 2009 Notice of Violation (NOV) letter on March 10, 2009. The documentation you submitted via email included photographs of a cardboard container marked with the wording "Used Lamps", and photographs of the floor grate used to transfer used oil into the underground storage tank in the service area which is now marked with the words, "Used Oil." In addition, you submitted via email a receipt from Gross Electric documenting that you are managing your used lamps as Universal Waste destined for recycling.

My review of this documentation reveals that Dunn Chevrolet Buick has adequately demonstrated abatement of the following violations discovered during the February 10, 2009 inspection:

- 1(b). OAC Rule 3745-52-11, Waste Evaluation (fluorescent lamps)
- 3. OAC Rule 3745-279-22(C)(2) – Marking of Used Oil Fill Pipes

Dunn Chevrolet Buick has not submitted documentation demonstrating that the spent paint filters in your paint booth have been properly evaluated as requested in Ohio EPA's March 10, 2009, NOV letter. Therefore, Dunn Chevrolet Buick remains in violation of the following hazardous waste law:

- 1(a). OAC Rule 3745-52-11, Hazardous Waste Determination: "Any person who generates a waste, as defined in rule 3745-51-02 of the Administrative Code, must determine if that waste is a hazardous waste ..."

Dunn Chevrolet Buick has failed to evaluate the paint filters from the paint booths to determine if they are hazardous waste. Dunn Chevrolet Buick is currently disposing of these contaminated paint filters as solid waste.

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Dunn Chevrolet Buick must immediately cease disposing of the spent paint filters as non-hazardous waste until a proper waste evaluation has been completed. Your paint filters may contain metals or volatile organic compounds (VOCs).

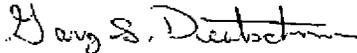
If the paint filters are hazardous waste, I will determine the status of your compliance with other hazardous waste laws and notify you of my findings in a separate letter.

To abate this violation, Dunn Chevrolet Buick must analyze a representative sample of the spent paint filters for total volatile organic compounds (VOCs) and RCRA metals using methods as outlined in U.S. EPA's SW-846.

Dunn Chevrolet Buick must submit the results of the analysis of the paint filters to my attention at the Ohio EPA within 30 days of receipt of this letter.

If you should have any questions, please feel free to contact me at 419-373-3056.

Sincerely,



Gary S. Deutschman
Environmental Specialist III
Division of Hazardous Waste Management

/cs

pc: Cindy Lohrbach, DHWM, NWDO
Colleen Weaver, Supervisor, DHWM, NWDO
DHWM; NWDO File - Dunn Chevrolet Buick file; Lucas County
ec: Gary Deutschman, DHWM, NWDO

NOTICE: Ohio 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.