OhioEPA
State of Ohio Environmental Protection Agency

Northwest District Office

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Bowling Green, OH 43402-9398

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Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

Re: Cardinal Bus Sales & Service, Inc.
Allen County
Complaint # 2903
Compliance Evaluation Inspection
Notice of Violation

August 21, 2009

Mr. Anthony Rumer, President
Cardinal Bus Sales & Service, Inc.
6280 Harding Highway
State Route 309 East
Lima, Ohio 45801

Dear Mr. Rumer:

Thank you for accompanying me during the Ohio Environmental Protection Agency's (Ohio EPA's) August 7, 2009, complaint investigation and subsequent hazardous waste compliance evaluation inspection of Cardinal Bus Sales & Service, Inc. (CBSS) located at the address stated above. I inspected CBSS to determine the validity of the complaint and 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. I spoke by telephone with Mark Sharrock, Vice President, to obtain additional information. This letter will list violations I found during the inspection and as a result of follow-up information received afterwards.

CBSS is a large distributor and service provider of used and new "Blue Bird" school buses. CBSS has been in business at this location for 14 years. CBSS generates approximately 10 gallons per month of spent paint/solvent (D001, D035, F003, and F005). Non-hazardous waste generated at the facility include: used oil which is burned in used oil furnaces, and used antifreeze which is being recycled by Universal Environmental Services, LLC. In addition, spent lamps are currently being disposed as a solid waste. Based on the amount of hazardous waste generated each month CBSS was inspected as a conditionally exempt small quantity generator of hazardous waste. I found the following violations of Ohio's hazardous waste laws. You must provide me the requested information within 30 days of receipt of this letter.

1. **ORC 3734.02 (E)&(F): Unpermitted Storage, Treatment, and Disposal**

ORC 3734.02 (E) and (F) states in part that, . . . "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 . . . except at or to any of the following: (1) A hazardous waste facility operating under a permit in accordance with this chapter . . ."

Unpermitted Treatment

CBSS placed the spent paint/solvent waste from its painting operation (D001, D035, F003, and F005) in an outside burn barrel which burned this waste and unknown solid wastes. Therefore, CBSS unlawfully treated hazardous waste in an unpermitted incineration unit. This burn barrel was located in the back of the property which consisted of a steel round cylinder with a bottom and holes on the sides. No pollution control equipment was associated with the unit.

During the inspection on August 7, 2009, you stated that the barrel has been used to burn waste until the day Ohio EPA's Division of Solid and Infectious Waste personnel conducted an inspection at the facility (July 1, 2009). On August 18, 2009, I spoke with Mark Sharrock, VP, CBSS, who stated that spent solvent from your painting operations was routinely burned in the burn barrel. In addition, Mr. Sharrock added that from time to time the used solvent was added to the used oil and burned in the used oil furnaces. CBSS does not generate enough used oil throughout the year to completely satisfy you heating energy needs. Therefore, there were times when hazardous waste was generated and there was no used oil to add it to and ultimately be burned for energy recovery. Those were the times when Mark Sharrock stated that the spent solvent hazardous waste was burned in your burn barrel.

CBSS must submit the following information to me:

- Copies of fuel purchase receipts for the last two years.
- Copies of Material Safety Data Sheets
    - Most commonly used paint
    - Paint gun cleaning solvent
    - Paint mixing solvent (if different than paint gun cleaning solvent)

- Were the spent paint booth filters ever burned? How long?
- How long have you operated the used oil furnaces at this location?

- Have you ever shipped out used oil generated at your facility? If yes, provide copies of shipping receipts to me.
- When did you actually stop burning waste in the burnt barrel at the back of the facility?
- How long have you been disposing of the waste solvent by burning it?
- An estimate of the amount of waste solvent that has been burned.
- Information on how your waste paint/solvent will be managed in the future including how it will be collected, and who will be picking it up when it cannot be added in with your used oil.
- Copies of manifests/shipping papers for the ash left in the bottom of the burn barrel. Since CBSS burned a listed hazardous waste (F005), the ash/residue left in the bottom of the barrel would also be considered listed hazardous waste (F005). CBSS must immediately collect this in a hazardous waste container and ship it off to a permitted TSDF. Please be aware that you may need to obtain a hazardous waste ID if you exceed the monthly threshold quantities of generation as a conditionally exempt small quantity generator of hazardous waste.

Since CBSS violated ORC 3745.02 (E) and (F), CBSS is subject to all applicable general facility standards found in OAC chapters 3745-54 and 55. Additionally, at any time Ohio EPA may assert its right to have CBSS begin facility-wide cleanup pursuant to the Corrective Action process under Ohio law.

Due to the fact that CBSS was acting as an unpermitted treatment, storage and disposal facility, you are also subject to all applicable land disposal restrictions found in OAC Chapter 3745-270.

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

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.

a) CBSS has failed to properly evaluate the spent fluorescent bulbs generated at the facility.

During the inspection, you stated that in the past CBSS has disposed of the spent fluorescent light bulbs in the trash. CBSS must not dispose of any spent light bulbs as non-hazardous waste in the local landfill until a proper waste evaluation has been completed.

The waste evaluation must be conducted through one of ***three options: 1)*** CBSS may apply generator knowledge of the hazardous characteristic(s) of the waste in light of the materials or the processes used through adequate documentation [manufacturer analytical information – Toxicity Characteristic Leaching Procedure (TCLP) test results], or

2) CBSS may take a representative sample of this waste to properly evaluate this waste stream through a laboratory analysis which lists constituents present and at what concentration. CBSS must ensure that the laboratory chosen to perform this sampling utilizes the proper method(s) to evaluate these bulbs.

CBSS must sample the fluorescent bulbs to determine the concentration of mercury (D009), cadmium (D006) and lead (D008) as listed in the OAC Rule 3745-51-24 following the method as outlined in U.S. EPA's SW-846. CBSS may run a total concentration for these constituents as a screening tool.

If the concentration is detected for mercury, lead or cadmium at or above the regulatory limit, a TCLP may be required to ensure this constituent is not present above the Ohio EPA regulatory level; or ***3)*** a combination of options 1 and 2.

If the bulbs are determined to be hazardous through a proper waste evaluation, CBSS will have to manage their bulbs either as 1) a universal waste (OAC Chapter 3745-273) or 2) as a hazardous waste under Ohio's generator standards (OAC Chapter 3745-52). ***Instead of taking samples for analysis as described above, CBSS may recycle their bulbs if they are hazardous or non-hazardous by managing them as universal waste. Ohio EPA would encourage this option as a pollution prevention alternative. Please refer to the information I gave you on how to manage light bulbs as universal waste.***

To abate this violation, CBSS must inform me in writing as to how the facility plans to manage the spent fluorescent light bulbs and other spent light bulbs.

b) CBSS has failed to properly evaluate the spent paint booth filters generated at the facility.

You are currently disposing of spent paint booth filters as a solid waste. CBSS must obtain a representative number of samples of the waste listed above, according to Appendix I of OAC Rule 3745-51-20. CBSS must evaluate all the wastes through laboratory analysis.

All waste streams must be analyzed for TCLP Resource Conservation Recovery Act (RCRA) metals and all volatile organic compounds (VOCs). Liquid waste must also be analyzed for pH, and flash point as listed in the Ohio Administrative Code Rule 3745-51-24 following the method as outlined in U.S. EPA's SW-846.

You must notify me at least seven days prior to the sampling event date so that a representative from Ohio EPA can be present to observe the sampling and to split samples if necessary.

CBSS must submit a copy of the analytical results to Ohio EPA.

Ohio EPA will use the analytical data you provide, in addition to other documentation, to make regulatory and compliance decisions concerning the wastes tested. This review by Ohio EPA does not alleviate CBSS's responsibility to independently determine whether the wastes tested are hazardous wastes pursuant to OAC Rule 3745-52-11. The data you submit should be reviewed using a data review process, referred to as data validation, to confirm the validity of your data prior to submission. Data validation includes a review of the following components: laboratory test methods, laboratory data completeness, documentation of holding time(s), chain(s) of custody, and quality assurance/quality control (QA/QC) data.

To confirm the validity of your data, you may use Ohio EPA's tier 1 data validation plan review form which can be obtained from Ohio EPA's web page: http://www.epa.state.oh.us/dhwm/tier_i_data_validation_manual.html.

Ohio EPA may request the documentation needed to confirm the validity of the data submitted. Please submit a brief narrative of each sampling event which includes: sampling techniques used to obtain the sample and a description of how this sample was determined to be a representative sample of the waste tested.

Please note, if the waste is hazardous, you must evaluate it to determine if it is restricted from land disposal in accordance with OAC Chapter 3745-270. In addition, you must properly dispose of or recycle the waste. A copy of the waste disposal documentation and EPA waste codes applicable to the waste must be submitted to me at the Ohio EPA, Northwest District Office (NWDO) prior to disposal.

3. **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."

All containers storing used oil were not properly labeled with the words "used oil" at the time of the inspection.

This violation was abated during the inspection.

The Division of Hazardous 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 http://www.epa.state.oh.us/dhwm/listserv.html. Please feel free to share this information with your colleagues.

As we discussed during the inspection, you may be able to reduce the waste your company generates. If you find ways to recycle reduce or altogether eliminate the amount of waste that your company generates you may be able to reduce your treatment and disposal costs. Thus, you may possibly reduce your regulatory requirements. Ohio EPA has helpful information about pollution prevention at the following web address: www.epa.state.oh.us/ocapp/ocapp.html.

During the inspection, I provided you with the following documents: Burning Used Oil in a Space Heater – For Businesses, July 2009; On-Site Solvent Recycling Equipment, May 2005; Hazardous Waste Generator Categories and Episodic Generation, March 2007; and Ohio EPA's Parts Washer Handbook, November 2007. I am enclosing the following documents: The Regulation of Used Oil: An Overview for Ohio Businesses Who Generate Used Oil, April 2006; Universal Waste Rules for Handlers of Lamps, June 2005; Universal Waste, December 2004; and Ohio's Open Burning Regulations OAC 3745-19, July 2006.

Enclosed you will find a copy of the checklists that were completed during the inspection. You can find copies of the rules and other information on the division's web page at www.epa.state.oh.us/dhwm.

Should you have any questions or if I can be of assistance, please contact me at (419) 373-3015.

Sincerely,

Edgar V. Pulido
Division of Hazardous Waste Management

/llr

pc: Cindy Lohrbach, DHWM, NWDO
Colleen Weaver, DHWM, NWDO
DHWM, NWDO File: Cardinal Sales & Service, Inc – Allen Co. (New File)

ec: Ed Pulido, 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.

Ohio Environmental Protection Agency

RCRA SUBTITLE C SITE IDENTIFICATION/VERIFICATION FORM

For Ohio EPA use only

E-mail this completed form to kristina.durnell@epa.state.oh.us
or mail it to Kristina Durnell, Central Office

Site EPA ID No.	EPA ID Number:
Site Name	Name: **Cardinal Bus Sales and Service, Inc.** Website: **http://www.cardinalbussales.net** (Optional)
Site Location Information	Street Address: **6280 Harding Highway, S.R. 309 East** City, Town, or Village: **Lima** State: OH County Name: **Allen** Zip Code: **45801**
Site Land Type (check only one)	Private ☒ County ☐ District ☐ Federal ☐ Indian ☐ Municipal ☐ State ☐ Other ☐
NAICS code(s) www.census.gov/epcd/www/naics.html	**485410**
Facility Representative Additional names can be recorded in number 12 Only provide address information if it is different than the site address	First Name: **Anthony** MI: Last Name: **Rumer** Phone Number: **(419)225-5552** Phone Number Extension: E-Mail Address: Fax Number: **(419)225-5556** 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: **Cardinal Bus Sales and Service, Inc.** Date Became Owner (mm/dd/yyyy): **1/01/1995** 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): Owner Type: Private ☒ County ☐ District ☐ Federal ☐ Indian ☐ Municipal ☐ State ☐ Other ☐ Street or P.O. Box: City, Town or Village: Operator Phone #: State: United States Zip Code:

VIOLATIONS CITED? ☒ Yes ☐ No

TYPE OF HANDLER– A MINIMUM OF ONE BOX MUST BE CHECKED

☐ Not a Generator	☐ UNKNOWN:Cited for violation of 3745-52-11	☐ Large Quantity Generator (LQG)
		☐ 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)

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

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. Oil
- ☐ Used Oil Fuel Marketer to Off-Specification Used Oil Burner

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 if more space is needed. If there are more than 7 waste codes and they are the same as listed in the most recent RCRAInfo source record, you do not need to list them all. Instead just indicate the date of the most recent source record.

D001

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

Announced	☐ Yes	☒ No	Additional Facility Representatives:
Tanks	☐ Yes	☒ No	Other Comments:
Containers	☒ Yes	☐ No	

Name of Inspector(s)	Name of Inspector(s)	Date of Inspection/Time (mm/dd/yyyy) (hh:mm)
Ed Pulido		**8/7/2009 9:30am**

OPTIONAL CERTIFICATION. I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature of Owner, Operator, or an Authorized Representative	Name and Title (Print)	Date (mm/dd/yyyy)

CONDITIONALLY EXEMPT SMALL QUANTITY GENERATOR REQUIREMENTS
COMPLETE AND ATTACH A PROCESS, WASTE, P2 SUMMARY SHEET

CESQG: ≤ 100Kg. (Approximately 25-30 gallons) of waste in a calendar month or < 1 Kg. of acutely hazardous waste.
SQG: Between 100 and 1,000 Kg. (About 25 to under 300 gallons) of waste in a calendar month.
LQG: ≥1,000 Kg. (~300 gallons) of waste in a calendar month or ≥1 Kg. of acutely hazardous waste in a calendar month.
NOTE: To convert from gallons to pounds: Amount in gallons x Specific Gravity x 8.345 = Amounts in pounds.

Safety Equipment Used:

WASTE EVALUATION			
1.	Have all wastes generated at the facility been adequately evaluated? [3745-52-11]		Yes ☐ No ☒ N/A ☐
GENERATOR CLASSIFICATION			
2.	Does the generator produce <100 kg. of hazardous waste per month? [conditionally exempt small quantity generator ("CESQG")]		Yes ☒ No ☐ N/A ☐
*NOTE: If quantities of hazardous waste accumulated on-site at any one time exceed 1,000 Kg. - or the generator produces between 100 and 1,000 Kg. of hazardous waste per month, it is operating as a Small Quantity Generator ("SQG"). **If so**, complete the Small Quantity Generator Requirements checklist.*			
OFF-SITE SHIPMENT OF HAZARDOUS WASTE			
3.	Does the CESQG ensure delivery of hazardous waste(s) to an off-site permitted TSD? [3734.02(F)]		Yes ☒ No ☐ N/A ☐
TREATMENT OF HAZARDOUS WASTE			
4.	Does the generator treat hazardous waste in a:		
	a.	Container that meets 3745-66-70 to 3745-66-77?	Yes ☐ No ☐ N/A ☒
	b.	Tank that meets 3745-66-90 to 3745-66-101 except 3745-66-97(C)?	Yes ☐ No ☐ N/A ☒
	c.	Drip pads that meet 3745-69-40 to 3745-69-45?	Yes ☐ No ☐ N/A ☒
	d.	Containment building that meets 3745-256-100 to 3745-256-102?	Yes ☐ No ☐ N/A ☒

NOTE: Complete appropriate checklist for each unit.

NOTE: If the CESQG conducts treatment they are subject to the LQG requirements.

NOTE: If waste is treated to meet LDRs, use LDR checklist.

PROCESS DESCRIPTION/WASTE ACTIVITIES SUMMARY

Facility Name: Cardinal Bus Sales & Service 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.**	**P2 Activities**
1	Painting	Spent solvent/Waste Paint	D001 D035 F003 F005	<1 gallon	5-gallon container	N/A	Painting room		--
2	Painting	Used filters	TBD	2 units	N/A	N/A	N/A	TBD	
	Maintenance	Used oil	N/A	100 gallons	Container	N/A	Tank indoors	Being burned for energy recovery	Used oil furnace
4	Maintenance	Spent bulbs	N/A	<1 units	N/A	N/A	N/A	TBD	--