



State of Ohio Environmental Protection Agency

Northwest District Office

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

Re: Lima Auto Mall
Allen County
Hazardous Waste Inspection
Notice of Violation/Partial Return to Compliance
OHR 000 042 028

October 6, 2008

Mr. Rodger L. McClain, VP
Lima Auto Mall
2100 North Cable Road
Lima, Ohio 45805

Dear Mr. McClain:

Thank you and Jeff Taylor for accompanying me during the Ohio Environmental Protection Agency's (Ohio EPA's) September 24, 2008, hazardous waste compliance evaluation inspection of Lima Auto Mall (LAM) located at ~~the address stated above~~. I inspected LAM to determine 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. This letter will list observations I made during the inspection, violations found, and what you need to do to correct these violations.

LAM a full service automobile dealership. LAM provides mechanical maintenance service as well as auto body repair services. LAM operates two small paint booths and has a solvent based parts washer. LAM operates a still unit which helps it recycle its solvent waste generated thus reducing the solvent cost and waste disposal cost. In addition, LAM burns the used oil generated at the facility in several used oil furnaces located throughout the facility. At the time of this inspection, LAM was considered a conditionally exempt small quantity generator of hazardous waste.

During the inspection, I provided you with the following material: a U.S. EPA document entitled Fluorescent Lamps, April 2000.

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 within 30 days of your receipt of this letter.

1. **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) LAM did not properly evaluate the spent paint booth filters.

During the inspection, you stated that currently the paint booth filters are being replaced once a year and disposed of with your regular trash.

To abate this violation, LAM must take representative samples of the spent booth filter from both paint booths. The samples shall be analyzed for Resource Conservation and Recovery Act (RCRA) metals except mercury (OAC Rule 3745-51-24).

LAM may run total concentrations for the RCRA metals as a screening tool. If concentrations are detected for the RCRA metals at or above regulatory limits, a Toxicity Characteristic Leaching Procedure (TCLP) may be required to ensure these constituents are not present above Ohio EPA regulatory levels.

- b) LAM has failed to properly evaluate the spent fluorescent bulbs generated at the facility.

During the inspection, you stated that in the past LAM has disposed of the spent fluorescent light bulbs in the trash. You added that you have not generated any spent bulbs in a while. LAM 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)** LAM 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)** LAM 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. LAM must ensure that the laboratory chosen to perform this sampling utilizes the proper method(s) to evaluate these bulbs.

LAM 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. LAM 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, LAM 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, LAM 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, LAM must inform me in writing as to how the facility plans to manage the spent fluorescent light bulbs and other spent light bulbs.

2. **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."

Tanks storing used oil to be burned in your used oil furnaces were not properly labeled with the words "used oil".

These violations were 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. LAM is currently recycling scrap, paper and plastic. Ohio EPA has helpful information about pollution prevention at the following web address: www.epa.state.oh.us/ocapp/ocapp.html.

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.

Mr. Rodger L. McClain, V

October 7, 2008

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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

Enclosures

pc: Cindy Lohrbach, DHWM, NWDO
Colleen Weaver, DHWM, NWDO
DHWM, NWDO File: ~~Lima Auto Matt Allen Co. General 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.