



Environmental  
Protection Agency

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

Re: North Dixie Truck & Trailer, Inc.  
Allen County  
Complaint Investigation #3042  
NOV

March 2, 2011

Mr. Joe Patterson, Operations Manager  
North Dixie Truck & Trailer, Inc.  
2084 North Dixie Highway  
Lima, Ohio 45801

Dear Mr. Patterson:

Thank you and Tina Roeder, for accompanying me during the Ohio Environmental Protection Agency's (Ohio EPA) February 16, 2011, complaint investigation and subsequent hazardous waste compliance evaluation inspection of your business. The agency received an anonymous complaint regarding the possible mismanagement of hazardous waste generated during the washing of semi-trailers. I inspected your facility to determine the validity of the complaint and to determine the facility's 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). This inspection consisted of a walkthrough of the facility and paperwork review. Pollution prevention options were also discussed during this inspection. This letter will explain the violations I found and what you need to do to address those violations.

North Dixie Truck & Trailer, Inc. (NDT&T) provides a broad range of welding services, and custom sheet metal fabrication utilizing materials made of light gauge aluminum through heavy gauge stainless steel plate for tank-trailer service and repair. The company is certified by the National Board of Boiler and Pressure Vessels, and may perform welding repair operations on pressure vessels according to the American Society of Mechanical Engineers codes. Tanker trailer are cleaned prior to arriving at NDT&T facility. NDT&T does not wash trailers at the facility. NDT&T generates a minimal amount of used oil from incidental servicing of semi-trucks. This used oil is combined with used oil which is purchased from Central Ohio Oil Environmental Services, a used oil marketer, and used for heating in used oil furnaces. Finally, you stated that you are currently disposing of your spent fluorescent light bulbs in the trash as a solid waste. At the time of this inspection, NDT&T was not a generator of hazardous waste.

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I found the following violation of Ohio's hazardous waste laws. You must provide me the requested information within 30 days of 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.

NDT&T has failed to properly evaluate the spent fluorescent bulbs generated at the facility prior to disposal.

During the inspection, you stated that in the past NDT&T disposed of the spent fluorescent light bulbs in the trash. NDT&T 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)** NDT&T 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)** NDT&T 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. NDT&T must ensure that the laboratory chosen to perform this sampling utilizes the proper method(s) to evaluate these bulbs.

NDT&T 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. NDT&T 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.

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If the bulbs are determined to be hazardous through a proper waste evaluation, NDT&T 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, NDT&T 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.***

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 NDT&T'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](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.

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

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The result of this complaint investigation showed that it was not valid.

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://ohioepa.custhelp.com/cgi-bin/ohioepa.cfg/php/enduser/doc\\_serve.php?2=subscriptionpage](http://ohioepa.custhelp.com/cgi-bin/ohioepa.cfg/php/enduser/doc_serve.php?2=subscriptionpage). Please feel free to share this information with your colleagues.

As we discussed during the inspection, 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: <http://www.epa.ohio.gov/ocapp>.

Ohio EPA will issue an EPA ID number to track our inspection activity at BRI. BRI cannot use this number for manifesting hazardous waste shipments. If BRI wants to use an EPA ID number for manifesting and other hazardous waste, used oil or universal waste activities, BRI must complete and submit a Notification of Regulated Waste Activity form (*EPA Form 9029 (Rev. 11/2002)*) to Ohio EPA. This form is available by calling the Division of Hazardous Waste Management, Central Office, RIS at (614)644-2977 and we will mail you a copy; or online at <http://www.epa.ohio.gov/portals/32/pdf/EPA9029.pdf>

Enclosed you will find a copy of the checklists that were completed as a result of this inspection. You can find copies of the rules and other information on the division's web page at <http://www.epa.ohio.gov/dhwm/>.

For your information during the inspection, I provided you with the following documents: The Regulation of Used Oil: An Overview for Ohio Business Who Generate Used Oil, April, 2006; Burning Used Oil in a Space Heater – For Businesses, July, 2009, and Used Oil Recyclers. Furthermore, I am enclosing the following documents: Universal Waste Guidance, December, 2004; Universal Waste Rules for Handlers of Lamps, June, 2005; and Computer, Fluorescent Lamps, and Ballasts Recyclers List, November, 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

/lr

Enclosures

pc: Cindy Lohrbach, DHWM, NWDO  
Colleen Weaver, Supervisor, DHWM, NWDO  
~~DHWM, NWDO File: North Dixie Truck & Trailer, Inc., Allen County (new)~~

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.



**USED OIL INSPECTION CHECKLIST  
GENERATORS, COLLECTION CENTERS AND AGGREGATION POINTS**

*NOTE: A facility is subject to the federal SPCC regulations (40 CFR 112) if it is non-transportation related (e.g., fixed) and has an aggregate above ground storage capacity greater than 1,320 gallons or a total underground storage capacity greater than 42,000 gallons of oil (including used oil), and there is reasonable expectation of a discharge to navigable waters.*

**PROHIBITIONS**

|    |  |  |
|----|--|--|
| 1. | Does the generator manage used oil in a surface impoundment or waste pile?<br>If yes:                        | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/> |
|    | a. Is the surface impoundment or waste pile regulated as a hazardous waste management unit? [3745-279-12(A)] | Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> |

*NOTE: For example, used oil contaminated scrap metal stored in a pile.*

|    |   |  |
|----|---|--|
| 2. | Is used oil used as a dust suppressant? [3745-279-12(B)]  | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/> |
| 3. | Is off-specification used oil fuel burned for energy recovery in devices specified in 3745-279-12(C)? | Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> |

*NOTE: Multiple used oil checklists may be applicable if used oil handler is performing multiple tasks (e.g., if generating used oil and shipping directly to a burner, complete generator and marketer checklists at a minimum).*

**GENERATOR STANDARDS**

|    |  |  |
|----|--|--|
| 4. | Does the generator mix hazardous waste with used oil? If so,               | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/> |
|    | a. Is the mixture managed as specified in 3745-279-10(B)? [3745-279-21(A)] | Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> |

*NOTE: Used Oil mixed with listed (3745-51-30 to 3745-51-35) or characteristic (3745-51-20 to 3745-51-24) hazardous waste are subject to regulation as a hazardous waste, unless the listed hazardous waste is listed solely because it exhibits a hazardous characteristic, and the resultant mixtures do not exhibit a characteristic. Mixtures of used oil and CESQG hazardous waste are subject to OAC Chapter 3745-279.*

|    |  |  |
|----|--|--|
| 5. | Does the generator of used oil containing greater than 1,000 ppm total halogens manage the used oil as a hazardous waste unless the presumption is rebutted successfully? [3745-279-21(B)] | Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> |
|----|--|--|

*NOTE: If used oil contains greater than 1000 ppm total halogens, it is presumed to be listed hazardous waste until the presumption is successfully rebutted.*

|    |  |  |
|----|--|--|
| 6. | Does the generator store used oil in tanks; or containers; or a unit(s) subject to regulation as a hazardous waste management unit? [3745-279-22(A)] | Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> |
| 7. | Are containers and aboveground tanks used to store used oil in good condition with no visible leaks? [3745-279-22(B)]                                | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> |
| 8. | Are containers, above ground tanks, and fill pipes used for underground tanks clearly labeled or marked Used Oil? [3745-279-22(C)]                   | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> |
| 9. | Has the generator, upon detection of a release of used oil, done the following: [3745-279-22(D)]   | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> |
|    | a. Stopped the release?  | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> |
|    | b. Contained the release?  | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> |
|    | c. Cleaned up and properly managed the used oil and other materials?   | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> |
|    | d. Repaired or replaced the containers or tanks prior to returning them to service, if necessary?  | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> |

**ON-SITE BURNING IN SPACE HEATER**

|     |   |  |
|-----|---|--|
| 10. | Does the generator burn used oil in used-oil fired space heaters? [3745-279-23] If so:  |  |
|     | a. Does the heater burn only used oil that owner/operator generates or used oil received from household do-it-yourself (DIY) used oil generators? | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> |
|     | b. Is the heater designed to have a maximum capacity of not more than   | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> |

|    |   |  |
|----|---|--|
|    | 0.5 million BTU per hour?                                       |  |
| c. | Are the combustion gases from heater vented to the ambient air? | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> |

*NOTE: Ash accumulated in a space heater must be managed in accordance with 3745-279-10(E).*

**GENERATOR TRANSPORTATION**

|     |  |  |
|-----|--|--|
| 11. | Does the generator have the used oil hauled only by transporters that have obtained a U.S. EPA ID#?  | Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> |
| 12. | If the generator self-transported used oil to an approved collection site or to an aggregation point owned by the generator: [3745-279-24] |  |
| a.  | Does the generator transport used oil in a vehicle owned by the generator or an employee of the generator?[3745-279-24]                    | Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> |
| b.  | Does the generator transport more than 55 gallons of used oil at any time?[3745-279-24]  | Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> |

*NOTE: Used oil generators may arrange for used oil to be transported by a transporter without a U.S. EPA ID # if the used oil is reclaimed under a contractual agreement (i.e., tolling arrangement).*

**COLLECTION CENTERS AND AGGREGATION POINTS**

|     |   |  |
|-----|---|--|
| 13. | Is the DIY used oil collection center in compliance with the generator standards in 3745-279-20 to 3745-279-24? [3745-279-30] | Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> |
| 14. | Is the non-DIY used oil collection center registered with Ohio EPA? [3745-279-31]   | Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> |
| 15. | Is the used oil aggregation point in compliance with the generator standards in 3745-279-20 to 3745-279-24? [3745-279-32]     | Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> |

*NOTE: Complete Used Oil Generator and any other applicable used oil handler checklist (e.g., marketer, burner, etc.) for used oil collection centers and aggregation points.*



**UNIVERSAL WASTE ACTIVITIES (INDICATE TYPES OF UNIVERSAL WASTE MANAGED  
(CHECK ALL BOXES THAT APPLY)**

- Small Quantity Handler of Universal Waste  Destination Facility for Universal Waste  
 Large Quantity Handler of Universal Waste  
(accumulates 5,000 kg. or more)

**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 or list them in the comments if more space is needed. If the waste codes are the same as listed in the most recent RCRAInfo source record, you do not need to list them. Instead just indicate the date of the most recent source record.

**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  
Containers  Yes  No

Name of Inspector(s) \_\_\_\_\_ Name of Inspector(s) \_\_\_\_\_ Date of Inspection/Time  
(mm/dd/yyyy) (hh:mm)  
Ed Pulido 2/16/2011 9:00am

**Comments:**

**Complaint # 3042 regarding the mismanagement hazardous waste generated during washing of semi-trailers. Please note, an update form will follow when the final generator status is known.**