



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: **Complaint #2591**  
Kinstle Sterling/Western Star Truck Center  
Auglaize County  
Hazardous Waste  
Notice of Violation

November 16, 2007

Mr. Mike Kinstle, Owner  
Kinstle Sterling/Western Star Truck Center  
1770 Wapak-Fisher Road  
P.O. Box 1986  
Wapakoneta, Ohio 45895

Dear Mr. Kinstle:

On November 6, 2007, Wendy Miller and I investigated a complaint at Kinstle Sterling/Western Star Truck Center (KSWs) located at 1770 Wapak-Fisher Road in Wapakoneta, Ohio. The complainant was concerned that used oil was not being properly managed at your facility. In addition, there were old leaking cars on-site and stained soil. This letter will explain the validity of the complaint, the violations found as a result of our investigation, and what you need to do to respond to these violations.

KSWs is a full service dealership for Sterling and Western Star semi trailer trucks. Used oil generated on-site is stored in 250-gallon tanks and burned in a Clean Burn furnace to heat the building. No painting is done at your facility. Antifreeze is also collected and re-used. A hot water parts washer is used to clean engine parts and the sludge generated has been historically disposed of as a solid waste. Truck batteries are exchanged through Interstate Battery. Also located on your property is an impound lot where vehicles involved in collisions are staged until insurance adjusters have evaluated them. You stated that no repair work is done on these vehicles and no fluids are drained out of them while they are in the lot.

We found the following violations of Ohio's hazardous waste and used oil 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 must determine if that waste is a hazardous waste by using generator knowledge or by testing the waste.

a. KSWs failed to have waste evaluation documentation or an established recycling plan in place for the fluorescent bulbs generated at the facility.

Hazardous bulbs are considered "spent materials" and remain hazardous waste even when recycled. Hazardous waste lamp generators have the option of handling their lamps as hazardous waste or as universal waste. Managing hazardous waste lamps under the universal waste rules eases certain regulations imposed on generators of spent lamps.

Please be aware that incandescent, fluorescent, metal halide, neon, high-intensity discharge, high-pressure sodium and mercury-vapor lamps could be hazardous waste when discarded. Fluorescent lamps may contain up to 40 milligrams (mg) of mercury, depending on the brand and manufacturer. Lamps may also contain lead and cadmium. Many lamps exhibit a characteristic of toxicity for heavy metals when disposed. I have enclosed a copy of the guidance document: Fluorescent Lamps: What You Should Know. I recommend that you review this document and contact me if you have any questions.

KSWs must submit to Ohio EPA documentation to demonstrate how you plan to properly manage your fluorescent bulbs. If KSWs decides to conduct waste sampling, please 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. If KSWs plans to manage the spent fluorescent bulbs as universal waste, please submit photographic documentation showing the storage containers properly closed, labeled, and dated. KSWs must also properly train employees, who handle or have responsibility for managing universal waste, on waste handling and emergency procedures relative to their responsibilities. In addition, KSWs must submit the name of the facility where you plan to recycle the bulbs.

- b. At the time of the inspection, KSWs did not have waste evaluation documentation for the sludge generated in the hot water parts washer. KSWs has historically disposed of this spent material as a non-hazardous waste. KSWs must immediately cease disposing of the sludge as non-hazardous waste until a proper waste evaluation has been completed.

KSWs must obtain a representative sample of the sludge and have it analyzed for Toxic Characteristic Leaching Procedure (TCLP) Resource Conservation and Recovery Act (RCRA) metals (SW-846 Method 1311/6010). 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. To abate this violation, KSWs must submit a copy of the analytical results to Ohio EPA. Once analytical results have been reviewed, Ohio EPA will advise KSWs on proper disposal options for this waste stream.

Ohio EPA may use the data you collect, in part, to make regulatory decisions concerning the waste(s) tested. A data review process, referred to as data validation, may be utilized to confirm the validity of the data. This data validation can include a review of the following components: sampling techniques, sample containers, representativeness of sample, laboratory test methods, laboratory data completeness, documentation of holding time(s), chain(s) of custody and quality assurance/quality control (QA/QC) data. Please include data sufficient for Ohio EPA to perform the data validation review. Information on conducting a data validation can be obtained from Ohio EPA's web page at [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).

**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."

KSWs had two 250-gallon tanks of used oil inside the building and six 250-gallon tanks outside the building that were not properly labeled.

Mr. Mike Kinstle  
November 16, 2007  
Page 3

KSWS must properly label these storage tanks with the words "Used Oil" and submit photographic documentation to demonstrate compliance. A copy of the Regulation of Used Oil Fact Sheet is enclosed. Please review this information and contact me if you have any questions.

Ohio EPA will issue an EPA ID number to track our inspection activity at KSWS. KSWS cannot use this number for manifesting hazardous waste shipments. If KSWS wants to use an EPA ID number for manifesting and other hazardous waste, used oil or universal waste activities, you must complete and submit a Notification of Regulated Waste Activity form (*EPA Form 9029 (Rev. 11/2002)*) to Ohio EPA. This form is available at <http://www.epa.state.oh.us/dhwm/notiform.html> or you can call me at (419) 373-3066 or the Division of Hazardous Waste Management, Central Office, RIS at (614) 644-2977 and we will mail you a copy.

Enclosed you will find a copy of the checklist that I completed during the investigation, and a guidance document: Environmental Compliance Guide for Auto Body Shops. Please review this information and contact me if you have any questions.

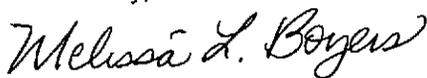
Ohio EPA has helpful information about compliance assistance and pollution prevention at the following web address: <http://www.epa.state.oh.us/ocapp/ocapp.html>. In addition, you can also find copies of the rules and other information on the division's web page at <http://www.epa.state.oh.us/dhwm>.

The investigation performed by Ohio EPA was conducted as the result of a complaint received by this Agency. A comprehensive Compliance Evaluation Inspection was not conducted, therefore, failure to list specific deficiencies in this communication does not relieve you from the responsibility of complying with all applicable regulations.

Ohio EPA did not find any evidence to substantiate the alleged complaint. Therefore, Ohio EPA considers this complaint to be closed.

If you have any questions or if I can be of assistance, please contact me at (419) 373-3066.

Sincerely,



Melissa L. Boyers  
Division of Hazardous Waste Management

/csl

Enclosures

pc: Cindy Lohrbach, DHWM, NWDO  
Colleen Weaver, DHWM, NWDO  
DHWM, NWDO Auglaize County General File

ec: Melissa Boyers, 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  
(Short Version)

NOTE: This checklist does not include requirements for used oil transporters and transfer facilities, processors and re-refiners, burners, and marketers.

PROHIBITIONS

1. Is used oil being managed in a surface impoundment or waste pile? If so: Yes \_\_\_ No  N/A \_\_\_ RMK# \_\_\_  
Is the surface impoundment or waste pile being regulated under OAC 3745-54 to 3745-57 and 3745-205 or 3745-65 to 3745-69 and 3745-256? [3745-279-12(A)] Yes \_\_\_ No  N/A  RMK# \_\_\_
2. Is used oil being used as a dust suppressant? [3745-279-12(B)] Yes  No  N/A \_\_\_ RMK# \_\_\_
3. Is off-specification used oil fuel burned for energy recovery only in devices specified in 3745-279-12(C)? Yes  No  N/A \_\_\_ RMK# \_\_\_

USED OIL GENERATOR STANDARDS

4. Does the generator mix hazardous waste with used oil only as provided in 3745-279-10(B)? [2745-279-21(A)] Yes \_\_\_ No  N/A  RMK# \_\_\_
5. Does the generator of a 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 \_\_\_ No  N/A  RMK# \_\_\_
6. Does the generator only store used oil in tanks, containers, or units subject to OAC 3745-54 to 3745-57 and 3745-205 or 3745-65 to 3745-69 and 3745-256? [3745-279-22(A)] Yes  No  N/A \_\_\_ RMK# \_\_\_
7. Are containers and aboveground tanks used to store used oil in good condition with no visible leaks? [3745-279-22(B)] Yes  No  N/A \_\_\_ RMK# \_\_\_
8. Are containers, above ground tanks, and fill pipes used for underground tanks clearly labeled or marked "Used Oil?" [3745-279-22(C)] Yes \_\_\_ No  N/A \_\_\_ RMK# \_\_\_  
*8, 250-gallon storage tanks not labeled, 2 inside, 6 outside.*
9. Has the generator, upon detection of a release of used oil, done the following: [3745-279-22(D)]
- a. Stopped the release? Yes  No  N/A \_\_\_ RMK# \_\_\_
- b. Contained the release? Yes  No  N/A \_\_\_ RMK# \_\_\_
- c. Cleaned up and properly managed the used oil and other materials? Yes  No  N/A \_\_\_ RMK# \_\_\_
- d. Repaired or replaced the containers or tanks prior to returning them to service, if necessary? Yes  No  N/A \_\_\_ RMK# \_\_\_
10. Does the generator burn used oil in used fired space heaters? [3745-279-23] If so: Yes  No \_\_\_ N/A \_\_\_ RMK# \_\_\_

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  No  N/A \_\_\_ RMK# \_\_\_

b. Is the heater designed to have a maximum capacity of not more than 0.5 million BTU per hour?

Yes  No  N/A \_\_\_ RMK# \_\_\_

c. Are the combustion gases from heater vented to the ambient air?

Yes  No  N/A \_\_\_ RMK# \_\_\_

11. Does the generator have the used oil hauled only by transporters that have obtained U.S. EPA ID#, unless the generator qualifies for an exemption pursuant to 3745-279-24 (self transportation or tolling agreements)? [3745-279-24]

Yes \_\_\_ No  N/A  RMK# \_\_\_

#### USED OIL COLLECTION CENTERS AND AGGREGATION POINTS

12. 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  No  N/A \_\_\_ RMK# \_\_\_

13. Is the non-DIY used oil collection center registered with Ohio EPA? [3745-279-31]

Yes  No  N/A \_\_\_ RMK# \_\_\_

14. Is the used oil aggregation point in compliance with the generator standards in 3745-279-20 to 3745-279-24? [3745-279-32]

Yes  No  N/A \_\_\_ RMK# \_\_\_

#### WASTE EVALUATION

15. Have all wastes generated at the facility been evaluated? [3745-52-11]

Yes \_\_\_ No  N/A \_\_\_ RMK# \_\_\_

*Hot water parts washer sludge not evaluated,*

G:\CheckLists\USED OIL.SHORT.11.2004.fin.megaset.wpd

#### REMARKS

E-mail this completed form to <a href="mailto:tammy.mcconnell@epa.state.oh.us">tammy.mcconnell@epa.state.oh.us</a> or mail it to Tammy McConnell, Central Office	<b>Ohio Environmental Protection Agency</b> <b>RCRA SUBTITLE C SITE IDENTIFICATION/VERIFICATION FORM</b>		For Ohio EPA use only																	
<b>2. Site EPA ID No.</b>	<b>EPA ID Number:</b>																			
<b>3. Site Name</b>	<b>Name:</b> Kinstle Sterling/Western Star Truck Center		<b>Website (optional):</b>																	
<b>4. Site Location Information</b>	<b>Street Address:</b> 1770 Wapak-Fisher Road																			
<b>City, Town, or Village:</b> Wapakoneta		<b>State:</b> OH																		
<b>County Name:</b> Auglaize		<b>Zip Code:</b> 45895																		
<b>5. Site Land Type (check only one)</b>	<table border="1" style="width: 100%; text-align: center;"> <tr> <td>Private</td> <td>County</td> <td>District</td> <td>Federal</td> <td>Indian</td> <td>Municipal</td> <td>State</td> <td>Other</td> </tr> <tr> <td>X</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table>			Private	County	District	Federal	Indian	Municipal	State	Other	X								
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<b>6. NAICS code(s)</b> <a href="http://www.census.gov/epcd/www/naics.html">www.census.gov/epcd/www/naics.html</a>	<b>A.</b>		<b>B.</b>																	
<b>C.</b>		<b>D.</b>																		
<b>7. Facility Representative:</b>  <small>Additional names can be recorded in number 12.           Only provide address information if it is different than the site address.</small>	<b>First Name:</b> J. Michael		<b>MI:</b>																	
<b>Last Name:</b> Kinstle		<b>Phone Number Extension:</b>																		
<b>E-Mail Address:</b>																				
<b>Fax Number:</b>		<b>Fax Number Extension:</b>																		
<b>Street or P.O. Box:</b>																				
<b>City, Town or Village:</b>		<b>State:</b>																		
<b>Country:</b>		<b>Zip Code:</b>																		
<b>8. Legal Owner and Operator of the Site List</b> Additional Owners and/or Operators in the Comment Section or on another copy of this form page.	<b>A. Name of Site's Legal Owner:</b>		<b>Date Became Owner (mm/dd/yyyy):</b>																	
<b>Owner Type:</b> Mark with an X		<table border="1" style="width: 100%; text-align: center;"> <tr> <td>Private</td> <td>County</td> <td>District</td> <td>Federal</td> <td>Indian</td> <td>Municipal</td> <td>State</td> <td>Other</td> </tr> <tr> <td>X</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table>			Private	County	District	Federal	Indian	Municipal	State	Other	X							
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<b>City, Town, or Village:</b>		<b>Owner Phone #:</b>																		
<b>State:</b>		<b>Country:</b>	<b>Zip Code:</b>																	
<b>B. Name of Site's Operator:</b>		<b>Date Became Operator (mm/dd/yyyy):</b>																		
<b>Operator Type:</b> Mark with an X		<table border="1" style="width: 100%; text-align: center;"> <tr> <td>Private</td> <td>County</td> <td>District</td> <td>Federal</td> <td>Indian</td> <td>Municipal</td> <td>State</td> <td>Other</td> </tr> <tr> <td>X</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table>			Private	County	District	Federal	Indian	Municipal	State	Other	X							
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<b>City, Town, or Village:</b>		<b>Operator Phone #:</b>																		
<b>State:</b>		<b>Country:</b>	<b>Zip Code:</b>																	
<b>9. Violations Cited?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No																				
<b>10. Type of Regulated Waste Activity (Mark "X" in all of the appropriate boxes.)</b>																				
<input type="checkbox"/> Not Regulated																				

