



Environmental
Protection Agency

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

Re: Toledo Police Indoor Firing Range
Lucas County
OHD987033156
Hazardous Waste
Return to Compliance

March 21, 2011

Sergeant Tom Kosmyna
City of Toledo
Department of Police Operations
2301 Nebraska Avenue
Toledo, Ohio 43607

Dear Sergeant Kosmyna:

On January 14, 2011, Ohio EPA issued a Partial Return to Compliance (PRTC) letter to the Toledo Police Department (TPD) regarding violations found during a recent hazardous waste compliance evaluation inspection at the Toledo Police Indoor Firing Range facility (TPIFR) located at 2301 Nebraska Avenue, Toledo, Ohio. In that letter and in the November 30, 2010 Notice of Violation, Ohio EPA discusses the facts regarding the establishment and operation of a hazardous waste facility without a permit in violation of Ohio Revised Code (ORC) § 3734.02(E) and (F). This letter serves to clarify and retract instances of the unlawful storage activity which occurred at the TPIFR, as well as provide additional information regarding the management of hazardous waste at the TPIFR. This clarification is based upon further review of the information provided to Ohio EPA by the TPD regarding the management of the hazardous waste spent air filters (spent filters) generated at the TPIFR.

ORC § 3734.02 (E) and (F): Permitted Facilities for the Treatment, Storage and Disposal of Hazardous Waste:

As you know, Ohio EPA determined that the TPD at the TPIFR would normally be considered a small quantity generator of hazardous waste (a generation rate of 100 kilograms to 1000 kilograms of non-acute hazardous waste per month) during those months that the spent filters are generated. While reviewing the information submitted, Ohio EPA discovered the designated facility which received the spent filters is over two hundred (200) miles from the TPIFR. Since the designated facility is over two hundred miles away from the TPIFR and TDP at the TPIFR is normally a small quantity generator of hazardous waste, there is a provision in Ohio's hazardous waste regulations which allows for small quantity generators of hazardous waste to accumulate hazardous waste for up to two hundred-seventy (270) days (see Ohio Administrative Code (OAC) rule 3745-52-34(E)) when these circumstances arise.

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In light of this information, Ohio EPA has determined that the TPD at the TPIFR did violate ORC § 3734.02(E) and (F) on at least two occasions.

The spent filters generated on March 8, 2006, were stored for 72 days beyond the allowed 270 days, and spent filters generated on November 28, 2007, were stored for 37 days beyond the allowed 270 days. However, Ohio EPA has determined that the spent filters generated on March 26, 2010, and transported to the designated facility on November 22, 2010, did not constitute a violation of ORC § 3734.02 (E) and (F) since the spent filters were accumulated for 241 days. Therefore, Ohio EPA retracts the violation occurrence of ORC § 3734.02 (E) and (F) regarding the filters which were generated on March 26, 2010.

Furthermore, Ohio EPA notified you in the November 30, 2010, correspondence that due to the nature of the violations of ORC § 3734.02 (E) and (F), the TPD is subject to the closure requirements for the spent filter storage area as described in OAC rules 3745-55-11 through 3745-55-20 and OAC rule 3745-55-42 through 3745-55-47. However, at this time, Ohio EPA is not requiring any further action to abate this violation.

General Comments:

- 1) During the review of the information, Ohio EPA noted that the TPD may have generated greater than 1,000 kilograms of spent filters on July 1, 2008. If this information is accurate, TPD would have been a large quantity generator of hazardous waste and subject to more demanding regulatory requirements as well as a reduced accumulation period of only 90 days. In the future, the TPD must accurately determine its generator status to ensure they comply with the applicable hazardous waste requirements.
- 2) The TPD at the TPIFR may be able to eliminate the generation of hazardous waste spent air filters. Under Ohio hazardous waste laws, these spent filters are considered a characteristic sludge (see OAC rule 3745-50-10 for definition of sludge). If a characteristic sludge is reclaimed (e.g., a lead smelter reclaims the lead out of the filters), the sludge is not considered a waste, and therefore cannot be a hazardous waste (See OAC rule 3745-51-02). Ohio EPA maintains an office of Compliance Assistance and Pollution Prevention which is specifically tasked with assisting regulated entities in reducing their waste streams and may be able to assist you in finding a reclamation outlet for the spent filters. If you wish, you may contact them at (614) 644-3469, or at <http://www.epa.ohio.gov/ocapp>.

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You can find copies of the rules and other information on the division of Hazardous Waste Management's web page at: <http://www.epa.ohio.gov/dhwm/>.

Should you have any questions or need technical assistance related to the TPIFR's operations and its compliance with the hazardous waste laws and rules, please contact me at (419) 373-3066.

Sincerely,



Melissa L. Boyers
Division of Hazardous Waste Management

/llr

pc: Cindy Lohrbach, DHWM, NWDO
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DHWM, NWDO Lucas County, Toledo Police Indoor Range File 

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Notice:

Ohio's 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.