



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: Yark Automotive Group  
Chrysler, Jeep, Dodge  
OHD051629558  
Lucas County  
Hazardous Waste  
**Return to Compliance**

September 29, 2009

Mr. Art Ingmire, Service Director  
Yark Automotive Group  
6019 West Central Avenue  
Toledo, Ohio 43615

Dear Mr. Ingmire:

Thank you for your August 28, 2009, response to Ohio EPA's June 19, 2009, Notice of Violation letter and August 14, 2009, Partial Return to Compliance letter. Your response was received by Ohio EPA on August 31, 2009. You submitted documentation including a Material Safety Data Sheet (MSDS) for your mineral spirits, a copy of the manifest and Land Disposal Restriction form for the two waste containers discovered outside, a copy of the diagram and emergency information for the body shop, your hazardous waste management power point training program, satellite accumulation policy, training rosters and container inspection log. On September 23, 2009, I conducted a follow-up inspection. This letter will summarize the violations, Yark's most recent response, dated August 28, 2009, which was received by Ohio EPA on August 31, 2009 and Ohio EPA's follow-up inspection on September 23, 2009.

1. **Waste Evaluation**  
**OAC Rule 3745-52-11**

Yark failed to evaluate the following wastes according to this rule:

- A. Spent Parts Washer Solvent: The solvent that Yark uses in its parts washers contains methanol and toluene with a flash point of 20°F. Therefore, this waste should be designated as the listed wastes F003 and F005. Yark must change its hazardous waste container labels and manifests to reflect these waste numbers and submit documentation that this has been accomplished.

This violation has not been abated. Yark must submit a photograph of the revised and corrected container label and a copy of the corrected hazardous waste manifest.

**The August 28, 2009, response from Yark explains that Ohio EPA was provided with the wrong MSDS at the time of its inspection. You enclosed a copy of the MSDS for Vesco Oil's mineral spirits which demonstrates that the waste is simply ignitable (D001).**



**Therefore, since Yark has now provided accurate information, it has demonstrated that this violation did not exist at the time of the inspection. On September 23, 2009, Mr. Warren Vess explained that Yark has changed the service schedule for this waste so there are fewer pickups, which are spread out over a longer period. While this is more economical, in the months that this waste is generated, Yark may become a small quantity generator if it generates a total of more than 100 kilograms of all hazardous waste at its facility. If you have any questions about this please contact me at 419-373-3074.**

- B. Blue Poly 55-Gallon Drum: In the outside area where scrap metal is accumulated there are unlabeled drums. In this group of drums, there is one blue poly 55-gallon drum with unknown liquid waste inside (that smelled like gasoline). This drum is on the left side of the group of drums and can be seen in the photo enclosed.

This violation has not been corrected. Yark has had the waste analyzed and submitted a copy of the analytical results. However, Yark must submit a copy of the hazardous waste manifest and land disposal restriction form for this hazardous waste. This waste is at least the hazardous waste D001.

**Enclosed with the August 28, 2009, response from Yark is a copy of the manifest and land disposal restriction form for this waste. Therefore, this violation has been corrected.**

- C. Black Steel Drum: In the same outside area there is a black steel drum on the right side of the group of drums. It can be seen in the photo enclosed. The liquid inside was unknown at the time of my inspection.

This violation has not been corrected. Yark has had the waste analyzed and submitted a copy of the analytical results. However, Yark must submit a copy of the hazardous waste manifest and land disposal restriction form for this hazardous waste. This waste is at least the hazardous waste D001.

**Enclosed with the August 28, 2009, response from Yark is a copy of the manifest and land disposal restriction form for this waste. Therefore, this violation has been corrected.**

2. **Emergency Information**  
**OAC Rule 3745-52-34(D)(5)(b)**

Yark failed to post this required information next to the telephone: (i) The name and telephone number of the emergency coordinator; (ii) Location of fire extinguishers and spill control material, and, if present, fire alarm(s); and (iii) The telephone number of the fire department, unless the facility has a direct alarm.

This violation has not been corrected. Yark provided a drawing of the service shops and express lane. This drawing includes the name and telephone number of the emergency coordinator, the telephone number of the fire department, and the location of fire extinguishers and spill response equipment. However, it does not appear to include the body shop. Yark must submit a drawing of the body shop which includes the same information.

**Enclosed with the August 28, 2009, response from Yark is a copy of the diagram for the body shop which includes all the required emergency information. On September 23, 2009 I observed this emergency information posted by a telephone. Therefore, this violation has been corrected.**

**3. Employee Training  
OAC Rule 3745-52-34(D)(5)(c)**

The generator must ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relevant to their responsibilities during normal facility operations and emergencies.

This violation has not been corrected. Yark submitted a copy of a training attendance sheet from 2006, but it is not clear what this training covered. At the time of the inspection, Yark was not able to demonstrate that it provided training to employees regarding hazardous waste management, was not properly managing its hazardous waste and was also storing unknown waste at its facility. All of this demonstrated that Yark employees were not familiar with its hazardous waste requirements.

Also, since Yark has still not posted complete emergency information by the phone, its employees are not familiar with the emergency information.

In order to correct this violation, Yark must develop a plan to familiarize its employees with its hazardous waste management requirements and emergency procedures and submit a copy of this plan. Yark must also submit documentation that it has familiarized its employees with this plan.

**Enclosed with the August 28, 2009, response from Yark is a copy of the hazardous waste management power point training outline, satellite accumulation policy and training rosters for August 2009. Therefore, this violation has been corrected.**

**4. Satellite Accumulation Area Requirements  
OAC Rule 3745-52-34(C)(1)(b)**

The generator must mark his satellite containers either with the words "Hazardous Waste" or with other words that identify the contents of the containers.

**This violation was corrected on the day of the inspection.**

**5. Container Labeling  
OAC Rule 3745-52-34(A)(3)**

While being accumulated, each container must be labeled or marked clearly with the words "Hazardous Waste".

**This violation was corrected on the day of the inspection.**

**6. Container Labeling  
OAC Rule 3745-52-34(A)(2)**

The date upon which each period of accumulation begins must be clearly marked and visible for inspection on each container.

**This violation was corrected on the day of the inspection.**

**7. Container Inspections  
OAC Rule 3745-66-74**

The owner or operator must inspect areas where containers are stored, at least weekly, looking for leaks and for deterioration caused by corrosion or other factors. The owner or operator must record inspections in an inspection log or summary.

Yark fails to conduct and record inspections of the areas where hazardous waste containers are stored. In order to correct this violation Yark should designate a container storage area and conduct and record inspections of the containers in this area. Yark must submit documentation that this has been accomplished and a photograph of the storage area.

**Enclosed with the August 28, 2009, response from Yark is a photograph of some drums in the accumulation area. However, it was not possible to tell what was in the drums or how they were labeled. On September 23, 2009, I observed the accumulation area at your facility. At the time of my follow-up inspection, only one satellite accumulation container was in the area. It contained waste paint from the body shop. The drum was closed and properly labeled. It is inspected weekly. Therefore, this violation has been corrected.**

**8. Used Oil Container Labeling  
OAC Rule 3745-279-22(C)(1)**

Containers, aboveground tanks, and fill pipes for underground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words "Used Oil."

**Enclosed with Yark's July 15, 2009, response letter are photographs demonstrating that the five tanks have been labeled with the words "Used Oil". On September 23, 2009, I observed the labels on the five tanks. Therefore, this violation has been corrected.**

**9. Universal Waste Packaging - Lamps  
OAC Rule 3745-273-13(D)(1)**

A small quantity handler of universal waste must contain any lamp in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

**Enclosed with Yark's July 15, 2009, response letter are photographs demonstrating that spent lamps are placed into sturdy cylindrical containers that are kept closed. Therefore, this violation has been corrected.**

**10. Universal Waste Labeling - Lamps  
OAC Rule 3745-273-14(E)**

Each lamp or a container or package in which such lamps are contained must be labeled or marked clearly with one of the following phrases: "Universal Waste Lamps", "Waste Lamps" or "Used Lamps".

**Enclosed with Yark's July 15, 2009, response letter are photographs demonstrating that spent lamps are placed into sturdy cylindrical containers that are labeled with the words "Universal Waste Lamps". Therefore, this violation has been corrected.**

**11. Accumulation Time for Universal Waste Lamps  
OAC Rule 3745-273-15(C)**

A small quantity handler of universal waste who accumulates universal waste shall be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received.

Yark was not able to demonstrate the length of time the universal waste lamps were accumulated. In order to correct this violation, Yark must place a date on each container once a universal waste lamp is placed into it and submit photographic documentation that this has been done.

**Enclosed with Yark's July 15, 2009, response letter are photographs demonstrating that spent lamps are placed into sturdy cylindrical containers that are labeled with the accumulation dates. Therefore, this violation has been corrected.**

Mr. Art Ingmire  
September 29, 2009  
Page 6

**12. Universal Waste Employee Training  
OAC Rule 3745-273-16**

A small quantity handler of universal waste shall inform all employees who handle or have responsibility for managing universal waste of the proper procedures. The information shall describe proper handling and emergency procedures appropriate to the type of universal waste handled at the facility.

**Attached to Yark's July 15, 2009, response letter is a copy of a universal waste training certificate demonstrating that employees were trained by KPA on July 13, 2009. Therefore, this violation has been corrected.**

If you have any questions, please feel free to contact me at (419) 373-3074. You can find copies of the rules and other information on the division's web page at <http://www.epa.state.oh.us/dhwm>.

Sincerely,



Don North  
District Representative  
Division of Hazardous Waste Management

/csl

pc: Colleen Weaver, DHWM, NWDO  
Cindy Lohrbach, DHWM, NWDO  
DHWM, NWDO, Lucas County, Yark Automotive Group File  
Warren Vess, Yark

ec: Don North, 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.