



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

Re: Geschwind Consignment Company
Wyandot County
CEI and Complaint #3216
NOV

January 10, 2013

Ms. Marie E. Kind, Owner
Geschwind Consignment Company
301 Ogg Street
Carey, Ohio 43316

Dear Ms. King:

Thank you for accompanying me during the Ohio Environmental Protection Agency's (Ohio EPA) December 20, 2012, complaint investigation and subsequent compliance evaluation inspection of your facility. I visited Geschwind Consignment Company (GCC), located at the address stated above, to follow-up on a complaint regarding mismanagement of waste at the site. Subsequently, I inspected GCC 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.

GCC is a consignment company on electrical/utility wooden poles. GCC buys the poles on consignment from the manufacturer and delivers them to clients when contacted. GCC has fleet of 5 large trucks which deliver the poles. The trucks are serviced in-house. GCC generates used oil which is stored indoors in a 55-gallon steel drum. GCC is currently giving the oil to an individual to burn for energy recovery. GCC does not appear to generate any hazardous waste at this time. In regards to the complaint, GCC does not have any floor drains within the service building and does not appear to be disposing of used oil through any drains anywhere in the facility. The building floors appear to be reasonably cleaned and incidental spills of used oil appear to be cleaned within a reasonable time.

Currently, GCC is disposing of its spent fluorescent bulbs in the trash as solid waste.

Based on my observations, I found the following violations of Ohio's hazardous waste laws. GCC needs to immediately take the necessary measures to return to compliance with Ohio's environmental laws.

Ms. Marie E. Kind, Owner
January 10, 2013
Page 2

Within 14 days of receipt of this letter, GCC is requested to provide documentation to this office including the steps taken to abate this violation.

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.

GCC has failed to properly evaluate the spent fluorescent bulbs generated at the facility.

During the inspection, you stated that, in the past GCC has disposed of its spent fluorescent light bulbs in the trash. Because spent fluorescent light bulbs have the potential of exceeding regulatory levels of certain heavy metals which would render them hazardous waste, GCC must properly evaluate the spent bulbs and identify an alternative way to manage these materials.

The waste evaluation must be conducted through one of three options:

1) GCC 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) GCC 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. GCC must ensure that the laboratory chosen to perform this sampling utilizes the proper method(s) to evaluate these bulbs.

GCC 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. GCC 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.

Ms. Marie E. Kind, Owner
January 10, 2013
Page 3

If the bulbs are determined to be hazardous through a proper waste evaluation, GCC 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, GCC 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 GCC'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 abate this violation, GCC must inform me in writing as to how the facility plans to manage the spent fluorescent light bulbs and other spent light bulbs.

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.

2. OAC Rule 3745-279-22(C): Used Oil Container Labeling

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

GCC failed to label all containers that are used to transfer and store used oil clearly with the words "Used Oil."

This violation was abated during the inspection. GCC properly labeled all containers with the words "Used Oil." No further action is necessary at this time.

Ms. Marie E. Kind, Owner
January 10, 2013
Page 4

3. OAC Rule 3745-279-24: Used Oil Transportation

Generators must ensure that their used oil is transported only by transporters who have obtained a U.S. EPA identification numbers.

GCC failed to have its used oil removed by a transporter that had obtained a U.S. EPA identification number.

If you decide to buy a used oil furnace to burn your used oil, you cannot burn used oil from other businesses in your space heater or give it to burn to other businesses, unless you or the other business has information that shows that the used oil meets the specification levels found in Ohio Administrative Code (OAC) rule 3745-279-11. Usually the demonstration that the used oil meets the specification levels in OAC rule 3745-279-11 is made by analysis of a representative sample of the used oil for the constituents listed in the rule. The demonstration can also be made by obtaining copies of analyses or other information documenting that the used oil fuel meets the specification. The person who first makes the claim that the used oil meets the specification (either you or the other business owner) is considered to be a used oil fuel marketer under the used oil rules. Until someone makes the demonstration that the used oil meets the specification it is subject to the used oil regulations including: prohibitions from burning used oil in space heaters not owned by the generator of the used oil; transportation requirements; storage, transportation and notification requirements.

To abate this violation, GCC must identify a used oil transporter with the proper identification number and inform me in writing of the name and U.S. EPA Identification number of this company. Keep in mind that you are allowed to self-transport in a company vehicle up to 55-gal. of used oil to a permitted used oil recycler or handler. Provide documentation of how you are planning to manage your used oil from now on (either by explaining the demonstration of who will make an on-spec determination or by explaining what recycler you will now use.)

Documentation of steps taken to return to compliance includes written correspondence, updated policies, and photographs, as appropriate, and may be submitted electronically to ed.pulido@epa.state.oh.us. Please be advised that violations cited above will continue until the violations have been properly abated. Failure to comply with Chapter 3734. of the Ohio Revised Code and rules promulgated thereunder may result in a civil penalty of up to \$10,000 per day for each violation. It is imperative that you return to compliance. If circumstances delay the abatement of violations, GCC is requested to submit written correspondence of the steps that will be taken by date certain to attain compliance.

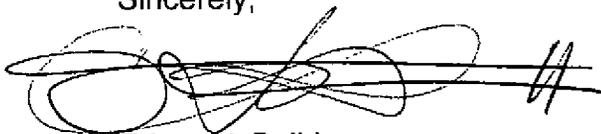
Ms. Marie E. Kind, Owner
January 10, 2013
Page 5

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, I am providing you the following documents: Universal Waste Guidance, December, 2004; Universal Waste Rules for Handlers of lamps, June 2005, The Regulation of Used Oil: An Overview for Ohio Businesses Who Generate Used Oil, April 2006, and Used Oil Recyclers.

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 Materials and Waste Management

//lr

pc: Lisa Gifford, DMWM, NWDO
Colleen Weaver, Supervisor, DMWM, NWDO w/ original checklists ;

ec: Ed Pulido, DMWM, NWDO
Colleen Weaver, Supervisor, DMWM, NWDO w/ checklists

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.

Send to Central Office <input checked="" type="checkbox"/>	Ohio Environmental Protection Agency RCRA SUBTITLE C SITE IDENTIFICATION/VERIFICATION FORM	For Ohio EPA use only
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Completed verification forms required to be submitted to CO should be e-mailed to
Ruthanne.Flottman@epa.state.oh.us

Site EPA ID No. Site Name Site Location Information Site Land Type (check only one)	EPA ID Number: Name: Geschwind Consignment Co. Website (Optional) <hr/> Street Address: 301 Ogg Street City, Town, or Village: Carey State: OH County Name: Wyandot Zip Code: 43361 <table 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><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table>	Private	County	District	Federal	Indian	Municipal	State	Other	<input checked="" type="checkbox"/>	<input type="checkbox"/>						
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NAICS code(s) www.census.gov/epcd/www/naics.html																	

Facility Representative Additional names can be recorded in number 12 Only provide address information if it is different than the site address	First Name: Marie MI: E. King Phone Number: (419)396-7668 Phone Number Extension: E-Mail Address: Fax Number: (419)396-6604 Fax Number Extension: Street or P.O. Box: City, Town or Village: State: Zip Code:
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Legal Owner And Operator of the Site. List Additional Owners and/or Operators in the Comment Section or on another copy of this form page	Name of Site's Legal Owner: Date Became Owner (mm/dd/yyyy): <table style="width:100%; text-align: center;"> <tr> <td>Owner Type:</td> <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></td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table> Street or P.O. Box: City, Town or Village: Owner Phone #: State: Country: USA Zip Code:	Owner Type:	Private	County	District	Federal	Indian	Municipal	State	Other		<input checked="" type="checkbox"/>	<input type="checkbox"/>						
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	Name of Site's Operator: Date Became Operator (mm/dd/yyyy): <table style="width:100%; text-align: center;"> <tr> <td>Operator Type:</td> <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></td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table> Street or P.O. Box: City, Town or Village: Operator Phone #: State: Country Zip Code:	Operator Type:	Private	County	District	Federal	Indian	Municipal	State	Other		<input checked="" type="checkbox"/>	<input type="checkbox"/>						
Operator Type:	Private	County	District	Federal	Indian	Municipal	State	Other											
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>											

VIOLATIONS CITED?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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TYPE OF HANDLER - MARK "X" AS APPROPRIATE	
<input type="checkbox"/> Not a HW Generator	<input checked="" type="checkbox"/> UNKNOWN: Cited for violation of 3745-52-11
	<input type="checkbox"/> Large Quantity Generator (LQG) <input type="checkbox"/> Small Quantity Generator (SQG) <input type="checkbox"/> Conditionally Exempt Small Quantity Generator <input type="checkbox"/> U.S. Importer of Hazardous Waste <input type="checkbox"/> Mixed Waste (Hazardous and Radioactive) Generator

TYPE OF REGULATED WASTE ACTIVITY (MARK "X" IN ALL OF THE APPROPRIATE BOXES)	
<input type="checkbox"/> Recycler of Hazardous Waste <input type="checkbox"/> Underground Injection Control Facility	<input type="checkbox"/> Exempt Boiler and/or Industrial Furnace <input type="checkbox"/> Small Quantity On-Site Burner Exemption

<input type="checkbox"/> Hazardous Waste Transporter <input type="checkbox"/> Treater, Storer or Disposer of Hazardous Waste	<input type="checkbox"/> Smelting, Melting, Refining Furnace Exemption
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UNIVERSAL WASTE ACTIVITIES (INDICATE TYPES OF UNIVERSAL WASTE MANAGED)
 (CHECK ALL BOXES THAT APPLY)

<input type="checkbox"/> Small Quantity Handler of Universal Waste <input type="checkbox"/> Large Quantity Handler of Universal Waste (accumulates 5,000 kg. or more)	<input type="checkbox"/> Destination Facility for Universal Waste
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CHECK ALL BOXES BELOW THAT APPLY FOR THE TYPES OF UNIVERSAL WASTE THE FACILITY MANAGES

<input type="checkbox"/> Batteries <input type="checkbox"/> Pesticides <input type="checkbox"/> Mercury containing equipment <input type="checkbox"/> Lamps	
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USED OIL ACTIVITIES (INDICATE TYPE(S) OF ACTIVITY(S))

<input checked="" type="checkbox"/> Used Oil Generator <input type="checkbox"/> Used Oil Transporter <input type="checkbox"/> Used Oil Transfer Facility <input type="checkbox"/> Used Oil Processor <input type="checkbox"/> Used Oil Re-refiner <input type="checkbox"/> Off-Specification Used Oil Burner <input type="checkbox"/> Used Oil Fuel Marketer Who Directs Shipment of Off-Spec. Oil <input type="checkbox"/> Used Oil Fuel Marketer to Off-Specification Used Oil Burner	
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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:

Announced Tanks Containers	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> No <input type="checkbox"/> No <input type="checkbox"/> No	Additional Facility Representatives:
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Name of Inspector(s) Ed Pulido	Name of Inspector(s)	Date of Inspection/Time (mm/dd/yyyy) (hh:mm) 12/20/2012 9:00 Hrs
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Comments: Complaint #3216, Facility will likely generate spent fluorescent lamps as universal waste.

**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? 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"/>
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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 type="checkbox"/> No <input checked="" 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 type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
b.	Is the heater designed to have a maximum capacity of not more that 0.5 million BTU per hour?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>

c.	Are the combustion gases from heater vented to the ambient air?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
<i>NOTE: Ash accumulated in a space heater must be managed in accordance with 3745-279-10(E).</i>		
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 checked="" type="checkbox"/> N/A <input type="checkbox"/>
12.	If the generator self-transport 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"/>
<i>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).</i>		
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"/>
<i>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.</i>		

