



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

Re: Harley-Davidson Sales & Service
Henry County
Notice of Violation/Return to Compliance

April 24, 2013

Mr. Jim Loomis
Harley-Davidson Sales & Service
862 American Road
Napoleon, Ohio 43545

Dear Mr. Loomis:

On April 3, 2013 the Ohio Environmental Protection Agency (Ohio EPA) conducted a complaint investigation and a compliance evaluation inspection at Harley-Davidson Sales & Service, located at 862 American Road, Napoleon, Ohio. I represented Ohio EPA, Division of Materials and Waste Management (DMWM). As the owner of Harley-Davidson Sales & Service, you represented the facility. We inspected Harley-Davidson Sales & Service to determine its 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). During the inspection we also helped you identify ways to prevent pollution by reducing waste. This letter will explain the validity of the complaint, the violations found, and what you need to do to correct those violations.

Harley-Davidson Sales & Service is a sales and service center that specializes in the sales and service of Harley-Davidson motorcycles. The facility consists of a large show room and a large service area containing multiple workstations. The service area specializes in a wide variety of repairs from oil changes to complete engine rebuilds. Body work and painting are limited to very small jobs in which small aerosol touchup paints are used. Wastes generated at Harley-Davidson Sales & Service include used oil, oil filters, shop rags, batteries, aerosol cans, and parts washer fluid. Harley-Davidson Sales & Service was operating as a non-generator of hazardous waste at the time of the inspection.

Harley-Davidson Sales & Service previously operated at 600 Bonaparte Drive, Napoleon, Ohio. In 1997 Marv Yagel, the previous owner notified as a Small Quantity Generator (SQG) of hazardous waste, and was issued generator ID # OHR000023945 for the 600 Bonaparte location. While not the current owner, Mr. Yagel still works at Harley-Davidson Sales & Service and through a phone conversation on April 17, 2013, Mr. Yagel indicated that operations and waste generation have not changed since he notified in 1997. Mr. Yagel could not recall why the notification was made, but it is likely based on the April 17 conversation, that Harley-Davidson Sales & Service has never operated as a SQG.

During the April 3, 2013, inspection all interior and exterior portions of the facility were observed, interior portions included the sales area, repair stations, machine shop area, and back storage area.

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Used oil is placed into a 300-gallon above ground storage tank (AST) located in the back storage area, in addition to the above ground tank two 55-gallon drums of used oil were observed. You provided documentation that indicated used oil is managed by Z+Z Oil Service located in Fremont, Ohio (OHR000117523). The AST, 55-gallon drums and oil pans used to drain used oil were not properly labeled "used oil", you labeled these items and documented it in photographs sent by email on April 5, 2013. You indicated that all shop rags are picked up and laundered by Aramark and provided receipts from recent pickups. Used batteries were being stored outside of the back storage area on a wooden pallet; I recommended that these batteries be placed in some type of container to protect them from the elements, which was documented as being completed by a photograph provided in the April 5, 2013 email. During the inspection you provided documentation that indicated all batteries are exchanged by Battery Whole Sale. During the inspection you provided documentation that indicated Safety Kleen picks up used oil filters and parts washer solvent. Based on the documentation provided indicated that Safety Kleen changes parts washer solvent on a quarterly basis, removing approximately 82 gallons every three (3) months. Through an April 18, 2013, phone conversation, Safety-Kleen confirmed that your parts washer solvent is processed through their continual use program and therefore is not technically a waste. There were no waste lamps at the time of the inspection and you indicated that Eire Electric services all of your lighting fixtures and takes waste lamps with them. I provided you with universal waste lamp guidance documents in the event that this situation changes.

During the inspection, I found the following violation of Ohio's hazardous waste laws:

1. OAC Rule 3745-279-22(C)(1)

Containers, above ground tanks, and fill pipes used for underground storage tanks shall be clearly labeled with the words "used oil".

None of the containers or AST containing used oil were properly labeled.

Photographs provided in an April 5, 2013, email documented that you have properly labeled all containers that contain or may contain used oil, therefore this violation has been properly abated.

Areas of Concern

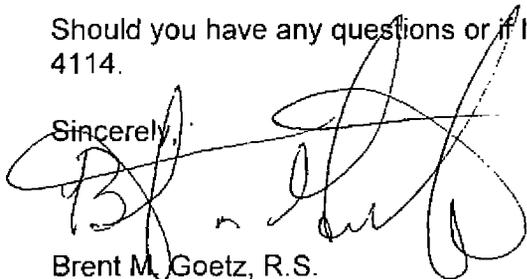
The machine shop area contained several drill presses and lathes; additionally a small sandblast unit was located in the machine shop. You indicated that very little metal shavings are generated, but that all were recycled. With regard to the sand blast media, you indicated that it had not been changed since you had ownership of the facility. I informed you of your requirement to properly evaluate this and any additional wastes being generated upon generation and provided you with guidance documents for proper evaluation. In addition to the guidance documents provided, I have also attached an additional guidance document Identifying Your Hazardous Waste.

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All correspondence and documentation can be sent to my attention at Ohio EPA NWDO or via email to brent.goetz@epa.ohio.gov.

Should you have any questions or if I can be of assistance, please contact me at (419) 373-4114.

Sincerely,



Brent M. Goetz, R.S.
Division of Materials and Waste Management

/llr

pc: Lisa Gifford, DMWM, NWDO
Colleen Weaver, DMWM, NWDO ;

ec: Colleen Weaver, DMWM, NWDO
RCRAInfoData w/attachments

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.

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 RCRAInfoData@epa.state.oh.us.

Site EPA ID No. Site Name Site Location Information Site Land Type (check only one) NAICS code(s) www.census.gov/epcd/www/naics.html	EPA ID Number: Name: Harley Davidson Sales & Service Website: (Optional) Street Address: 862 American Road City, Town, or Village: Napoleon State: OH County Name: Henry Zip Code: 43545 <table style="width:100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">Private <input checked="" type="checkbox"/></td> <td style="text-align: center;">County <input type="checkbox"/></td> <td style="text-align: center;">District <input type="checkbox"/></td> <td style="text-align: center;">Federal <input type="checkbox"/></td> <td style="text-align: center;">Indian <input type="checkbox"/></td> <td style="text-align: center;">Municipal <input type="checkbox"/></td> <td style="text-align: center;">State <input type="checkbox"/></td> <td style="text-align: center;">Other <input type="checkbox"/></td> </tr> </table>	Private <input checked="" type="checkbox"/>	County <input type="checkbox"/>	District <input type="checkbox"/>	Federal <input type="checkbox"/>	Indian <input type="checkbox"/>	Municipal <input type="checkbox"/>	State <input type="checkbox"/>	Other <input type="checkbox"/>
Private <input checked="" type="checkbox"/>	County <input type="checkbox"/>	District <input type="checkbox"/>	Federal <input type="checkbox"/>	Indian <input type="checkbox"/>	Municipal <input type="checkbox"/>	State <input type="checkbox"/>	Other <input type="checkbox"/>		

Facility Representative Additional names can be recorded in number 12 Only provide address information if it is different than the site address	First Name: Jim MI: Last Name: Loomis Title: Owner Phone Number: (419) 592-7123 Phone Number Extension: E-Mail Address: Fax Number: 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: Harley-Davison Sales & Service Owner Type: Private <input checked="" type="checkbox"/> County <input type="checkbox"/> District <input type="checkbox"/> Federal <input type="checkbox"/> Indian <input type="checkbox"/> Municipal <input type="checkbox"/> State <input type="checkbox"/> Other <input type="checkbox"/> Street or P.O. Box: 862 American Road City, Town or Village: Napoleon Owner Phone #: (419) 592-7123 State: Ohio Country: Zip Code: Name of Site's Operator: Jim Loomis Operator Type: Private <input type="checkbox"/> County <input type="checkbox"/> District <input type="checkbox"/> Federal <input type="checkbox"/> Indian <input type="checkbox"/> Municipal <input type="checkbox"/> State <input type="checkbox"/> Other <input type="checkbox"/> Street or P.O. Box: City, Town or Village: Operator Phone #: (419) 592-712 State: Country: Zip Code:
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VIOLATIONS CITED?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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TYPE OF HANDLER - MARK "X" AS APPROPRIATE

<input checked="" type="checkbox"/> Not a HW Generator	<input type="checkbox"/> UNKNOWN: Cited for violation of 3745-52-11 <input type="checkbox"/> Short-Term/Temporary Generator (generates from a short-term or one-time event and not from on-going processes). Check the box for the applicable generator status and provide a comment.	<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
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TYPE OF REGULATED WASTE ACTIVITY (MARK "X" IN ALL OF THE APPROPRIATE BOXES)

<input type="checkbox"/> Hazardous Waste Transporter	<input type="checkbox"/> Exempt Boiler and/or Industrial Furnace
<input type="checkbox"/> Hazardous Waste Transfer Facility	<input type="checkbox"/> Small Quantity On-Site Burner Exemption
<input type="checkbox"/> Treater, Storer or Disposer of Hazardous Waste	<input type="checkbox"/> Smelting, Melting, Refining Furnace Exemption
<input type="checkbox"/> Recycler of Hazardous Waste	<input type="checkbox"/> Underground Injection Control Facility
<input type="checkbox"/> 72-Hour Recycler	<input type="checkbox"/> Receives Hazardous Waste from Off-site

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

<input checked="" type="checkbox"/> Small Quantity Handler of Universal Waste	<input type="checkbox"/> Destination Facility for Universal Waste
<input type="checkbox"/> 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

<input checked="" type="checkbox"/> Batteries
<input type="checkbox"/> Pesticides
<input type="checkbox"/> Mercury containing equipment
<input type="checkbox"/> Lamps

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 Used Oil
<input type="checkbox"/> Used Oil Fuel Marketer who first claims the Used Oil meets the specifications

Eligible Academic Entities with Laboratories: Facility has previously notified that they are opting into managing laboratory hazardous waste pursuant to OAC rules 3745-52-200 through 3745-52-216. Check the box(es) below to indicate the laboratory type.

<input type="checkbox"/> College or University
<input type="checkbox"/> Teaching hospital that is owned by or has a formal written affiliation agreement with a college or university
<input type="checkbox"/> Non-profit Institute that is owned by or has a formal written affiliation agreement with a college or university

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	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Additional Facility Representatives:
Tanks	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
Containers	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	

Name of Inspector(s)	Name of Inspector(s)	Date of Inspection/Time (mm/dd/yyyy) (hh:mm)
Brent Goetz		04/03/2013

Comments:
Used Oil AST inside, no oil containers labeled "Used Oil", violation corrected and documented via photos received 4/5/2013

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

NOTE: 1. 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.

2. Inspectors can check BUSTR's web-site at https://www.comapps.ohio.gov/sfm/fire_apps/bust/bustr/PublicInquiry.asp to determine if a UST containing used oil is registered with BUSTR. Inspectors may call BUSTR at 614-752-7938 or a BUSTR site coordinator to report an unregistered UST or a UST that appears to not be in compliance with BUSTR regulations. A list of BUSTR coordinators by county are at: https://www.comapps.ohio.gov/sfm/fire_apps/bust/bustr/SearchByCounty.asp.

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 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 <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 checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input 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 type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
a.	Stopped the release?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
b.	Contained the release?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
c.	Cleaned up and properly managed the used oil and other materials?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
d.	Repaired or replaced the containers or tanks prior to returning them to service, if necessary?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" 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 than 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"/>

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#? [3745-279-24]		Yes <input checked="" type="checkbox"/> No <input 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"/>

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.

PROCESS, WASTE, P2 SUMMARY SHEET

Facility Name: Harley-Davidson Sales & Service Facility Type: LQG SQG CESQG TSD Date of Inspection: 4/3/13 EPA ID#:

Waste Generated			On- or Off-Site Management		P2 Activities	
Process/Activity Generating Waste (e.g. plating bath, machining, baghouse, painting, general maintenance, etc)	Waste Description (e.g. sludge, solvent, ash, used oil, spent lamps, etc.) and EPA Waste Code, if applic.	QTY Generated per Month, Type of Accumulation (container, tank, etc) and location of waste accumulation area	Type of On-Site Treatment (recycle, wwt, etc)	Name, state, and type of activity occurring at the off-site facility.	Current P2 Activities	P2 Opportunities
1 Oil Changes	Used Oil	varies-contained in 300 gallon AST and is managed by Z+Z Oil Service		Z+Z Oil Service, 3937 Shannon Road Fremont, Ohio OHR000117523		
2 Oil Changes	Oil Filters	varies-contained in a 55-gallon drum		Safety-Kleen, 5148 Tractor Road, Toledo, Ohio		
3 General Shop Work	Used Shop Towels	varies-shop towels stored in bin which is laundered monthly		Aramark, 5120 Advantage Drive, Toledo, Ohio		
4 Lighting	Spent Lamps	varies-lamps are replaced by Lake Eire Electric. Eire takes spent lamps with them.		Lake Eire Electric, 12763 Middleton Pike, Bowling Green, Ohio		
5 Battery changes	Automotive Batteries	varies-stored outside on a pallet, picked up by Battery Wholesale (battery supplier) when new batteries are delivered.		Battery Wholesale, 1825 Reynolds Road, Toledo, Oh		

6	Parts Washing	Parts Washer Solvent	Approximately 82 gallons changed on a quarterly basis		Safety-Kleen, 5148 Tractor Road, Toledo, Ohio Solvent is managed through Safety-Kleens continual use program	Managed through continual use program	recommended that facility evaluate if washer solvent really needs replaced on a quarterly basis.
7							
8							
9							

REMARKS**GENERAL INFORMATION**

General Process Information:

Regulatory/Enforcement History (if applicable):

Additional P2 remarks and information:

Would this facility be interested in a P2 assessment? Yes* No *If yes, refer promptly to your district P2 coordinator.
 Office of Compliance Assistance and Pollution Prevention - 1-800-329-7518 or p2mail@epa.state.oh.us or www.epa.state.oh.us/ocapp/ocapp.html

Other: