



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

Re: Engine Rebuilders of Toledo, LLC
OHR000176032
Lucas County
Hazardous Waste
**Notice of Violation-Partial Return to
Compliance**

August 20, 2013

Mr. Paul Vander Hoff, President
Engine Rebuilders of Toledo, LLC
1300 Cherry Street
Toledo, Ohio 43608

Dear Mr. Vander Hoff:

Thank you for your May 8, 2013, May 20, 2013, May 16, 2013, and July 31, 2013, responses to Ohio EPA's, February 5, 2013, Notice of Violation (NOV) letter. The violations cited were discovered during my January 16, 2013, inspection at Engine Rebuilders of Toledo, LLC (ERT) located at 1300 Cherry Street, in Toledo, Ohio. The documents you submitted included waste evaluation analytical results and universal waste management documentation.

The analytical results, submitted on July 31, 2013, in response to the waste evaluation violation (#1), indicate that the spent steel shot blasting material is hazardous due to the presence of cadmium at 1.3 mg/L, and lead at 39.3 mg/L which are above the regulatory limits of 1.0 mg/L and 5.0 mg/L, respectively. ERT also submitted waste evaluation documentation for the spent glass bead blast material. The analytical results indicate that this spent material is not a hazardous waste; however, the analytical results for lead were 4.24 mg/L which is very close to the regulatory limit of 5.0 mg/L. ERT may want to consider re-evaluating this waste stream prior to the next disposal to ensure it can be managed as a solid waste.

Based upon the analytical results for the spent steel shot blasting material, Ohio EPA has determined that as of July 31, 2013, ERT is in violation of the following additional Ohio hazardous waste law:

7. ORC Section 3734.02 (F): Unlawful Transportation:

No person shall store, treat, or dispose of hazardous waste identified or listed under this chapter and rules adopted under it, regardless of whether generated on or off the premises where the waste is stored, treated, or disposed of, or transport or cause to be transported any hazardous waste identified or listed under this chapter and rules adopted under it to any other premises, except at or to any of the following: (1) A hazardous waste facility operating under a permit issued in accordance with this chapter; (2) A facility in another state operating under a license or permit issued in accordance with the "Resource Conservation and Recovery Act of 1976" 90 Stat. 2806, 42 U.S.C.A. 6921, as amended.

ERT unlawfully transported characteristic hazardous waste to other than a permitted hazardous waste facility.

ERT has historically disposed of the spent steel shot blasting material, which is hazardous for chromium and lead, as a non-hazardous/solid waste via Republic Services to the Vienna Junction Landfill for disposal. A solid waste landfill such as Vienna Junction is not permitted to accept hazardous waste for treatment, storage, or disposal. ERT has been leasing this location for approximately two years and during that time has managed this waste stream as a non-hazardous/solid waste. ERT empties the blasting unit collection container, which is approximately five gallons, approximately once every six months.

ERT has ceased disposing of the spent steel shot blasting material at a solid waste landfill. On August 8, 2013, I spoke with you and you stated that the facility will begin storing the spent steel shot blasting material in a satellite container and manage it as a hazardous waste. Enclosed is a copy of the satellite accumulation guidance document. Please review this information and contact me if you have any questions.

The following is a summary of the violations discovered during my January 16, 2013, inspection and cited in the February 5, 2013, NOV letter and your compliance with respect to each:

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) At the time of the inspection, ERT did not have waste evaluation documentation for the spent glass bead blasting material. ERT has historically disposed of this spent material as a non-hazardous waste by placing it in the solid waste dumpster.

On July 31, 2013, ERT submitted a copy of the analytical results for the spent glass bead blasting material. The analytical results indicate that this spent material is not a hazardous waste; however, the analytical results for lead were 4.24 mg/L which is very close to the regulatory limit of 5.0 mg/L. ERT may want to consider re-evaluating this waste stream prior to the next disposal to ensure it can be managed as a solid waste.

With this information, this portion (a) of the violation has been abated.

- b) At the time of the inspection, ERT did not have waste evaluation documentation for the spent steel shot blasting material. ERT has historically disposed of this spent material as a non-hazardous waste by placing it in the solid waste dumpster.

On July 31, 2013, ERT submitted a copy of the analytical results for the spent steel shot blasting material. The analytical results indicate that the spent steel shot blasting material is hazardous due to the presence of cadmium at 1.3 mg/L, and lead at 39.3 mg/L which are above the regulatory limits of 1.0 mg/L and 5.0 mg/L, respectively.

With this information, this portion (b) of the violation has been abated.

ERT has completely abated this violation.

2. OAC Rule 3745-273-13(D)(1): Universal Waste: Fluorescent Lamp Management:

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.

ERT did not store the spent fluorescent lamps located in the basement in containers that were closed.

On May 20, 2013, ERT submitted photographic documentation of the spent fluorescent lamps located in the basement now stored in a container that is properly closed.

With this information, this violation has been abated.

3. OAC Rule 3745-273-14(E): Universal Waste: Fluorescent Lamp Labeling:

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".

ERT did not store the spent fluorescent lamps located in the basement in containers that were properly labeled.

On May 20, 2013, ERT submitted photographic documentation of the spent fluorescent lamps located in the basement now stored in a container that is properly labeled.

With this information, this violation has been abated.

4. OAC Rule 3745-273-15(A): Accumulation Time for Universal Waste Batteries and Lamps:

A small quantity handler of universal waste may accumulate universal waste for no longer than one year from the date the universal waste is generated, or received from another handler.

ERT was not able to demonstrate the length of time the universal waste lamps were being accumulated on-site. The building owner has been installing new lighting fixtures and the spent fluorescent lamps are currently stored in the basement.

In order to correct this violation, ERT must immediately ship off-site for recycling the spent fluorescent lamps that have been in storage for greater than one year. ERT must submit a copy of the receipt/documentation for the shipment of spent fluorescent lamps sent off-site for recycling.

On May 16, 2013, ERT submitted a written response which stated that the spent fluorescent lamps were going to be recycled and that paperwork would be submitted to Ohio EPA. To date, ERT has not submitted a copy of the receipt/documentation for the shipment of spent fluorescent lamps to verify they were properly managed/recycled.

This violation has not been abated and remains outstanding.

5. OAC Rule 3745-273-15(C): Accumulation Time for Universal Waste Batteries and Lamps:

A small quantity handler of universal waste who accumulates universal waste shall be able to demonstrate the length of time the universal waste has been accumulated.

ERT was not able to demonstrate the length of time the universal waste lamps were being accumulated on-site.

On May 16, 2013, ERT submitted a copy of the new procedure that has been put in place to track the length of time universal waste is accumulated on-site.

With this information, this violation has been abated.

6. OAC Rule 3745-273-16: Universal Waste Employee Training:

A small quantity handler of universal waste shall ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relative to their responsibilities during normal facility operations and emergencies.

ERT has not ensured that all employees are thoroughly familiar with proper waste handling and emergency procedures.

In order to correct this violation, ERT must thoroughly familiarize (train) its universal waste fluorescent bulb handlers in proper handling and emergency procedures. ERT must submit some form of documentation (i.e. sign in sheets) demonstrating that this training has been accomplished. The training must also include compliance with all rules for the handling of universal waste bulbs and the corrective actions for all violations of universal waste rules, cited above.

On May 16, 2013, ERT submitted a written response which stated that employees would be trained on universal waste disposal and handling procedures. ERT submitted an example sign-in sheet that would be used to document attendance at the training. To date, ERT has not submitted documentation to verify that the training has been conducted.

This violation has not been abated and remains outstanding.

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

As we discussed on August 8, 2013, the OCAPP representative at the Northwest District Office is Mr. Ron Nabors and he can be reached at (419) 373-3147 or ron.nabors@epa.state.oh.us.

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Enclosed is a fact sheet on how to select a treatment/storage/disposal facility to handle your hazardous waste and a list of Ohio commercial facilities that accept hazardous waste. Please review this information prior to shipping your hazardous waste off-site for disposal.

ERT needs to immediately take the necessary measures to return to compliance with Ohio's environmental laws. Within 14 days of receipt of this letter, ERT is requested to provide documentation to this office including the steps taken to abate the remaining outstanding violations cited above (#6 and #4).

Documentation of steps taken to return to compliance includes written correspondence, updated policies, and photographs, as appropriate, and may be submitted via the postal service or electronically to melissa.boyers@epa.ohio.gov.

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

Sincerely,



Melissa L. Boyers
Division of Materials and Waste Management

//lr

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

ec: Colleen Weaver, DMWM, NWDO
Melissa Boyers, DMWM, NWDO
RCRAInfoData@epa.state.oh.us (w/attachments)

Notice:

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, ERT is requested to submit written correspondence of the steps that will be taken by date certain to attain compliance.

Send to Central Office <input 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	EPA ID Number: OHR000176032		Website: (Optional)
Site Location Information	Name: Engine Rebuilders of Toledo, LLC		Street Address: 1300 Cherry Street
Site Land Type (check only one)	City, Town, or Village: Toledo	State: OH	
NAICS code(s) www.census.gov/epcd/www/naics.html	County Name: Lucas	Zip Code: 43608	
	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: Paul	MI:	Last Name: Vander Hoff
	Title: President		
	Phone Number: 419-244-5843		Phone Number Extension:
	E-Mail Address:		
	Fax Number: 419-321-5229		Fax Number Extension:
	Street or P.O. Box:		
	City, Town or Village:		
	State:		Zip Code:

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):
	Owner Type:	Federal <input type="checkbox"/>
	Private <input type="checkbox"/>	Indian <input type="checkbox"/>
	County <input type="checkbox"/>	Municipal <input type="checkbox"/>
	District <input type="checkbox"/>	State <input type="checkbox"/>
	Other <input type="checkbox"/>	Other <input type="checkbox"/>
	Street or P.O. Box:	
	City, Town or Village:	
	State:	
	Name of Site's Operator:	
	Date Became Operator (mm/dd/yyyy):	
	Operator Type:	Federal <input type="checkbox"/>
	Private <input type="checkbox"/>	Indian <input type="checkbox"/>
	County <input type="checkbox"/>	Municipal <input type="checkbox"/>
	District <input type="checkbox"/>	State <input type="checkbox"/>
	Other <input type="checkbox"/>	Other <input type="checkbox"/>
	Street or P.O. Box:	
	City, Town or Village:	
	State:	
	Operator Phone #:	
	Country:	
	Zip Code:	

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 type="checkbox"/> UNKNOWN: Cited for violation of 3745-52-11	<input type="checkbox"/> Large Quantity Generator (LQG)
	<input type="checkbox"/> Short-Term/Temporary Generator (generates from a short-term or one-time event and not from on-going processes). <i>Check the box for the applicable generator status and provide a comment.</i>	<input type="checkbox"/> Small Quantity Generator (SQG)
		<input checked="" 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"/> 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 type="checkbox"/> Batteries
<input type="checkbox"/> Pesticides
<input type="checkbox"/> Mercury containing equipment
<input checked="" 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 DAC 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.

D001	D006	D008	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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Containers	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		

Name of Inspector(s)	Name of Inspector(s)	Date of Inspection/Time (mm/dd/yyyy) (hh:mm)
Melissa Boyers	Wendy Miller	01/16/2013 1:15
Comments:		