



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

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

September 25, 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 August 28, 2013, and September 17, 2013, responses to Ohio EPA's, August 20, 2013, Notice of Violation/Partial Return to Compliance (NOV/PRTC) letter. The documents you submitted included universal waste training and recycling documentation. My review of the documentation submitted reveals that Engine Rebuilders of Toledo, LLC (ERT) has demonstrated partial abatement of the six violations cited in the February 5, 2013, NOV. ERT is currently operating as a conditionally exempt small quantity generator of hazardous waste.

The following is a summary of the additional violation, based upon the analytical results submitted by ERT on July 31, 2013, cited in the August 20, 2013, NOV/PRTC letter and your compliance with respect to it:

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 located in Michigan 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.

On August 8, 2013, I spoke with you and you stated that you have ceased disposing of the spent steel shot blasting material at a solid waste landfill. ERT will begin storing the spent steel shot blasting material in a satellite container and manage it as a hazardous waste.

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.

This portion (a) of the violation was previously abated on July 31, 2013.

- 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.

This portion (b) of the violation was previously abated on July 31, 2013.

This violation was previously abated on July 31, 2013.

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.

This violation was previously abated on May 20, 2013.

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.

This violation was previously abated on May 20, 2013.

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 September 17, 2013, ERT submitted a copy of the receipt for the shipment of spent fluorescent lamps that were recycled at Environmental Recycling in Bowling Green, Ohio.

With this information, this violation has been abated.

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.

This violation was previously abated on May 16, 2013.

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.

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.

On August 28, 2013, ERT submitted a copy of the sign-in sheet to documentation the employees who attended the training conducted that day.

With this information, this violation has been abated.

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/>.

Mr. Paul Vander Hoff, President
September 25, 2013
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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

/llr

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

ec: Colleen Weaver, DMWM, NWDO
Melissa Boyers, DMWM, NWDO

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.