

**Environmental  
Protection Agency**

Commissioner, Governor

Secretary, Lt. Governor

Chief of Staff, Director

August 17, 2011

**RE: EXCALIBUR AUTO BODY  
OH0 000 334 037  
NOTICE OF VIOLATION**

Mitch Rudolph  
Excalibur Auto Body, Inc.  
30520 Lakeland Blvd.  
Willowick, OH 44094

Dear Mr. Rudolph:

On August 1, 2011, I inspected Excalibur Auto Body (Excalibur) located at 37035 and 37047 Code Ave. in Willoughby, Ohio. The purpose of this was to determine if Excalibur was in compliance with Ohio's hazardous waste and used oil laws and rules as found in Chapter 3734 of the Ohio Revised Code (ORC) and Chapter 3745 of the Ohio Administrative Code (OAC). I met with Jerome and Todd at Code Ave. and later talked with you at your main location on Lakeland Blvd. I will send a separate letter regarding the inspection of Lakeland Blvd.

This letter will document any violations and concerns found and outline what you need to do to correct them. A written response to these issues is required within 30 days.

Jerome showed me the solvent used to clean painting equipment. I saw from the label that it contained toluene and methanol. This waste solvent is a hazardous waste with the waste codes of F003 and F005. You told me that every six or eight months you pick up a 55 gallon drum of this waste and bring it to your Lakeland Blvd. shop. It is then either run through your distillation unit (if it doesn't have too much paint in it) or it is picked up by a hazardous waste hauler. It appears the Code Ave. facility generates less than 220 pounds of hazardous waste per calendar month. Therefore, it is classified as a conditionally exempt small quantity generator (CESQG).

The following violations were found:

**1. OAC Rule 3745-52-11 – Hazardous waste determination.**

This rule requires that any person who generates a waste must determine if that waste is a hazardous waste. The following documents which give more information regarding this were given to you:

Identifying Your Hazardous Waste, 2010

<http://www.epa.ohio.gov/portals/41/sb/publications/identifyingwaste.pdf>

Mitch Rudolph  
Excalibur Auto Body, Inc.  
August 17, 2011  
Page 2

OAC 3745-51-21 to 24 characteristic hazardous waste  
[http://www.epa.ohio.gov/dhwm/laws\\_regs.aspx](http://www.epa.ohio.gov/dhwm/laws_regs.aspx).

Excalibur violated this rule by disposing of waste fluorescent lamps with regular trash without determining whether or not they are a hazardous waste. Jerome and I saw waste lamps in the trash dumpster. Jerome removed them. Fluorescent and some other types of lamps contain mercury and may contain other hazardous metals. When burned out they may be a hazardous waste. In general, waste lamps should be saved in a properly labeled and closed container (such as a cardboard box) and picked up by a lamp recycler. The following document which gives more information on this was given to you:

Ohio's Universal Waste Rules: Are You Handling Used Lamps Correctly?, 2010  
<http://www.epa.ohio.gov/portals/41/sb/publications/Lampcompliancechecklist.pdf>.

Also local lamp recycling companies are listed in the following document which was also given to you:

Waste Disposal and Recycling Companies in Northeast Ohio, 2009

Your hazardous waste hauler may also be able to pick up waste lamps. **Please send me a description of how you will now properly manage waste lamps.**

**2. Ohio Revised Code (ORC) 3734.02(F) – Transporting hazardous waste to an unpermitted facility.**

ORC 3734.02(F) states that no person transport hazardous waste, except to (in general) a facility operating under a hazardous waste permit.

Excalibur violated ORC 3734.02(F) by transporting hazardous waste solvent from the Code Ave. facility to the Lakeland Blvd. facility. All hazardous waste generated at Code Ave. must be picked up by a licensed hazardous waste hauler and transported to a permitted treatment, storage, or disposal facility (TSD). **Please respond with the amount of hazardous waste which is now at the Code Ave. facility.** For example, please confirm whether the drum that Jerome and I looked at in the back room contained hazardous waste.

Both of the cans that were being used to collect the waste solvent had open funnels in them. Containers of this hazardous waste should be kept closed to avoid evaporation of the solvent. This would lessen employee exposure to these solvents. You may also want to buy a funnel with a closing lid if waste is added to these containers often. I assume the waste put into the cans is later poured into the drum. It would seem like less work to just put the waste into the drum initially.

Mitch Rudolph  
Excalibur Auto Body, Inc.  
August 17, 2011  
Page 3

There was a blue, metal drum by the trash dumpster and a blue plastic drum by the back wall of the building. **Please let me know what is in these drums and how you plan to dispose of them.**

There were three full drums in the tall weeds behind the building. One appeared to have antifreeze in it. You told me that these drums are not on your property and that you believe they were left when the Bob Krihwan Car Dealership closed here about eight years ago. You said you will have them sampled and properly disposed. **Please let me know the results of the sampling and your disposal plans.**

Other information and suggestions:

- Ohio EPA's Office of Compliance Assistance and Pollution Prevention (OCAPP) provides compliance and pollution prevention assistance on environmental issues (including sources of funding) related to air, land, and water. They can be contacted at (800) 329-7518, or <http://www.epa.ohio.gov/Default.aspx?alias=www.epa.ohio.gov/ocapp>.
- Entrepreneurs for Sustainability is a group that seeks to "build a sustainable regional economy in Northeast Ohio that will create prosperity and total community health." They offer workshops, conferences, a business to business directory and more. Their website is at <http://www.e4s.org/content/index.asp>.
- ENERGY STAR is a government-backed program helping businesses and individuals protect the environment through superior energy efficiency. Their website is at: <http://www.energystar.gov/>.
- The Clean Air Resource Center offers help in understanding EPA air quality requirements. In addition, if your business is required to purchase new equipment, they can offer better-cost financing with special tax incentives. Their phone number is (800) 225-5051, and website is <http://www.ohioairquality.org/>.
- Ohio Bureau of Workers' Compensation has an OSHA On-Site Consultation service which includes free on-site safety inspections and consultation, safety program assistance, and safety and hygiene training or seminars. More information can be found at: <http://www.ohiobwc.com/employer/programs/safety/SandHOSHAOnSite.asp>.

Mitch Rudolph  
Excalibur Auto Body, Inc.  
August 17, 2011  
Page 4

If you have any questions, please contact me at (330) 963-1217, or [robert.almquist@epa.state.oh.us](mailto:robert.almquist@epa.state.oh.us). I look forward to your prompt response addressing any remaining violations.

Sincerely,



Robert Almquist  
Division of Materials and Waste Management

RA:cl  
Enclosures

ec: Frank Popotnik, DMWM, NEDO  
Natalie Oryshkewych, DMWM, NEDO  
Jeff Mayhugh, DMWM, CO

cc: Marlene Kinney, DMWM, NEDO

Notice:

Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve your facility from its obligation to comply with all applicable regulations.

Send to Central Office <input type="checkbox"/>	<b>Ohio Environmental Protection Agency</b> <b>RCRA SUBTITLE C SITE</b> <b>IDENTIFICATION/VERIFICATION FORM</b>	For Ohio EPA use only
--	---	-----------------------

Completed verification forms required to be submitted to CO should be e-mailed to [paula.canter@epa.state.oh.us](mailto:paula.canter@epa.state.oh.us).

<b>Site EPA ID No.</b>	EPA ID Number: <b>OH0000334037</b>	
<b>Site Name</b>	Name: <b>Excalibur Auto Body</b>	Website: (Optional)
<b>Site Location Information</b>	Street Address: <b>37035 Code Ave.</b>	
	City, Town, or Village: <b>Willoughby</b>	State: <b>OH</b>
<b>Site Land Type</b> (check only one)	County Name: <b>Lake</b>	
<b>NAICS code(s)</b> <a href="http://www.census.gov/epcd/www/naics.html">www.census.gov/epcd/www/naics.html</a>	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"/>	Zip Code: <b>44094</b>

<b>Facility Representative</b>	First Name: <b>Natalie</b>	MI:	Last Name: <b>Levkulich</b>
Additional names can be recorded in number 12	Title:		
Only provide address information if it is different than the site address	Phone Number: <b>440-942-5550</b>		Phone Number Extension:
	E-Mail Address:		
	Fax Number: <b>440-942-8685</b>		Fax Number Extension:
	Street or P.O. Box: <b>30520 Lakeland Blvd.</b>		
	City, Town or Village: <b>Willowick</b>		State: <b>OH</b>
			Zip Code: <b>44094</b>

<b>Legal Owner And Operator of the Site.</b> List Additional Owners and/or Operators in the Comment Section or on another copy of this form page	Name of Site's Legal Owner: <b>Mitchell J Rudolph</b>		Date Became Owner (mm/dd/yyyy): <b>12/14/1952</b>	
	Owner Type: <input checked="" type="checkbox"/> 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
	Street or P.O. Box: <b>30520 Lakeland Blvd.</b>			
	City, Town or Village: <b>Willowick</b>		Owner Phone #: <b>440-487-2948</b>	
	State: <b>OH</b>		Country:                      Zip Code: <b>44094</b>	
	Name of Site's Operator: <b>same as owner</b>		Date Became Operator (mm/dd/yyyy):	
	Operator Type: <input type="checkbox"/> 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
	Street or P.O. Box:			
	City, Town or Village:		Operator Phone #:	
	State:		Country                      Zip Code:	

<b>VIOLATIONS CITED?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
--------------------------	---

<b>TYPE OF HANDLER - MARK "X" AS APPROPRIATE</b>		
<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<br>(accumulates 5,000 kg. or more) |   |

**CHECK ALL BOXES BELOW THAT APPLY FOR THE TYPES OF UNIVERSAL WASTE THE FACILITY MANAGES**

- Batteries  
 Pesticides  
 Mercury containing equipment  
 Lamps

**USED OIL ACTIVITIES (INDICATE TYPE(S) OF ACTIVITY(S))**

- Used Oil Generator  
 Used Oil Transporter  
 Used Oil Transfer Facility  
 Used Oil Processor  
 Used Oil Re-refiner  
 Off-Specification Used Oil Burner  
 Used Oil Fuel Marketer who directs shipment of Off-Spec Used Oil  
 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.

- College or University  
 Teaching hospital that is owned by or has a formal written affiliation agreement with a college or university  
 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.

**F003 F005**

**COMMENTS: USE THIS AREA TO DESCRIBE WHETHER THE INSPECTION WAS ANNOUNCED, WHETHER THE WASTE IS STORED IN TANKS OR CONTAINERS, ETC.**

Announced       Yes     No      Additional Facility Representatives:      **Jerome, Todd**  
Tanks             Yes     No  
Containers       Yes     No

Name of Inspector(s)  
**Robert Almquist**

Name of Inspector(s)

Date of Inspection/Time  
(mm/dd/yyyy) (hh:mm)  
**08/01/2011**

**Comments:**

**CONDITIONALLY EXEMPT SMALL QUANTITY GENERATOR REQUIREMENTS  
COMPLETE AND ATTACH A PROCESS, WASTE, P2 SUMMARY SHEET**

CESQG: ≤100Kg. (Approximately 25-30 gallons) of waste in a calendar month or < 1 Kg. of acutely hazardous waste.  
 SQG: Between 100 and 1,000 Kg. (About 25 to under 300 gallons) of waste in a calendar month.  
 LQG: ≥ 1,000 Kg. (~300 gallons) of waste in a calendar month or ≥1 Kg. of acutely hazardous waste in a calendar month.  
 NOTE: To convert from gallons to pounds: Amount in gallons x Specific Gravity x 8.345 = Amounts in pounds.

Safety Equipment Used:

**WASTE EVALUATION**

1.	Have all wastes generated at the facility been adequately evaluated? [3745-52-11]	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
----	--	--

**GENERATOR CLASSIFICATION**

2.	Does the generator produce <100 kg. of hazardous waste per month? [conditionally exempt small quantity generator ("CESQG")]	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
----	--	--

NOTE: If quantities of hazardous waste accumulated on-site at any one time exceed 1,000 Kg. - or the generator produces between 100 and 1,000 Kg. of hazardous waste per month, it is operating as a Small Quantity Generator ("SQG"). If so, complete the Small Quantity Generator Requirements checklist.

**OFF-SITE SHIPMENT OF HAZARDOUS WASTE**

3.	Does the CESQG ensure delivery of hazardous waste(s) to an off-site permitted TSD? [3734.02(F)]	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
----	---	--

**TREATMENT OF HAZARDOUS WASTE**

4.	Does the generator treat hazardous waste in a:	
	a. Container that meets 3745-66-70 to 3745-66-77?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
	b. Tank that meets 3745-66-90 to 3745-66-101 except 3745-66-97(C)?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
	c. Drip pads that meet 3745-69-40 to 3745-69-45?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
	d. Containment building that meets 3745-256-100 to 3745-256-102?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>

NOTE: Complete appropriate checklist for each unit.

NOTE: If the CESQG conducts treatment they are subject to the LQG requirements.

NOTE: If waste is treated to meet LDRs, use LDR checklist.

**MIX HAZARDOUS WASTE WITH USED OIL**

5.	Does the CESQG mix its hazardous waste with used oil for the purpose of burning for energy recovery? [3745-51-05(J)] If so:	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
	a. Does the CESQG manage the mixture in accordance with 3745-279-21?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>