

**Environmental  
Protection Agency**

John R. Kasich, Governor  
Mary Taylor, Lt. Governor  
Michael S. Gandy, Director

August 18, 2011

**RE: EXCALIBUR BODY AND FRAME  
OHD 004 181 806  
NOTICE OF VIOLATION**

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

Dear Mr. Rudolph:

On August 10, 2011, I inspected Excalibur Body and Frame (Excalibur) located at 30520 Lakeland Blvd., Willowick, 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).

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.

You told me that you use lacquer thinner for cleanup of painting equipment and that the waste solvent generated from this is a hazardous waste. It is likely this waste has the hazardous waste codes of F003 and/or F005. A copy of OAC 3745-51-31 which explains these codes was given to you and can also be found at: [http://www.epa.ohio.gov/dhwm/laws\\_regs.aspx](http://www.epa.ohio.gov/dhwm/laws_regs.aspx). You can compare the chemicals in your lacquer thinner with this rule to determine which of these codes apply. This rule also clarifies that the still bottoms from the recovery of these spent solvents are also hazardous waste. If the waste solvent does not have too much waste paint in it, you run it through your distillation unit and then reuse the solvent. The waste from the distillation unit (the still bottoms) is disposed of in your regular trash. As we discussed, this is not allowed and is listed as a violation below.

The waste solvent that cannot be run through your still is accumulated in drums to be picked up by a hazardous waste hauler. Your records of past pickups were not available because they are being borrowed by a current bank audit. Please send me copies of the last three years of hazardous waste pickups from this facility. As explained in the following document which was given to you, the hazardous waste rules you are subject to depend on the amount of hazardous waste generated in a calendar month:

[Hazardous Waste Generator Categories and Episodic Generation 2007](http://epa.ohio.gov/portals/32/pdf/Episodic_Generation_2007)  
[http://epa.ohio.gov/portals/32/pdf/Episodic\\_Generation.pdf](http://epa.ohio.gov/portals/32/pdf/Episodic_Generation.pdf)

You told me that you will take the next two weeks to record how much hazardous waste is generated. This will tell you what generator category you are in for a typical month. Please send me the results of this. If waste solvent is generated and run through the still and the resulting solvent is then reused during the same calendar month, you do not have to count its generation again during the same month you counted it in the first place.

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You told me that Safety-Kleen will soon come to pick up the full drums of hazardous waste that you currently have. Please send me a copy of the paperwork they leave you for that pickup. Please make sure Safety-Kleen uses different paperwork for wastes picked up at different facilities, for example, from the Code Ave. facility.

You told me that waste fluorescent lamps are collected in cardboard boxes to be sent to a lamp recycler. If you have shipped these out in the past, please send me a copy of the paperwork for that.

The following violation was found:

1. **Ohio Revised Code (ORC) 3734.02(F) – Causing hazardous waste to be transported to an unpermitted facility.**

ORC 3734.02(F) states that no person shall cause hazardous waste to be transported except to (in general) a facility operating under a hazardous waste permit.

Excalibur violated ORC 3734.02(F) by causing the transportation of its hazardous waste solvent still bottoms to a solid waste landfill by putting them in your regular trash dumpster. You told me you will now start saving these in a container that will be picked up by a hazardous waste hauler.

One drum and one 5-gallon can of hazardous waste solvent were open. 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.

The following additional documents were given to you:

Identifying Your Hazardous Waste, 2010

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

OAC 3745-51-21 to 24 characteristic hazardous waste

OAC 3745-51-31 listed hazardous waste

[http://www.epa.ohio.gov/dhwm/laws\\_regs.aspx](http://www.epa.ohio.gov/dhwm/laws_regs.aspx)

Ohio's Universal Waste Rules: Are You Handling Used Lamps Correctly?, 2010

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

Waste Disposal and Recycling Companies in Northeast Ohio, 2011

The Regulation of Used Oil: An Overview for Ohio Businesses Who Generate Used Oil, 2006

[http://epa.ohio.gov/portals/32/pdf/Used\\_Oil\\_Generators\\_Guidance.pdf](http://epa.ohio.gov/portals/32/pdf/Used_Oil_Generators_Guidance.pdf)

Registered Used Oil Transporters in Northeast Ohio, 2011

Onsite Pollution Prevention Assistance

<http://epa.ohio.gov/portals/41/p2/P2OnsiteBrochure.pdf>

Sustainable/Green Business Toolkit, October 2010

<http://epa.ohio.gov/LinkClick.aspx?fileticket=6PhtW3qaSyk%3d&tabid=2668>

E4S

<http://www.e4s.org/>

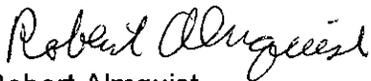
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Other information and suggestions:

- 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 at: <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>.

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 the remaining concerns and information needed.

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.