



State of Ohio Environmental Protection Agency

Northeast District Office

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Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

March 2, 2010

Adam Yankof
Maaco
1500 Bauer Blvd.
Akron, OH 44305

RE: MAACO OHD 030 410 351, SUMMIT COUNTY, CESQG-CEI, NOTICE OF VIOLATION

Dear Mr. Yankof:

On February 19, 2010, Ohio EPA's Division of Hazardous Waste Management, represented by Edward D'Amato, inspected Maaco for compliance with Ohio hazardous waste laws and regulations found in Chapters 3734 of the Ohio Revised Code (ORC) and 3745 of the Ohio Administrative Code (OAC). Maaco was represented by you during the inspection.

Maaco is an auto body repair shop. The following waste streams were identified:

1. Spent cleaning solvent (18 gallons per month, F003/F005 hazardous waste).
2. Still bottoms (pucks) from a solvent distillation unit (F003/F005 hazardous waste).
3. Universal waste lamps
4. Empty aerosol cans.

The following violation was found. In order to correct it you must do the following and send me all requested information **within 30 days** of the date of this letter:

**1. Hazardous Waste Determination
OAC 3745-52-11**

Any person who generates a waste in the state of Ohio...shall determine if the waste is a listed hazardous waste...

You claimed that the spent solvent and still bottoms (pucks) were a non-hazardous waste but were unable to provide documentation to demonstrate that. On February 24, 2009, you provided Ohio EPA with the MSDS for the solvent. The solvent contains methanol, acetone, and toluene, therefore it is a listed hazardous waste. The still bottoms (pucks) are also a hazardous waste.

To correct this violation, you must explain, in writing, how Maaco will manage these two waste streams from now on.

**2. Used Oil Specification
OAC 3745-279-72**

A generator, transporter, processor/re-refiner or burner shall determine that used oil that is to be burned for energy recovery meets the specification of OAC 3745-279-11 by performing analyses, or obtaining copies of analyses or other information documenting that the used oil fuel meets the specifications.

You operate a used oil space heater. You obtain the oil from an auto repair shop. You had no documentation showing that the used oil meets the specification referenced in this rule. To correct this violation, you must demonstrate through analyses or other information that the used oil you are burning in your space heater meets the specification. You must submit that information to this office.

**3. Used Oil Fuel Marketer
OAC 3745-279-70(B)**

Any person who first claims that used oil to be burned for energy recovery meets the used oil fuel specifications set forth in the Ohio Administrative code is a used oil marketer and must notify Ohio EPA and obtain a U.S. EPA Identification number

You have not registered with Ohio EPA as a used oil fuel marketer. To correct this violation, you must notify Ohio EPA, in writing using EPA form 9029, available here:
<http://www.epa.ohio.gov/LinkClick.aspx?fileticket=80AY%2fwqIGsl%3d&tabid=3915>.

**4. Tracking of Used Oil to a Burner
OAC 3745-279-74(B)**

Any person who first claims that used oil to be burned for energy recovery meets the fuel specifications found in OAC rule 3745-279-11, must keep a record of each shipment of used oil to an on-specification used oil burner. The record must include information to make the determination that the used oil meets the specifications.

You are not keeping a record of each shipment of used oil you receive for your space heater. To correct this violation, you must notify this office, in writing, that you will track and keep records of all shipments of used oil you receive from now on per the rule requirements.

**5. Used Oil Storage Requirements for Generators (Labels)
OAC 3745-279-22(C)**

Containers and above ground tanks used to store used oil at generator facilities shall be labeled or marked clearly with the words "Used Oil"

There was one container of used oil that was not labeled per this rule. This violation was corrected at the time of the inspection when you affixed a used oil label to the container. No further action is required regarding this violation.

On February 25, 2010, you were sent, via e-mail, the following information:

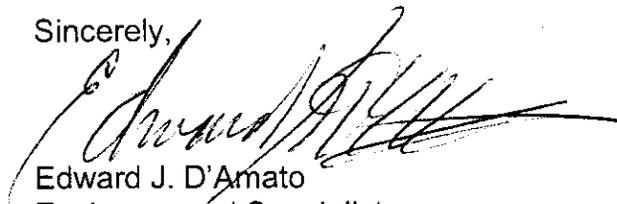
1. USEPA's Hazardous Waste Handbook for Small Business (as a .pdf file).
2. A partial list of solvent recycling equipment vendors:
<http://epawebapps.epa.state.oh.us/Recyclers/jsp/results.jsp?category=27>
3. List of companies in Ohio that accept hazardous waste:
<http://epawebapps.epa.state.oh.us/Recyclers/jsp/results.jsp?category=29>

Enclosed are copies of the checklists used for the inspection.

Please feel free to contact me at (330) 963-1170 if you have any questions.

Failure to list specific deficiencies or violations in this communication does not relieve Maaco from the responsibility of complying with all applicable Ohio EPA laws and regulations. Please be advised that present or past instances of non-compliance can continue as subjects of pending or future enforcement actions.

Sincerely,



Edward J. D'Amato
Environmental Specialist
Division of Hazardous Waste Management

EJD:ddw

Enclosure

ec: Natalie Oryshkewych, DHWM, NEDO
Frank Popotnik, DHWM, NEDO

**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 No N/A

GENERATOR CLASSIFICATION

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

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)] *Root of problem here is 52-11* Yes No N/A

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 type="checkbox"/> N/A <input checked="" type="checkbox"/>
b.	Tank that meets 3745-66-90 to 3745-66-101 except 3745-66-97(C)?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
c.	Drip pads that meet 3745-69-40 to 3745-69-45?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
d.	Containment building that meets 3745-256-100 to 3745-256-102?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" 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:

a.	Does the CESQG manage the mixture in accordance with 3745-279-21?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
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USED OIL INSPECTION CHECKLIST - MARKETERS

NOTE: 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.

PROHIBITIONS

1. Does the Used Oil Marketer manage used oil in a surface impoundment or waste pile? If yes: Yes No N/A
- a. Is the surface impoundment or waste pile regulated as a hazardous waste management unit? [3745-279-12(A)] Yes No N/A
2. Is used oil used as a dust suppressant? [3745-279-12(B)] Yes No N/A
3. Is off-specification used oil fuel burned for energy recovery in devices specified in 3745-279-12(C)? Yes No N/A

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).

4. Does the used oil fuel marketer initiate shipments of **off-spec** used oil only to a used oil burner that has a U.S. EPA ID# and burns the used oil in an industrial furnace or boiler identified in 3745-279-61(A)? [3745-279-71] Yes No N/A
5. Does the generator, transporter, processor/re-refiner, or burner who first claims that the used oil meets the specification for used oil fuel under 3745-279-11 keep copies of analyses of the used oil (or other information used to make the determination) for at least three years? [3745-279-72(B)] Yes No N/A
6. Has the used oil marketer notified Ohio EPA or U.S. EPA and obtained a U.S. EPA ID#? [3745-279-73(A)] *ID # yes, used oil marketer activity no* Yes No N/A
7. Does the used oil marketer keep a record of each shipment of **off-spec** used oil directed to a used oil burner? [3745-279-74(A)] Yes No N/A
- a. Does each record include the name and address of the transporter who delivers the used oil to the burner? [3745-279-74(A)(1)] Yes No N/A
- b. Does each record include the name and address of the burner who receives the oil? [3745-279-74(A)(2)] Yes No N/A
- c. Does each record include the U.S. EPA ID# of the transporter that delivers the used oil to the burner? [3745-279-74(A)(3)] Yes No N/A
- d. Does each record include the U.S. EPA ID# of the burner? [3745-279-74(A)(4)] Yes No N/A

- e. Does each record include the quantity of the used oil shipped? [3745-279-74(A)(5)] Yes No N/A
- f. Does each record include the date of shipment? [3745-279-74(A)(6)] Yes No N/A
8. Does the generator, transporter, processor/re-refiner, or burner who first claims that the used oil **meets the fuel specifications** under 3745-279-11 keep a record of each shipment of used oil to an on-spec used oil burner? [3745-279-74(B)] Yes No N/A
- a. Does each record include the name and address of the facility receiving the shipment? [3745-279-74(B)(1)] Yes No N/A
- b. Does each record include quantity of used oil fuel delivered? [3745-279-74(B)(2)] Yes No N/A
- c. Does each record include date of shipment or delivery? [3745-279-74(B)(3)] Yes No N/A
- d. Does each record include a cross-reference to the record of used oil analysis or other information used to make the determination that the used oil meets the specification as required in 3745-279-72(A)? [3745-279-74(B)(4)] Yes No N/A
9. Are the records described in 3745-279-74(A) and (B) maintained for at least three years? [3745-279-74(C)] Yes No N/A
10. Before the used oil generator, transporter or processor/re-refiner directs the first shipment of **off-spec** used oil to a burner, does he obtain a one time written and signed notice from the burner certifying that:
- a. The burner has notified Ohio EPA stating the location and general description of the used oil management activities? [3745-279-75(A)(1)] Yes No N/A
- b. The burner will burn the off-spec used oil only in an industrial furnace or boiler identified in 3745-279-61(A)? [3745-279-75(A)(2)] Yes No N/A
11. Is the certification maintained for at least three years from the date the last shipment of off-spec used oil was shipped to the burner? [3745-279-75(B)] Yes No N/A

Keyword: UsedOilforMarketers.Oct.2007.doc