



**Environmental
Protection Agency**

Jeff Blitzer, Governor
Dan Fisher, Lt. Governor
Chris Kuntz, Director

September 2, 2010

Joyce Smith
Smitty's Car Craft
747 Sugar Lane
Elyria, OH 44035

RE: SMITTY'S CAR CRAFT, OHD982419764, LORAIN COUNTY, SQG PRTC

Dear Ms. Smith:

On August 26, 2010, I received your response to Ohio EPA's July 12, 2010 Notice of Violation (NOV) letter. Additionally, on August 31, 2010, Smitty's Car Craft submitted documentation concerning the evaluation of the spent paint booth filters. The following is the status of the previously identified violations:

1. ORC §3734.02(F), Causing Hazardous Waste to be Transported to an Unpermitted Facility

Smitty's Car Craft indicated that the still bottoms will be placed into a 55-gallon drum and managed as a D001/D035/F003/F005 hazardous waste. Further, the still bottoms will be shipped off-site to a permitted hazardous waste facility. **No further response is necessary at this time.**

2. ORC §3734.02(E)&(F), Unlawful Storage of Hazardous Waste

During Ohio EPA's June 24, 2010 inspection, 24 containers of waste were observed outdoors in the fenced in area, as well as indoors, near the paint booths. On August 11, 2010, Smitty's Car Craft shipped the hazardous waste off-site to a permitted hazardous waste facility. The shipment consisted of 19 containers of D001/D035/F003/F005 hazardous waste with a weight of 7,000 pounds. Since Smitty's Car Craft stored hazardous waste on-site for greater than 180 days, the facility violated ORC §3734.02 (E)&(F).

Smitty's Car Craft identified how the facility will manage hazardous waste in compliance with the hazardous waste laws.

Smitty's Car Craft indicated that they are working with a contractor to address closure activities at the facility. **Please note that this violation will remain outstanding until closure activities are completed for all areas where hazardous waste was unlawfully stored and/or disposed.**

3. OAC rule 3745-52-11, Waste Evaluation

- A. Smitty's Car Craft identified the contents of containers SC-01 through SC-08, SC-10, SC-11, SC-13, SC-14, SC-15, SC-20, SC-21, SC-22, SC-24, SC-25 and SC-26 as used paint thinner (spent solvent). The contents of containers SC-17, SC-18 and SC-19 were consolidated into container SC-07. The spent solvent was subsequently managed as a D001/D035/F003/F005 hazardous waste.

Smitty's Car Craft identified the contents of containers SC-09, SC-12 and SC-16 as used anti-freeze. The used anti-freeze was subsequently managed as a non-hazardous waste.

On August 11, 2010, Smitty's Car Craft shipped 19 containers of D001/D035/F003/F005 hazardous waste and three containers of non-hazardous waste to a permitted hazardous waste facility.

Smitty's Car craft has adequately addressed this violation. No further response is necessary at this time.

- B. Smitty's Car Craft submitted documentation that the spent spray booth filters are a non-hazardous waste. **Smitty's Car craft has adequately addressed this violation. No further response is necessary at this time.**
- C. Smitty's Car Craft indicated that used rags from the clean up of spilled paint or solvent will be managed as a D001/D035/F003/F005 hazardous waste. **Smitty's Car craft has adequately addressed this violation. No further response is necessary at this time.**
- D. Smitty's Car Craft indicated that spent fluorescent lamps will be collected and managed as a universal waste. **Smitty's Car craft has adequately addressed this violation. No further response is necessary at this time.**

4. OAC rule 3745-52-34(A)(2)(3), Labeling & Dating Hazardous Waste Accumulation Containers

Smitty's Car Craft indicated that all hazardous waste containers will be labeled as "Hazardous Waste," as well as with the date of accumulation (if applicable). **Smitty's Car craft has adequately addressed this violation. No further response is necessary at this time.**

5. **OAC rule 3745-52-34(D)(5)(b)(c), Emergency Procedures for SQG**

Smitty's Car Craft submitted a copy of the emergency information, as well as indicated that the information was posted by telephones in the office area. Additionally, on August 25, 2010, Smitty's Car Craft reviewed hazardous waste handling and emergency procedures with facility employees. **Smitty's Car craft has adequately addressed this violation. No further response is necessary at this time.**

6. **OAC rule 3745-65-31, Maintenance and Operation**

Smitty's Car Craft indicated that the waste on the floor from the indoor containers will be scraped and cleaned up. Additionally, the outdoor area will be addressed through the completion of closure activities identified in violation number two. **Please note that this violation will remain outstanding until all required activities have been completed.**

7. **OAC rule 3745-65-33, Testing & Maintenance of Emergency Equipment**

Smitty's Car Craft submitted copies of completed inspection forms that document emergency equipment is being inspected. **Smitty's Car craft has adequately addressed this violation. No further response is necessary at this time.**

8. **OAC rule 3745-66-71, Condition of Containers**

Smitty's Car Craft indicated that hazardous waste containers will be inspected on a weekly basis to ensure that they are in good condition. If a container is found leaking or is in poor condition, corrective actions will be taken. **Smitty's Car craft has adequately addressed this violation. No further response is necessary at this time.**

9. **OAC rule 3745-66-73(A)(B), Management of Containers**

Smitty's Car Craft indicated that the container for spent solvent (i.e., spray gun clean up waste) will be fitted with a funnel and kept closed. **Smitty's Car craft has adequately addressed this violation. No further response is necessary at this time.**

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10. OAC rule 3745-66-74, Inspections

Smitty's Car Craft submitted a copy of the completed inspection form that documents hazardous waste containers are being inspected. **Smitty's Car craft has adequately addressed this violation. No further response is necessary at this time.**

Present or past instances of non-compliance may continue as subjects of pending or future enforcement actions. Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve Smitty's Car Craft from having to comply with all applicable regulations.

Should you have any questions, please contact me at (330) 963-1108.

Sincerely,



Frank A. Zingales
Environmental Specialist
Division of Hazardous Waste Management

FAZ:ddw

ec: Harry Sarvis, DHWM, CO
Natalie Oryshkewych, DHWM, NEDO
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