OhioEPA

State of Ohio Environmental Protection Agency

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

RE: Lepo Works Art Studio
Allen County
DHWM, NWDO
Complaint 2687
Return to Compliance

January 15, 2008

Mr. David Lepo
Lepo Works Art Studio
4640 Allentown Road
Lima, Ohio 45807

Dear Mr. Lepo:

Thank you for sending the response to the Ohio Environmental Protection Agency's (Ohio EPA's) Notice of Violation (NOV) dated December 12, 2007. Ohio EPA received the response from Lepo Works Art Studio (LWAS) on December 20, 2007. This response was dated December 18, 2007, by LWAS.

My review of all the documentation submitted reveals that LWAS has adequately demonstrated abatement of the violation discovered during the October 25, 2007, inspection, and cited in the December 12, 2007, NOV.

The following is a summary of the violation and general concern cited and the facility's compliance with respect to each item:

Violation

1. **Ohio Administrative Code (OAC) Rule 3745-52-11, Hazardous Waste Determination:** "Any person who generates a waste, as defined in rule 3745-51-02 of the Administrative Code, must determine if that waste is a hazardous waste..."

   LWAS failed to determine if the paint and spent solvent used at the site are hazardous wastes in accordance with OAC Rule 3745-52-11. Based on the fact that most brands of mineral spirits have a flashpoint below 140 degrees Fahrenheit and are therefore a characteristic hazardous waste (D001), it appears that the spent mineral spirits used to clean the paint brushes at LWAS should also be labeled a characteristic hazardous waste (D001).

   To abate this violation, LWAS must submit a Material Safety Data Sheet (MSDS) for the specific paint and mineral spirits used at the facility *within 30 days of receipt of this letter.*

LWAS submitted an MSDS for *Sunnyside Paint Thinner* that was received by Ohio EPA on December 20, 2007. *With this information, this violation is considered abated.*

The flashpoint for the mineral spirits is shown as 107°F on this MSDS. Since the flashpoint for this material is less than 140°F, the spent mineral spirits would be considered a hazardous waste due to the characteristic of ignitability (D001).

During the inspection on October 25, 2007, you told Gary Deutschman and me that LWAS conducts painting approximately twice a year and that LWAS uses mineral spirits and solvent to clean paint brushes. You stated that the solvent was placed into a small container and the brush was swished around until clean. The solvent was then thrown into the trash pile once it no longer would clean the paint brushes and was spent. During this site visit, Ohio EPA located a bottle of mineral spirits, epoxy thinner, and #50 Acrylic lacquer thinner on site.

On October 31, 2007, I had a phone conversation with you to clarify your management of the spent solvents. You clarified that only the mineral spirits were used to clean the brushes. The epoxy thinner and #50 Acrylic lacquer thinner were used only to thin the paint. Once again, you stated that the mineral spirits were placed into a small container and the brush was swished around until clean. During this conversation you stated that the mineral spirits were left to evaporate and the gummy sludge was thrown into the trash pile.

Disposing of spent mineral spirits in the trash pile and letting spent mineral spirits evaporate are both considered egregious violations of Ohio EPA's Division of Hazardous Waste Management's rules and regulations.

In the response to Ohio EPA's NOV, you stated that you did not dump or burn the container or mineral spirits in the trash pile. However, on two previous, separate occasions you stated that you did dispose of the mineral spirits in the trash pile.

LWAS must immediately stop disposing of spent mineral spirits by throwing them in the trash pile and/or letting them evaporate. LWAS must immediately begin managing all hazardous wastes according to Ohio EPA's rules and regulations. This includes utilizing proper waste storage, evaluation, and handling practices. Ohio EPA will continue to monitor LWAS's compliance with the hazardous waste rules and regulations.

<u>General Concern</u>

A. During the complaint investigation, Ohio EPA noted that the trash pile behind the facility contained several 5-gallon plastic buckets and several 1-gallon metal buckets. Although these buckets were empty, Ohio EPA recommends that LWAS properly dispose of these containers from the site. Not only is this pile an eye sore, but it also increases the chance of a complaint being filed against LWAS in the future.

LWAS submitted a response that Ohio EPA received on December 20, 2007, stating that the trash pile has been cleaned up and the metal was recycled through a local scrap yard. This concern has been addressed and no further information is required.

Should you have any questions or if I can be of assistance, please contact me at (419) 373-3065.

Sincerely,

Kara Reynolds

Kara Reynolds
Environmental Specialist
Division of Hazardous Waste Management

/llr

pc: Colleen Weaver, DHWM, NWDO
Kara Reynolds, DHWM, NWDO
Cindy Lohrbach, DHWM, NWDO
DHWM, NWDO Allen County File: Allen County General 2005-
ec: Gary Deutschman, DHWM, NWDO

NOTICE:
Ohio 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.