



State of Ohio Environmental Protection Agency

Northwest District Office

347 North Dunbridge Road
Bowling Green, OH 43402-9398

TELE: (419) 352-8461 FAX: (419) 352-8468
www.epa.state.oh.us

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

**RE: Lepo Works Art Studio
Allen County
DHWM, NWDO
Complaint 2687
Notice of Violation**

December 12, 2007

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

Dear Mr. Lepo:

On October 25, 2007, Gary Deutschman and I investigated a complaint at Lepo Works Art Studio (LWAS) located at 4640 Allentown Road, Lima, Ohio. According to the complaint received by the Ohio Environmental Protection Agency (Ohio EPA), the complainant alleged that LWAS was emitting noxious odors, burning residue causing red/black smoke, and dumping solvents onto the ground. This letter will explain the validity of the complaint, the violation found at the facility, what you need to do to correct the outstanding violation, other general concerns found at the facility, and what you need to do to respond to our concerns.

LWAS is an art studio that mainly focuses on refurbishing statues. However, other art work completed at the facility includes painting, wood working, and casting. Spent solvent is generated at this facility.

Complaint

Upon Ohio EPA's arrival to the site, you stated that LWAS burns trash including cardboard, paper, and other municipal waste at the rear of the property. Ohio EPA was shown the area where this trash is burned. In this area, several 5-gallon plastic buckets and several 1-gallon metal buckets were found. The metal buckets were rusty but all containers were empty.

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At the time of the inspection, you stated 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. Ohio EPA located a bottle of mineral spirits, epoxy thinner, and #50 Acrylic lacquer thinner on site. You stated that these were used during the painting process. Ohio EPA did not find any evidence of paint staining anywhere on site.

It was clarified in an October 31, 2007, phone call that only the mineral spirits are used to clean the paint brushes. The epoxy thinner and #50 Acrylic lacquer thinner are used to thin the paint prior to painting.

Violations

As a result of the complaint investigation, Ohio EPA found the following violation of Ohio's hazardous waste regulations. In order to correct the outstanding violations you must do the following and send me the required information **within 30 days** of your receipt of this letter:

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 3745-52-11. Based on the fact that most brands of mineral spirits have a flashpoint below 140 degrees Fahrenheit and are therefore are 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.**

Based on the information received concerning the waste evaluations of the mineral spirits and the paint, other violations may be cited at LWAS.

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General Concerns

- 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.

I have also included the following fact sheets and booklet for your information: Fluorescent Lamps: What You Should Know, January 2007; Universal Waste Rules for Handlers of Lamps, June 2005; Identifying Your Hazardous Waste, November 2006; Use of Generator Knowledge In Complying with OAC rule 3745-52-11 Hazardous Waste Evaluation, July 18, 2005; Handling Paint Waste from Your Business, August 2000; and Managing Your Hazardous Waste, A Guide for Small Businesses, July 2002. Please refer to these guides for other hazardous waste information.

Ohio EPA will issue an EPA ID number to track our inspection activity at LWAS. LWAS can not use this number for manifesting hazardous waste shipments. If LWAS wants to use an EPA ID number for manifesting and other hazardous waste, used oil or universal waste activities, LWAS must complete and submit a Notification of Regulated Waste Activity form (EPA Form 9029 (Rev. 11/2002)) to Ohio EPA. This form is available on our Web page at <http://www.epa.state.oh.us/dhwm/notiform.html> or LWAS can call me at (419) 373-3065 or the Division of Hazardous Waste Management, Central Office, RIS at (614) 644-2977 and a copy will be sent in the mail.

The Division of Hazardous Waste Management (DHWM) has created an electronic news service to provide you with quick and timely updates on events and news related to hazardous waste activities in Ohio. If you haven't already, we encourage you to sign-up for this free service. You can find more information at the following Web link <http://www.epa.state.oh.us/dhwm/listserv.html>. Please feel free to share this information with your colleagues.

You can find copies of the rules and other information on the division's web page at <http://www.epa.state.oh.us/dhwm>. Ohio EPA has helpful information about pollution prevention at the following web address: <http://www.epa.state.oh.us/ocapp/ocapp.html>.

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Should you have any questions or if I can be of assistance, please contact me at (419) 373-3065. All requested information should be sent to: Ohio Environmental Protection Agency, Northwest District Office, Attn: Kara Reynolds, 347 North Dunbridge Road, Bowling Green, Ohio 43402.

Sincerely,

Kara Reynolds

Kara Reynolds
Environmental Specialist
Division of Hazardous Waste Management

/lb

Enclosures

cc: 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.

Ohio Environmental Protection Agency
**RCRA SUBTITLE C SITE
IDENTIFICATION/VERIFICATION FORM**

For Ohio EPA use only

E-mail this completed form to
tammy.mcconnell@epa.state.oh.us or mail it to Tammy
McCConnell, Central Office

2. Site EPA ID No.	EPA ID Number:								
3. Site Name	Name: Lepo Works Art Studio						Website: N/A (Optional)		
4. Site Location Information	Street Address: 4640 Allentown Road								
	City, Town, or Village: Lima						State: OH		
	County Name: Allen						Zip Code: 45807		
5. Site Land Type (check only one)	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"/>	
6. NAICS code(s) www.census.gov/epcd/www/naics.html									
7. Facility Representative Additional names can be recorded in number 12 Only provide address information if it is different than the site address	First Name: David			MI:	Last Name: Lepo				
	Phone Number: 419-339-5370				Phone Number Extension: N/A				
	E-Mail Address:								
	Fax Number:				Fax Number Extension:				
	Street or P.O. Box:								
	City, Town or Village:								
	State:			Country:			Zip Code:		
8. Legal Owner and Operator of the Site List Additional Owners and/or Operators in the Comment Section or on another copy of this form page	Name of Site's Legal Owner: David Lepo and Robert Lepo						Date Became Owner (mm/dd/yyyy): 1975		
	Owner Type:	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"/>
	Street or P.O. Box: 4640 Allentown Road								
	City, Town or Village: Lima				Owner Phone #: 419-339-5370				
	State: Ohio				Country: USA			Zip Code: 45807	
	Name of Site's Operator: Lepo Works Art Studio						Date Became Operator (mm/dd/yyyy):		
	Owner Type:	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 <input type="checkbox"/>
	Street or P.O. Box: 4640 Allentown Road								
	City, Town or Village: Lima				Operator Phone #: 419-339-5370				
	State: Ohio				Country: USA			Zip Code: 45807	
9. Violations Cited?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No								
10A. Type of Regulated Waste Activity (Mark "X" in all of the appropriate boxes)									
<input type="checkbox"/> Not Regulated					<input type="checkbox"/> Conditionally Exempt Small Quantity Generator				
<input checked="" type="checkbox"/> UNKNOWN: Cited for violation of 3745-52-11					<input type="checkbox"/> United States Importer of Hazardous Waste				
<input type="checkbox"/> Large Quantity Generator (LQG)					<input type="checkbox"/> Mixed Waste (Hazardous and Radioactive) Generator				
<input type="checkbox"/> Small Quantity Generator (SQG)									
<input type="checkbox"/> Hazardous Waste Transporter					<input type="checkbox"/> Exempt Boiler and/or Industrial Furnace				
<input type="checkbox"/> Treater, Storer or Disposer of Hazardous Waste					<input type="checkbox"/> Small Quantity On-Site Burner Exemption				
<input type="checkbox"/> Recycler of Hazardous Waste					<input type="checkbox"/> Smelting, Melting, Refining Furnace Exemption				
<input type="checkbox"/> Underground Injection Control Facility									

10B. Universal Waste Activities (Indicate types of universal waste managed (check all boxes that apply))			
<input type="checkbox"/> Small Quantity Handler of Universal Waste		<input type="checkbox"/> Large Quantity Handler of Universal Waste (accumulates 5,000 kg. or more)	
<input type="checkbox"/> Destination Facility for Universal Waste			
Check all boxes below that apply for each of the three types of facilities above		10C. Used Oil Activities (Indicate Type(s) of Activity(ies))	
	Managed	<input type="checkbox"/> Used Oil Generator	<input type="checkbox"/> Off-Specification Used Oil Burner
Batteries	<input type="checkbox"/>	<input type="checkbox"/> Used Oil Transporter	<input type="checkbox"/> Used Oil Fuel Marketer Who Directs Shipment of Off-Spec. Oil
Pesticides	<input type="checkbox"/>	<input type="checkbox"/> Used Oil Transfer Facility	<input type="checkbox"/> Used Oil Fuel Marketer to Off-Specification Used Oil Burner
Mercury containing equipment	<input type="checkbox"/>	<input type="checkbox"/> Used Oil Processor	
Lamps	<input type="checkbox"/>	<input type="checkbox"/> Used Oil Re-refiner	
11. 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 if more space is needed. If there are more than 7 waste codes and they are the same as listed in the most recent RCRA Info source record, you do not need to list them all. Instead just indicate the date of the most recent source record.			
12. Comments: Use this area to describe whether the inspection was announced, whether the waste is stored in tanks or containers, etc.			
Announced	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Additional Facility Representatives: Robert Lepo
Tanks	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Other Comments:
Containers	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
13. Name of Inspector(s)		Date of Inspection/Time (mm/dd/yyyy) (hh:mm)	
Kara Reynolds		10/25/2007 1:15 PM	
Name of Inspector(s)			
Gary Deutschman			
14. OPTIONAL CERTIFICATION: I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.			
Signature of Owner, Operator, or an Authorized Representative		Name and Title (Print)	Date (mm/dd/yyyy)