Ohio | Environmental Protection Agency

Ted Strickland, Governor
Lee Fisher, Lt. Governor
Chris Korleski, Director

Re: B&K Body & Paint Shop
Complaint #3023
Auglaize County
OHD170099543
Hazardous Waste
Notice of Violation

November 26, 2010

Mr. Bill Kruse, Owner-Manager
B&K Body & Paint Shop
406 Derrick Street
St. Marys, Ohio 45885

Dear Mr. Kruse:

On November 10, 2010, the Ohio Environmental Protection Agency (Ohio EPA) conducted a complaint investigation and compliance evaluation inspection of B&K Body & Paint Shop (hereafter referred to as B&K) located at 406 Derrick Street in St. Marys, Ohio. The Ohio EPA received a complaint that your shop had a 55-gallon drum located behind the building that overflows when it rains.

We inspected B&K to determine its compliance with Ohio's hazardous waste laws as found in Chapter 3734 of the Ohio Revised Code (ORC) and Chapter 3745 of the Ohio Administrative Code (OAC). This letter will explain the validity of the complaint, and the violations that were found as a result of our inspection/complaint investigation.

During our visit, Wendy Miller and I spoke with you and observed your facility operations. B&K is a collision repair shop. Paint waste solvent (D001, F003), generated from cleaning the paint spray gun, is stored in a 55-gallon drum located outside behind the building. Veolia ES Technical Solutions (fka Onyx Environmental Services) last picked up spent paint waste solvent on November 11, 2003. Used oil generated at the facility is stored in a 55-gallon drum and is taken to St. Marys Chrysler for use in their on-site used oil burner. Spent fluorescent lamps are managed as a solid waste. Scott paper towels are managed as a solid waste. At the time of our inspection, B&K was operating as a conditionally exempt small quantity generator (CESQG) of hazardous waste.

We found the following violations of Ohio's hazardous waste and used oil laws. In order to correct these violations you must do the following and send me the required information within 30 days of your receipt of this letter:

1. Waste Evaluation, OAC Rule 3745-52-11:

a. At the time of the inspection, B&K did not have waste evaluation documentation for the spent blue colored Scott paper towels. B&K pours the lacquer thinner on the paper towels and uses them for shop clean-ups.

B&K has historically disposed of this spent material as a non-hazardous waste. B&K must immediately cease disposing of the spent blue colored Scott paper towels as non-hazardous waste until a proper waste evaluation has been completed. B&K must evaluate this waste stream to determine whether the towels would be a characteristic hazardous waste.

B&K must obtain a representative sample of the spent blue colored Scott paper towels and have it analyzed for Toxic Characteristic Leaching Procedure (TCLP) Resource Conservation and Recovery Act (RCRA) metals (SW-846 Method 1311/6010) and volatile organics (SW-846 Method 1311/8260). To abate this violation, B&K must submit a copy of the analytical results to Ohio EPA. Once analytical results have been reviewed, Ohio EPA will advise you on proper disposal options as well as plans for the future management of this waste stream.

b. B&K failed to have waste evaluation documentation or an established recycling plan in place for the fluorescent bulbs generated at the facility.

B&K must immediately cease disposing of the fluorescent lamps as non-hazardous waste until a proper waste evaluation has been completed. Incandescent, fluorescent, metal halide, neon, high-intensity discharge, high-pressure sodium and mercury-vapor lamps could be hazardous waste when discarded. Fluorescent lamps may contain up to 40 milligrams (mg) of mercury, depending on the brand and manufacturer. Lamps may also contain lead and cadmium. Many lamps exhibit a characteristic of toxicity for heavy metals when disposed.

A copy of Fluorescent Lamps: What You Should Know, was given to you at the time of our inspection. I recommend that you review this document and contact me if you have any questions.

Hazardous bulbs are considered "spent materials" and remain hazardous waste even when recycled. Hazardous waste lamp generators have the option of handling their lamps as hazardous waste or as universal waste. Managing hazardous waste lamps under the universal waste rules eases certain regulations imposed on generators of spent lamps.

Basically, you can run analytical to determine if the spent bulbs contain mercury, lead, or cadmium (if you would like to continue to dispose of them) OR you can choose to manage them through the universal waste rules by recycling. When the bulbs are recycled as a universal waste, they are not considered a hazardous waste. You must ensure that the spent bulbs are recycled within one year of being generated and that you keep documentation showing the bulbs were recycled.

In addition, you must label the box containing the burned out bulbs (prior to recycling) with the words "universal waste lamps". To abate this violation, B&K must confirm how you plan to manage the spent bulbs in the future and where they will be recycled if you choose to handle them as universal waste.

2. **OAC Rule 3745-279-22(C)(1): Labeling:**

Containers, aboveground tanks, and fill pipes used for underground storage tanks shall be labeled or marked clearly with the words "used oil."

B&K had one 55-gallon drum of used oil that was not properly labeled.

At the time of our inspection, B&K properly labeled the 55-gallon drum with the words "used oil". A copy of the fact sheet, The Regulation of Used Oil: An Overview for Ohio Businesses Who Generate Used Oil, was given to you at the time of our inspection. Please review this information and contact me if you have any questions.

Therefore, this violation is considered abated.

3. **OAC Rule 3745-279-24: Off-Site Shipment:**

Generators shall ensure that their used oil is transported only by transporters who have obtained an EPA identification number.

B&K has been giving the used oil they generated to St. Marys Chrysler who is burning it in their on-site burner.

B&K must immediately cease giving used oil to any person or transporter who does not have an EPA identification number. To abate this violation, B&K must notify Ohio EPA with how you plan to manage you used oil in the future and provide the applicable documentation for review. An updated list of used oil recyclers is enclosed.

If you find ways to recycle, reduce or altogether eliminate the amount of waste that your company generates you may be able to reduce treatment and disposal costs. You may possibly reduce your regulatory requirements. B&K may want to consider using shop towels that can be sent off-site to a commercial laundry or dry cleaner for recycling. Ohio EPA has determined that solvent wipers which will be cleaned and reused do not meet the definition of a waste in OAC rule 3745-51-02, because they have not been "discarded." Solvents wipers contaminated with listed solvent or displaying the characteristic of a hazardous waste are not regulated as a waste if: the wipers contain no free liquids; or if the wipers are being sent to a commercial laundry which is subject to the regulation under the Clean Water Act, or a drycleaner for cleaning and reuse. Enclosed is a list of Industrial Laundry contacts located closest to Auglaize County.

Ohio EPA has helpful information about compliance assistance and pollution prevention at the following web address: http://www.epa.ohio.gov/ocapp. In addition, you can find copies of the rules and other information on the division's web page at: http://www.epa.ohio.gov/dhwm/.

In regards to the complaint investigation, the Ohio EPA did not find evidence to support the complainant's allegations; therefore, the Ohio EPA considers the complaint investigation closed.

Enclosed you will find a copy of the checklists that were completed during the inspection.

If you have any questions or I can be of assistance, please contact me at (419) 373-3066.

Sincerely,

Melissa L. Boyers

Melissa L. Boyers
Division of Hazardous Waste Management

/llr

Enclosures

pc: Cindy Lohrbach, DHWM, NWDO
Colleen Weaver, DHWM, NWDO
DHWM, NWDO Auglaize County File (w/original enc.)

ec: Melissa Boyers, DHWM, NWDO

Notice:
Ohio's 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.

Send to Central Office ☐	Ohio Environmental Protection Agency **RCRA SUBTITLE C SITE** **IDENTIFICATION/VERIFICATION FORM**	For Ohio EPA use only

Completed verification forms required to be submitted to CO should be e-mailed to paula.canter@epa.state.oh.us.

Site EPA ID No.	EPA ID Number: **OHD170099543**							
Site Name	Name: **B&K Body & Paint Shop**				Website: (Optional)			
Site Location Information	Street Address: **406 Derrick Street**							
	City, Town, or Village: **St. Marys**				State: OH			
	County Name: **Auglaize**				Zip Code: **45885**			
Site Land Type (check only one)	Private ☒	County ☐	District ☐	Federal ☐	Indian ☐	Municipal ☐	State ☐	Other ☐
NAICS code(s) www.census.gov/epcd/www/naics.html								
Facility Representative	First Name: **Bill**		MI:		Last Name: **Kruse**			
Additional names can be recorded in number 12	Title: **Owner**							
	Phone Number: **419-394-2415**				Phone Number Extension:			
	E-Mail Address:							
Only provide address information if it is different than the site address	Fax Number:				Fax Number Extension:			
	Street or P.O. Box:							
	City, Town or Village:							
	State:				Zip Code:			
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:				Date Became Owner (mm/dd/yyyy):			
	Owner Type:	Private ☐	County ☐	District ☐	Federal ☐	Indian ☐	Municipal ☐	State ☐	Other ☐
	Street or P.O. Box:							
	City, Town or Village:				Owner Phone #:			
	State:				Country:		Zip Code:	
	Name of Site's Operator:				Date Became Operator (mm/dd/yyyy):			
	Operator Type:	Private ☐	County ☐	District ☐	Federal ☐	Indian ☐	Municipal ☐	State ☐	Other ☐
	Street or P.O. Box:							
	City, Town or Village:				Operator Phone #:			
	State:				Country		Zip Code:	

VIOLATIONS CITED?	☒ Yes ☐ No

TYPE OF HANDLER - MARK "X" AS APPROPRIATE

☐ Not a HW Generator	☒ UNKNOWN: Cited for violation of 3745-52-11	☐ Large Quantity Generator (LQG)
	☐ Short-Term Generator (generates from a short-term or one-time event and not from on-going processes). *Check the box for the applicable generator status and provide a comment.*	☐ Small Quantity Generator (SQG)
		☐ Conditionally Exempt Small Quantity Generator
		☐ U.S. Importer of Hazardous Waste
		☐ Mixed Waste (Hazardous and Radioactive) Generator

TYPE OF REGULATED WASTE ACTIVITY (MARK "X" IN ALL OF THE APPROPRIATE BOXES)

- ☐ Hazardous Waste Transporter
- ☐ Hazardous Waste Transfer Facility
- ☐ Treater, Storer or Disposer of Hazardous Waste
- ☐ Recycler of Hazardous Waste
- ☐ Exempt Boiler and/or Industrial Furnace
  - ☐ Small Quantity On-Site Burner Exemption
  - ☐ Smelting, Melting, Refining Furnace Exemption
- ☐ Underground Injection Control Facility
- ☐ Receives Hazardous Waste from Off-site

UNIVERSAL WASTE ACTIVITIES (INDICATE TYPES OF UNIVERSAL WASTE MANAGED (CHECK ALL BOXES THAT APPLY)

- ☐ Small Quantity Handler of Universal Waste
- ☐ Destination Facility for Universal Waste
- ☐ Large Quantity Handler of Universal Waste (accumulates 5,000 kg. or more)

CHECK ALL BOXES BELOW THAT APPLY FOR THE TYPES OF UNIVERSAL WASTE THE FACILITY MANAGES

- ☐ Batteries
- ☐ Pesticides
- ☐ Mercury containing equipment
- ☐ Lamps

USED OIL ACTIVITIES (INDICATE TYPE(S) OF ACTIVITY(S)

- ☒ Used Oil Generator
- ☐ Used Oil Transporter
- ☐ Used Oil Transfer Facility
- ☐ Used Oil Processor
- ☐ Used Oil Re-refiner
- ☐ Off-Specification Used Oil Burner
- ☐ Used Oil Fuel Marketer who directs shipment of Off-Spec Used Oil
- ☐ Used Oil Fuel Marketer who first claims the Used Oil meets the specifications

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 or list them in the comments if more space is needed. If the waste codes are the same as listed in the most recent RCRAInfo source record, you do not need to list them. Instead just indicate the date of the most recent source record.

D001 **F003**

COMMENTS: USE THIS AREA TO DESCRIBE WHETHER THE INSPECTION WAS ANNOUNCED, WHETHER THE WASTE IS STORED IN TANKS OR CONTAINERS, ETC.

Announced	☐ Yes	☒ No	Additional Facility Representatives:
Tanks	☐ Yes	☒ No	
Containers	☒ Yes	☐ No	

Name of Inspector(s)	Name of Inspector(s)	Date of Inspection/Time (mm/dd/yyyy) (hh:mm)
Melissa Boyers	**Wendy Miller**	**11/10/2010 11:50**

Comments:

52-11 cited for fluorescent lamps & spent shop towels

Revised 06.02.10

PROCESS DESCRIPTION/WASTE ACTIVITIES SUMMARY

Facility Name: B&K Body & Paint Shop **Facility Type:** LQG/SQG/**CESQG**/TSD **EPA ID#: OHD170099543**

	Description of Waste				***On-Site Management***			***Off-Site Management***
	Process/Activity Generating Waste (e.g. plating bath, machining, baghouse, painting, etc)	**Waste Generated** (e.g. sludge, spent solvent, ash, etc)	**EPA Waste Code**	**QTY Generated per Month**	**Type of Accumulation/ Storage** (e.g. container, tank, etc)	**Type of On-Site Treatment** (recycle, wwt, etc)	**Waste Location** (Include map if possible)	**Name, state, and type of activity occurring at the facility.**
	Lighting	Spent Fluorescent Bulbs						Currently managed as solid waste. Facility was given fact sheets for universal waste lamps.
2	Vehicle Maintenance	Used Oil			55-gallon drum		Outside behind the building	Currently gives used oil to St. Marys Chrysler to use in their on-site used oil burner. Facility given used oil fact sheet and list of recyclers.
3	Paint gun cleaning	Paint Waste Solvent	D001, F003		55-gallon drum		Outside behind the building	Veolia ES Technical Solutions (fka Onyx Environmental Services). Last pick-up was on November 11, 2003.
4	Shop Operations & Clean-up	Shop towels – blue colored Scott Paper Towels						Currently managed as solid waste.

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)] **Veolia ES Technical Solutions (fka Onyx Environmental Services)**	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	☐	No	☐	N/A	☒
b.	Tank that meets 3745-66-90 to 3745-66-101 except 3745-66-97(C)?	Yes	☐	No	☐	N/A	☒
c.	Drip pads that meet 3745-69-40 to 3745-69-45?	Yes	☐	No	☐	N/A	☒
d.	Containment building that meets 3745-256-100 to 3745-256-102?	Yes	☐	No	☐	N/A	☒

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.

REMARKS

#1 - Fluorescent Bulbs & Spent Shop Towels

USED OIL INSPECTION CHECKLIST
GENERATORS, COLLECTION CENTERS AND AGGREGATION POINTS

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 generator 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 ☒
NOTE: For example, used oil contaminated scrap metal stored in a pile.			
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).			
GENERATOR STANDARDS			
4.	Does the generator mix hazardous waste with used oil? If so,		Yes ☐ No ☒ N/A ☐
	a.	Is the mixture managed as specified in 3745-279-10(B)? [3745-279-21(A)]	Yes ☐ No ☐ N/A ☒
NOTE: Used Oil mixed with listed (3745-51-30 to 3745-51-35) or characteristic (3745-51-20 to 3745-51-24) hazardous waste are subject to regulation as a hazardous waste, unless the listed hazardous waste is listed solely because it exhibits a hazardous characteristic, and the resultant mixtures do not exhibit a characteristic. Mixtures of used oil and CESQG hazardous waste are subject to OAC Chapter 3745-279.			
5.	Does the generator of a used oil containing greater than 1,000 ppm total halogens manage the used oil as a hazardous waste unless the presumption is rebutted successfully? [3745-279-21(B)]		Yes ☐ No ☐ N/A ☒
NOTE: If used oil contains greater than 1000 ppm total halogens, it is presumed to be listed hazardous waste until the presumption is successfully rebutted.			
6.	Does the generator store used oil in tanks; or containers; or a unit(s) subject to regulation as a hazardous waste management unit? [3745-279-22(A)]		Yes ☒ No ☐ N/A ☐
7.	Are containers and aboveground tanks used to store used oil in good condition with no visible leaks? [3745-279-22(B)]		Yes ☒ No ☐ N/A ☐
8.	Are containers, above ground tanks, and fill pipes used for underground tanks clearly labeled or marked "Used Oil?" [3745-279-22(C)]		Yes ☐ No ☒ N/A ☐
9.	Has the generator, upon detection of a release of used oil, done the following: [3745-279-22(D)]		
	a.	Stopped the release?	Yes ☒ No ☐ N/A ☐
	b.	Contained the release?	Yes ☒ No ☐ N/A ☐
	c.	Cleaned up and properly managed the used oil and other materials?	Yes ☒ No ☐ N/A ☐
	d.	Repaired or replaced the containers or tanks prior to returning them to service, if necessary?	Yes ☒ No ☐ N/A ☐
ON-SITE BURNING IN SPACE HEATER			
10.	Does the generator burn used oil in used-oil fired space heaters? [3745-279-23] If so:		Yes ☐ No ☒ N/A ☐
	a.	Does the heater burn only used oil that owner/operator generates or used oil received from household do-it-yourself (DIY) used oil generators?	Yes ☐ No ☐ N/A ☒

	b.	Is the heater designed to have a maximum capacity of not more that 0.5 million BTU per hour?	Yes ☐ No ☐ N/A ☒
	c.	Are the combustion gases from heater vented to the ambient air?	Yes ☐ No ☐ N/A ☒
NOTE: Ash accumulated in a space heater must be managed in accordance with 3745-279-10(E).			
GENERATOR TRANSPORTATION			
11.	Does the generator have the used oil hauled only by transporters that have obtained a U.S. EPA ID#?		Yes ☐ No ☒ N/A ☐
12.	If the generator self-transports used oil to an approved collection site or to an aggregation point owned by the generator: [3745-279-24]		
	a.	Does the generator transport used oil in a vehicle owned by the generator or an employee of the generator?[3745-279-24]	Yes ☐ No ☐ N/A ☒
	b.	Does the generator transport more than 55 gallons of used oil at any time?[3745-279-24]	Yes ☐ No ☐ N/A ☒
NOTE: Used oil generators may arrange for used oil to be transported by a transporter without a U.S. EPA ID # if the used oil is reclaimed under a contractual agreement (i.e., tolling arrangement).			
COLLECTION CENTERS AND AGGREGATION POINTS			
13.	Is the DIY used oil collection center in compliance with the generator standards in 3745-279-20 to 3745-279-24? [3745-279-30]		Yes ☐ No ☐ N/A ☒
14.	Is the non-DIY used oil collection center registered with Ohio EPA? [3745-279-31]		Yes ☐ No ☐ N/A ☒
15.	Is the used oil aggregation point in compliance with the generator standards in 3745-279-20 to 3745-279-24? [3745-279-32]		Yes ☐ No ☐ N/A ☒
NOTE: Complete Used Oil Generator and any other applicable used oil handler checklist (e.g., marketer, burner, etc.) for used oil collection centers and aggregation points.			