



State of Ohio Environmental Protection Agency

Northwest District Office

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

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

Re: Beverage Body & Trailer Service
OHR 000 110 163
Hazardous Waste
Complaint # 2666
Crawford County
Notice of Violation

August 2, 2007

Mr. John Schmidt
Beverage Body & Trailer Service
6824 S. County Line Road
Galion, Ohio 44833

Dear Mr. Schmidt:

On July 19, 2007, Kara Reynolds and I investigated a complaint at Beverage Body & Trailer Service (Beverage) located at 6824 S. County Line Road, Galion, Ohio. The complaint was received by the Division of Hazardous Waste Management on June 12, 2007. The complainant stated the following: it was a common practice for your facility to put waste auto paint and paint filters in the dumpster and that your facility volatilizes off volatiles in paint and throws waste into dumpster. This letter will explain the validity of the complaint, the violations we found, and what you need to do to correct the one outstanding violation.

Beverage rebuilds beverage trailers. Beverage is a conditionally exempt small quantity generator of hazardous waste. Hazardous waste generated at the facility is paint related waste (D001, F003, F005) from the painting operations. Other wastes generated at the facility include paint booth filters, used oil and fluorescent light bulbs.

We observed your painting operations. We observed your Uniram solvent recycler which recycles your waste paint/solvent generated from cleaning of paint guns. You re-use the solvent then any solids from the recycler are placed into a drum. We observed this drum which was ¾ full. I looked into the dumpsters at your facility and only observed a couple of empty paint cans. We discussed ensuring to utilize all paint from your paint cans. In addition, I observed manifests for the pick-up of your paint related waste (D001, F003, F005) by Perma-fix of Dayton. Your last pick-up of this material was 3-16-07 (2 drums).

During the investigation, I provided you with the following materials: the Ohio EPA Fact Sheets: Universal Waste Rules for Handlers of Lamps, The Regulation of Used Oil: An Overview for Ohio Businesses, Used Oil Generators and a list of computer, fluorescent lamp and ballast recyclers.

As a result of my investigation, I found the following violations of Ohio's hazardous waste laws. In order to correct the one outstanding violation 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

Any person who generates a waste must determine if that waste is a hazardous waste in

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accordance with the criteria for hazardous waste as set forth in Chapter 3745-51 of the Administrative Code.

A). Beverage failed to have waste evaluation documentation for the fluorescent bulbs generated at the facility.

Beverage is currently disposing of their fluorescent bulbs in the trash. Beverage must cease disposing of their fluorescent bulbs as non-hazardous waste in the local landfill until a proper waste evaluation has been completed.

The waste evaluation can be conducted by taking a representative sample of this waste to properly evaluate this waste stream through a laboratory analysis which lists constituents present and at what concentration. Beverage must ensure that the laboratory chosen to perform this sampling utilizes the proper method(s) to evaluate these bulbs. Beverage must sample the fluorescent bulbs to determine the Toxicity Characteristic Leaching Procedure (TCLP) concentrations of barium (D005), cadmium (D006), lead (D008), and mercury (D009) as listed in OAC Rule 3745-51-24 following the methods as outlined in U.S. EPA's SW-846. Beverage may run total concentrations for these constituents as a screening tool. If the concentration(s) are detected for any of these constituents at or above the regulatory limit, a TCLP may be required to ensure these constituent(s) are not present above the Ohio EPA regulatory level.

If the bulbs are determined to be hazardous through a proper waste evaluation, Beverage will have to manage their bulbs either as 1) a universal waste (OAC Chapter 3745-273), or 2) as a hazardous waste under Ohio's generator standards (OAC Chapter 3745-52). Beverage may recycle their bulbs if they are hazardous or non-hazardous. Ohio EPA would encourage this option as a pollution prevention alternative.

In lieu of conducting a waste evaluation, Beverage may choose to manage their bulbs as a universal waste as outlined in OAC Chapter 3745-273. Please consult the fact sheet Universal Waste Rules for Handlers of Lamps given to you during the investigation for more information. If you choose this option, please provide me an outline of your universal waste management plan.

To abate this violation, please submit to me your waste evaluation of your lamps or an outline of your universal waste management plan (indicating how you will manage, label, send off-site within one year, where lamps will be recycled, etc.)

B.) Beverage has failed to evaluate the paint filters from the painting booth (both the dust filters and the overspray filters) to determine if they are hazardous. Beverage is currently disposing of these waste streams in the local landfill.

I reviewed a shipping document from Safety-Kleen for the pickup of solid-paint booth filters dated 5-5-03, which listed the paint booth filters as hazardous waste for chromium (D007).

To properly evaluate the above waste stream, Beverage must do one of two options: 1) Beverage must take a representative sample of this waste to properly evaluate this waste stream through a laboratory analysis which lists constituents present and at what concentration. Beverage must sample the paint filters from the painting booth to determine the concentrations of the Resource Conservation and Recovery Act (RCRA) metals [specifically lead (D008) and chromium (D007)] and any other regulated volatile organics that may be present based on the solvent (in light of the materials or the processes used) as listed in the Ohio Administrative Code Rule 3745-51-24 following the methods as outlined in U.S. EPA's SW-846. Beverage may run total concentrations for these constituents as a screening tool. If the concentrations are detected for the constituents

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at or above the regulatory limit, a TCLP may be required to ensure this constituent is not present above the Ohio EPA regulatory level, or 2) Beverage must apply generator knowledge of the hazardous characteristic(s) of the waste in light of the materials or the processes used through adequate documentation.

To abate this violation, Beverage must submit the analytical information or the documentation for generator knowledge to me. Your results must document if the waste is hazardous or not and whether it is restricted from land disposal. If it is hazardous, you must explain what treatment, storage, or disposal facility you will send it to. If the waste is hazardous, I will determine the status of your compliance with other hazardous waste laws and notify you of my findings in a separate letter.

If you perform sampling, Ohio EPA will use the data you provide, in addition to other documentation, to make regulatory decisions concerning the wastes tested. The data you submit should be reviewed using a data review process, referred to as data validation, to confirm the validity of your data prior to submission. Data validation includes a review of the following components: laboratory test methods, laboratory data completeness, documentation of holding time(s), chain(s) of custody, and quality assurance/quality control (QA/QC) data. To confirm the validity of your data, you may use Ohio EPA's tier 1 data validation plan review form which can be obtained from Ohio EPA's web page:

http://www.epa.state.oh.us/dhwm/tier_1_data_validation_manual.html. Ohio EPA may request the documentation needed to confirm the validity of the data submitted.

Please submit a brief narrative of each sampling event which includes: process generating the waste, point in the process the sample was obtained, sampling techniques used to obtain the sample and a description of how this sample was determined to be a representative sample of the waste tested.

In addition, if sampling is performed, please notify me at least seven days prior to taking the samples so that I or an Ohio EPA representative may be present.

2. **Used oil storage requirements - proper labels.**
OAC 3745-279-22 (C) (1)

Containers used to store used oil shall be labeled or marked clearly with the words "Used Oil."

Beverage failed to mark two 55-gallon drums, one bucket, and one blue plastic container storing used oil with the words "Used Oil."

"Used Oil" was written on the two 55-gallon drums, one bucket, and one blue plastic container during the investigation. ***Thus, this violation was abated.***

Based on our investigation, we did find partial validity of this complaint. Please be advised that a full compliance evaluation inspection was not conducted. Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve you from having to comply with all applicable regulations.

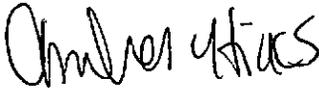
The Division of Hazardous Waste Management (DHWM) has created an electronic news service to provide you with quick and timely updates on events and news related to hazardous waste activities in Ohio. If you haven't already, we encourage you to sign-up for this free service. You can find more information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

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Please address all correspondence to Amber Hicks, Ohio EPA, 347 N. Dunbridge Road, Bowling Green, Ohio 43402. Should you have any questions, please feel free to call me at (419) 373-3082.

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>.

Sincerely,



Amber M. Hicks
Division of Hazardous Waste Management

/lb

pc: Colleen Weaver, DHWM, NWDO
Cindy Lohrbach, DHWM, NWDO
DHWM, NWDO File: Beverage Body & Trailer Service

ec: Amber Hicks, 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.