



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 Korteski, Director

Re: Hurst Custom Paint
Crawford Cty
Complaint #2785
NOV

OH R 000 149 799

August 6, 2008

Mr. Bob Hurst
Hurst Custom Painting
535 Spore-Brandywine Road
Nevada, Ohio 44849

Dear Mr. Hurst:

On July 16, 2008, Ohio EPA conducted a complaint investigation and a compliance evaluation inspection of Hurst Custom Paint (Hurst) located in Nevada, Ohio. The purpose of this visit was to determine Hurst's 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). The inspection included a tour of the facility and a review of your facility paperwork.

Hurst is a custom auto body restoration shop. Hurst generates approximately one gallon of used lacquer thinner (D001) per month. At the time of the inspection, Ohio EPA considered Hurst a conditionally exempt small quantity generator (CESQG) of hazardous waste due to the fact that they did not produce over 220 pounds (approximately 25-30 gallons) of hazardous waste in a calendar month.

I found the following violations of Ohio's hazardous waste laws. Hurst must do the following and send me the required information **within 30 days** of your receipt of this letter:

**1. Unpermitted Treatment and Disposal
Ohio Revised Code Section 3734.02 (E)&(F)**

ORC Section 3734.02 (E) states in part that, ". . . No person shall establish or operate a hazardous waste facility. . . without a hazardous waste installation and operation permit. . ."

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ORC 3734.02 (F) states in part that, . . . "No person shall store, treat, or dispose of hazardous waste identified or listed under this chapter and rules adopted under it, regardless of whether generated on or off the premises where the waste is stored, treated or disposed of . . . except at or to any of the following: (1) A hazardous waste facility operating under a permit in accordance with this chapter . . ."

Hurst is treating/disposing of their spent lacquer thinner (D001) by burning it in a burn pile in the rear of the property. Hurst failed to first obtain a hazardous waste installation and operation permit to conduct this activity. Hurst generates approximately 1 gallon of spent lacquer thinner (D001) every month and has been using this practice of disposal of the spent lacquer thinner for the past 15 years.

During the inspection, Ohio EPA instructed Hurst to stop burning their spent lacquer thinner and was instructed to start collecting the spent lacquer thinner. Hurst must also submit a copy of an agreement with a permitted hazardous waste treatment, storage, or disposal facility in order to show who will be picking up your hazardous waste.

Since Hurst violated ORC Section 3734.02 (E) and (F), Hurst is subject to all applicable general facility standards found in OAC Chapters 3745-54 and 55. Additionally, at any time Ohio EPA may assert its right to have Hurst begin facility-wide cleanup pursuant to the Correction Action process under Ohio law.

2. Waste Evaluation, OAC Rule 3745-52-11

Any person who generates a waste in the state of Ohio must determine if that waste is a hazardous waste in accordance with the criteria for hazardous waste as set forth in Chapter 3745-51 of the Administrative Code.

Hurst has not evaluated the spent lacquer thinner generated from your auto body painting process. Hurst is currently disposing of the spent lacquer thinner by burning it in a burn pile in the rear of the property.

During the inspection, we looked at the material safety data sheet for the lacquer thinner and found it to be ignitable (D001) as the flashpoint was below 140 degree Fahrenheit.

To abate this violation, Hurst must immediately cease burning of the D001 hazardous waste. Hurst must start collecting the spent lacquer thinner (D001) in a 55 gallon drum and dispose of the waste properly at a permitted treatment, storage, or disposal facility. Hurst, must submit to me in writing, what hazardous waste facility they will be using for proper disposal, and what waste codes you will be applying to the waste.

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Ohio EPA will issue an EPA ID number to track our inspection activity at Hurst. Hurst can not use this number for manifesting hazardous waste shipments. If Hurst wants to use an EPA ID number for manifesting and other hazardous waste, used oil or universal waste activities, Hurst 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 Hurst can call me at (419) 373-3058 or the Division of Hazardous Waste Management, Central Office, RIS at (614) 644-2977 and we will mail you a copy.

During the inspection, Hurst stated that no fluorescent bulbs have been generated to date. Please be aware that 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. Ohio EPA recommends that you manage your spent fluorescent bulbs once they are generated as universal waste.

If you find ways to recycle, reduce, or altogether eliminate the amount of waste your company generates you may be able to reduce treatment and disposal costs. Furthermore, you may possibly reduce your regulatory requirements. Ohio EPA has helpful information about pollution prevention at the following web address:
<http://www.epa.state.oh.us/ocapp/ocapp.html>.

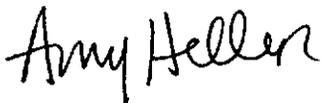
The Division of Hazardous Waste Management (DHWM) has created an electronic news service to provide you with quick and timely updates on events and news related to hazardous waste activities in Ohio. If you haven't already, we encourage you to sign-up for this free service. You can find more information 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>.

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Enclosed you will find a copy of the checklists that I completed during the inspection. Please address all correspondence to Amy Heller, Ohio EPA, 347 N. Dunbridge Road, Bowling Green, Ohio 43402. Should you have any questions, please feel free to call me at (419) 373-3058.

Sincerely,



Amy Heller
Division of Hazardous Waste Management

/csl

pc: Colleen Weaver, DHWM, NWDO
Cindy Lohrbach, DHWM, NWDO
DHWM, NWDO File: Crawford County General

ec: Amy Heller, 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
 McConnell, Central Office

2. Site EPA ID No.	EPA ID Number: NA									
3. Site Name	Name: Hurst Custom Paint						Website: (Optional)			
4. Site Location Information	Street Address: 535 Spore-Brandywine Road									
	City, Town, or Village: Nevada						State: OH			
	County Name: Crawford						Zip Code: 44849			
5. Site Land Type (check only one)	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"/>		
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: Bob				MI:	Last Name: Hurst				
	Phone Number:				Phone Number Extension:					
	E-Mail Address:									
	Fax Number:				Fax Number Extension:					
	Street or P.O. Box:									
	City, Town or Village:			State:			Country:		Zip Code:	
	Name of Site's Legal Owner:									
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	Date Became Owner (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:									
	City, Town or Village:				Owner Phone #:		Zip Code:			
	State:				Country:		Zip Code:			
	Name of Site's Operator:				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:									
	City, Town or Village:				Operator Phone #:		Zip Code:			
	State:				Country:		Zip Code:			
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 checked="" type="checkbox"/> Conditionally Exempt Small Quantity Generator					
<input 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 checked="" 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.			
D001			
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:
Tanks	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Other Comments:
Containers	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
13. Name of Inspector(s)		Name of Inspector(s)	Date of Inspection/Time (mm/dd/yyyy) (hh:mm)
Amy Heller			7/16/2008
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)

**CONDITIONALLY EXEMPT SMALL QUANTITY GENERATOR REQUIREMENTS
COMPLETE AND ATTACH A PROCESS, WASTE, P2 SUMMARY SHEET**

CESQG: ≤ 100 Kg. (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: $\geq 1,000$ 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)] 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	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
b. Tank that meets 3745-66-90 to 3745-66-101 except 3745-66-97(C)?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
c. Drip pads that meet 3745-69-40 to 3745-69-45?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
d. Containment building that meets 3745-256-100 to 3745-256-102?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>

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

[Facility Name/Inspection Date]
[ID number]
CESQG/July 2007

