



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: USA Auto
Hazardous Waste
OHD987018843
Complaint # 2787
Crawford County
Notice of Violation

September 24, 2008

Mr. John Elgin
P. O. Box 412
Galion, Ohio 44833

Dear Mr. Elgin:

Thank you for accompanying Kara Reynolds and me during Ohio EPA's September 4, 2008, hazardous waste compliance evaluation inspection (CEI) of USA Auto (USA) located at 860 Dawsett Avenue, Galion, Ohio. This inspection was conducted to determine USA's compliance with Ohio's hazardous waste laws as found in Chapter 3734. of the Ohio Revised Code (ORC), and Ohio's hazardous waste regulations as adopted under Chapter 3745. of the Ohio Administrative Code (OAC). USA was represented by you. This inspection was announced. The inspection included a tour of your facility and a review of your facility Material Safety Data Sheets (MSDS) received from Kelley's Paint Store in Bucyrus, Ohio. This letter will explain one violation I discovered, what you need to do to correct this violation, and other general comments as a result of the CEI.

USA is a collision body and paint shop. You stated that Bob Johnson owns the property and you rent from him. You then, in turn, rent space to two men – one man conducts auto body work and painting and the other man rebuilds cars. USA is a conditionally exempt small quantity generator (CESQG) of hazardous waste. Hazardous waste generated at the facility is solvent/paint waste (F005). USA generates approximately two quarts of solvent/paint waste in 4 months. Your facility also generates fluorescent bulbs and occasionally used oil when an engine is re-built. I spoke with Jim Linn, one of your renters on July 16, 2008; he stated to me at this time that he generates the waste and places it in a 5-gallon container, which I observed. He then stated that you are responsible for having this material "picked up".

During the inspection, I provided you with the following information: the publication Environmental Compliance Guide for Auto Body Shops – March 2002; the Ohio EPA fact sheets The Regulation of Used Oil: An Overview for Ohio Businesses Who Generate Used Oil; Identifying your Hazardous Waste; Universal Waste Rules for Handlers of Lamps and Fluorescent Lamps: What you Should Know; a list of computer, fluorescent lamp and ballast recyclers; a list of used oil recyclers; and a list of registered used oil collection centers.

As a result of my inspection on September 4, 2008, I found the following violation of Ohio's used oil regulations. In order to correct this violation you must do the following and send me the required information **within 30 days** of your receipt of this letter:

**1. Off-site shipments of used oil by generators.
OAC Rule 3745-279-24**

Generators shall ensure that their used oil is transported only by transporters who have obtained U.S. EPA identification numbers.

You stated that USA generates around 5 quarts of used oil from the re-building of engines approximately every two months. You stated that USA takes this used oil to Advance Auto Parts in Galion, Ohio. I asked you if Advance accepts used oil from businesses and you stated yes. I checked and, at this time, Advance in Galion is not a registered used oil collection center and is unable to accept used oil from businesses. Thus, you will need to find an alternative method as listed below to recycle your used oil. Please consult the list of registered used oil collection centers that I gave you during the CEI, to locate a facility that accepts used oil from businesses if you wish take your used oil to one of these facilities to recycle your used oil with this option.

Used oil generators have three options for handling their used oil: 1) Generators must have their used oil transported by an entity that has a U.S. EPA identification number and ensure their used oil is recycled; 2) Generators may transport less than 55-gallons of their own used oil to a registered used oil collection center. Again, please consult the list I gave to you during the CEI of registered used oil collection centers in the state; or 3) USA may burn its own used oil in an on-site space heater as long as all applicable requirements are met.

- Since USA does not routinely generate used oil, if USA has not generated any used oil recently or will not generate any used oil in the near future, please submit to me a summary of how you plan to manage your used oil in the future (for example: submit the name of the registered used oil collection you will be taking your used oil to from now on, etc.) to abate this violation.

Please consult the Used Oil fact sheet given to you during the CEI for more information.

General comments (no response necessary to general comments):

1. Solvent/paint waste disposal.

Based on the MSDS received from Kelley's Paint Store, your solvent/paint waste is a F005-listed hazardous waste (from toluene). You stated that you have only been renting this space to the auto working guys for 3-4 months, thus you have not disposed of any hazardous waste. I observed the closed container where USA is storing its hazardous waste. You stated that solvent sometimes sits in the container & over time can evaporate out. I stated as a CESQG, you do not have any requirements on the amount of time you store waste, but simply on the quantity of waste you store. The container that USA stores solvent/paint waste was closed when I observed this container. However, USA shall note that they should not purposely allow this waste to evaporate. You inquired as to if you can burn this waste. I stated no – that since this is a hazardous waste, it must be properly disposed of (no matter the quantity of the waste) at a permitted treatment, storage, or disposal facility (TSDF). We also discussed simply contracting a licensed transporter to pick up your waste once a year (you suggested having Safety-Kleen come). Thus, even though USA does not generate much hazardous waste then it is set-up on a schedule for pick-up. I gave you a list of licensed TSDFs. In addition, you may consult your local yellow pages or the internet for other facilities that provide this service.

2. Paint booth filters.

We observed several paint booth filters in the door of USA's paint booth. You stated you have not had these changed. Please be advised that these filters are like any other waste stream generated at USA and must be properly evaluated prior to disposal. They may not be thrown into the trash until a proper waste evaluation has been conducted to ensure they are non-hazardous. This can be done through either analytical testing, generator knowledge, or both. Please note that based on the MSDS for Nason paint, your paint contains Barium which is a hazardous constituent. Please consult the fact sheet Identifying your Hazardous Waste given to you during the CEI for more information pertaining to waste evaluation.

3. Lamps.

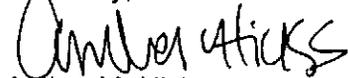
I observed fluorescent bulbs at USA. You stated that you have not had any spent bulbs to date, and thus you have not had to dispose of any bulbs. As we discussed during the CEI, please note that the lamps generated from USA may be a hazardous waste. Lamps may not be disposed as a solid waste unless you have conducted a proper waste evaluation to determine that they are non-hazardous. If you do generate lamps, in lieu of conducting a waste evaluation, you may manage these as a universal waste (recycle the lamps, etc.). Please consult the fact sheets Fluorescent Lamps – What you should know, Universal Waste Rules for Handlers of Lamps and a list of computer, fluorescent lamp & ballast recyclers given to you during the CEI for more information on the proper management of USA's lamps.

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.

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

/llr

Enclosures

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

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: OHD987018843								
3. Site Name	Name: USA Auto					Website: (Optional)			
4. Site Location Information	Street Address: 860 Dawsett Avenue								
	City, Town, or Village: Galion					State: OH			
	County Name: Crawford					Zip Code: 44833			
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: John			MI:	Last Name: Elgin				
	Phone Number: 567-232-5094				Phone Number Extension:				
	E-Mail Address:								
	Fax Number:				Fax Number Extension:				
	Street or P.O. Box: P.O. Box 412								
	City, Town or Village: Galion								
	State: OH			Country: USA		Zip Code: 44833			
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: Bob Johnson				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 #:				
	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 #:				
	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 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 checked="" 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 RCRAInfo 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 checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Additional Facility Representatives: Jim Linn
Tanks	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Other Comments: Inspection was announced - set up appointment w/ Mr. Elgin to conduct CEI. Bob Johnson owns building, Mr. Elgin rents from Mr. Johnson, who in turns rents to Jim Linn & another gentleman who perform autobody work and/or rebuild engines.
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)
Amber Hicks		Kara Reynolds	9/4/2008 11:05-12:27
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)

PROCESS, WASTE, P2 SUMMARY SHEET

Facility Name: USA Auto Facility Type: LQG SQG CESQG TSD Date of Inspection: 9-4-08 EPA ID#: OHD987018843

Waste Generated			On- or Off-Site Management		P2 Activities	
Process/Activity Generating Waste <small>(e.g. plating bath, machining, baghouse, painting, general maintenance, etc)</small>	Waste Description <small>(e.g. sludge, solvent, ash, used oil, spent lamps, etc.) and EPA Waste Code, if applic.</small>	QTY Generated per Month, Type of Accumulation (container, tank; etc) and location of waste accumulation area	Type of On-Site Treatment (recycle, wwt, etc)	Name, state, and type of activity occurring at the off-site facility.	Current P2 Activities	P2 Opportunities
1	Automobile painting; cleaning of paint guns	Spent solvent/paint waste ~ 1/2 quart	NA	None off-site at address to date; currently storing		
2	Re-building of engines	Used Oil ~2.5 quarts	NA	Advance Auto Parts - Galion, OH**		Recycle.
3						
4						
5						
6						
7						
8						

REMARKS-GENERAL INFORMATION**General Process Information:**

** Advance not a registered used oil collection center. Facility needs to state which registered collection center they will be taking used oil to.

Regulatory/Enforcement History (if applicable):**Additional P2 remarks and information:**

Would this facility be interested in a P2 assessment? Yes* No *If yes, refer promptly to your district P2 coordinator.
Office of Compliance Assistance and Pollution Prevention - 1-800-329-7518 or p2mail@epa.state.oh.us or www.epa.state.oh.us/ocapp/ocapp.html

Other:

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 than 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

GENERATOR TRANSPORTATION

11. If the generator self-transport used oil to an approved collection site or to an aggregation point owned by the generator: [3745-279-24] Yes No N/A
- 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

12. 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
13. Is the non-DIY used oil collection center registered with Ohio EPA? [3745-279-31] Yes No N/A
14. 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.

Keyword: UsedOilChecklistforGenerators.Oct.2007.doc

**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
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

**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 <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
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GENERATOR CLASSIFICATION

2.	Does the generator produce <100 kg. of hazardous waste per month? [conditionally exempt small quantity generator ("CESQG")]	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
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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 <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
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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.