



State of Ohio Environmental Protection Agency

**Northwest District Office**

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

June 2, 2009

**Re: Foster Chevrolet Cadillac**  
OHD018299867  
Conditionally Exempt Small  
Quantity Generator  
Erie County, NWDO  
NOV

Mr. Chris Capucini, Service Manager  
Foster Chevrolet Cadillac  
2504 Hayes Avenue  
Sandusky, Ohio 44870

Dear Mr. Capucini:

On May 28, 2009, I inspected Foster Chevrolet Cadillac's facility located at 2504 Hayes Avenue in Sandusky, Ohio. I inspected Foster Chevrolet Cadillac to determine the facility'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). My inspection included a tour of the facility as well as a review of facility records. I also helped Foster Chevrolet Cadillac identify ways to prevent pollution by reducing waste the facility generates.

Foster Chevrolet Cadillac is a full service automotive dealership which operates a service shop and auto body repair facility at the 2504 Hayes Avenue location. Company records reviewed during this inspection indicate that Foster Chevrolet Cadillac generates less than 100 kg of hazardous waste each month making the facility a conditionally exempt small quantity generator of hazardous waste.

Foster Chevrolet Cadillac utilizes a microbial water based parts cleaner which generates a non-hazardous waste filter which is disposed by the microbial solution vender. The service shop also generates spent lead acid automotive batteries which are sent off-site for reclamation, used oil which is either burned on-site in one used oil heating unit or shipped off-site for recycling, used anti-freeze/coolant which is recycled on-site, and spent fluorescent light bulbs which are disposed as solid waste.

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Foster Chevrolet Cadillac generates spent solvent and paint filters in the auto body repair facility. The spent solvent is stored in labeled five gallon containers prior to on-site distillation. The regenerated solvent is re-used on-site and the distillation sludge is stored in a labeled 55 gallon container prior to off-site disposal as a D001/ D005/ D006/ F003/ F005 hazardous waste. Used paint filters from the paint booths are currently disposed off-site as solid waste.

I found the following violations of Ohio's hazardous waste 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. 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..."

- a. Foster Chevrolet Cadillac has failed to evaluate the paint filters from the paint booths to determine if they are hazardous waste. Foster Chevrolet Cadillac is currently disposing of these contaminated paint filters as solid waste.

Foster Chevrolet Cadillac must immediately cease disposing of the spent paint filters as non-hazardous waste until a proper waste evaluation has been completed. Your paint filters may contain metals or volatile organic compounds (VOC's).

If the paint filters are hazardous waste, I will determine the status of your compliance with other hazardous waste laws and notify you of my findings in a separate letter.

**To abate this violation, Foster Chevrolet Cadillac must analyze a representative sample of the spent paint filters for total volatile organic compounds (VOC's) and RCRA metals using methods as outlined in U.S. EPA's SW-846.**

- b. Foster Chevrolet Cadillac has failed to evaluate the spent fluorescent lamps used throughout the facility to determine if they are hazardous waste. Foster Chevrolet Cadillac is currently disposing of these fluorescent lamps as solid waste.

Foster Chevrolet Cadillac must immediately cease disposing of the spent fluorescent lamps as non-hazardous waste until a proper waste evaluation has been completed. The spent fluorescent lamps typically contain mercury and other heavy metals which could make them a hazardous waste.

Foster Chevrolet Cadillac has the option of handling spent fluorescent 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 fluorescent lamps.

**To abate this violation, Foster Chevrolet Cadillac must choose one of the following options for the spent fluorescent lamps:**

**i. Disposal Option:**

Foster Chevrolet Cadillac may manage the lamps as a hazardous waste. Foster Chevrolet Cadillac must sample each type and brand of lamp used at the facility for Resource Conservation and Recovery Act (RCRA) metals using a Toxicity Characteristic Leaching Procedure (TCLP) test. Foster Chevrolet Cadillac must ensure that all spent fluorescent lamps that are determined to be hazardous waste are disposed of at a permitted hazardous waste disposal facility. Foster Chevrolet Cadillac must submit all analytical results to Ohio EPA along with a description of how the spent lamps will be managed or,

**ii. Recycling Option:**

In lieu of evaluating and disposing of the spent fluorescent lamps, Foster Chevrolet Cadillac may manage spent fluorescent lamps as universal waste. Universal waste spent fluorescent lamps must be stored in a closed and labeled container. This container must be properly labeled with the wording "**Universal Waste Lamp(s)**", "**Waste Lamp(s)**", or "**Used Lamp(s)**". Foster Chevrolet Cadillac must also track the accumulation of the spent lamps to ensure spent lamps are not stored for greater than 365 days. This can be accomplished with recycling receipts or by marking the container with the accumulation start date (the day the first lamp is placed in the container).

I did not observed any spent lamps in storage during the inspection.

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Ohio EPA recommends that spent lamps be managed as a universal waste and recycled. If Foster Chevrolet Cadillac should choose the recycling option, you should submit to me updated photos of the properly labeled and closed containers as well as the name of the recycling facility Foster Chevrolet Cadillac intends to use.

I have enclosed the following fact sheets on spent lamps: Universal Waste Rules for Handlers of Lamps, dated June 2005; Fluorescent Lamps: What You Should Know, dated January 2007; and Computer, Fluorescent Lamp and Ballast Recyclers, dated April 2008 for your use.

**Foster Chevrolet Cadillac must submit the results of the analysis of the paint filters to me. In addition, Foster Chevrolet Cadillac must identify how the facility intends to properly manage the facility's spent fluorescent lamps. This information should be submitted to my attention at the Ohio EPA within 30 days of receipt of this letter.**

As we discussed during the inspection, you may be able to reduce the waste your company generates. If you find ways to recycle, reduce or eliminate the amount of waste that your company generates you may be able to reduce treatment and disposal costs as well as regulatory requirements. During the inspection, we observed potential pollution prevention (P2) opportunities associated with your operations. In addition to recycling the fluorescent lamps, P2 options that you may want to evaluate for these operations include the use of water based paints and solvents in your body shop.

The Ohio Department of Development's Office of Energy Efficiency may be able to help with energy efficiency issues. Their website is at: <http://www.odod.state.oh.us/cdd/oeef/>

If you would like a free, non-regulatory on-site pollution prevention assessment or if you would like more information about pollution prevention, please contact me at the number listed below. Ohio EPA has helpful information about this at the following web address: <http://www.epa.state.oh.us/ocapp/ocapp/>

Enclosed you will find a copy of the checklists that we completed as a result of the inspection.

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Should you have any questions, please feel free to call me at (419-373-3056). You can find copies of the rules and other information on the division's web page at: <http://www.epa.state.oh.us/dhwm/>.

Sincerely,



Gary S. Deutschman  
Environmental Specialist III  
Division of Hazardous Waste Management

/lb

pc: Cindy Lohrbach, DHWM, NWDO  
Colleen Weaver, Supervisor, DHWM, NWDO  
~~DHWM, NWDO: File - General File, Eric County~~

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

## PROCESS, WASTE, P2 SUMMARY SHEET

<b>Facility Name:</b>		<b>Facility Type:</b> CESQG		<b>Date of Inspection:</b>		<b>EPA ID #:</b>	
Foster Chevrolet Cadillac				5/28/09		OHD 018 299 867	
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 <small>(container, tank, etc) and location of waste accumulation area</small>	Type of On-Site Treatment <small>(recycle, wwt, etc)</small>	Name, state, and type of activity occurring at the off-site facility.	Current P2 Activities	P2 Opportunities	
1	Microbial Parts Cleaning	Non-Haz Contaminated Ozzy Matt	1 filter		Cintas, 4715 Hayes Avenue, Sandusky, Ohio 49870- Disposal by Heritage Crysal Clean 419-626-9726	Non-Haz microbial parts cleaning. No solvent to replace.	
2	Battery Replacement	Spent Lead Acid Batteries	5-10		Sandusky Steel, 1943 Milan Rd, Sandusky, OH 44870 (419) 626-4245	Old Batteries Smelted for Recovery of Lead and acid.	
3	Oil Change	Used Oil	700 gallons	Burning in one heating unit	DISC Environmental Services, 151 East Andrus Road, Northwood, Ohio 43619	Used for Heating.	
4	Coolant Replacement	Used Anti-freeze	50 gallons	Recycled on-site and put back into vehicles.		Re-Use	

5	Lighting	Spent Fluorescent Light Bulbs	Varies		Disposal as solid waste		Recycling of bulbs
6	Air Conditioning Re-charge	Spent Freon	Varies	Captured and Re-generated on-site		Re-Use	
7	Parts Replacement	Scrap Metal	Not tracked at this time		Sandusky Steel, 1943 Milan Rd, Sandusky, OH 44870 (419) 626-4245	Recycled as scrap or returned as Cores	
	Paint Booth	Paint Filters	Varies		Disposed as solid waste		
9	Paint Booth	D001/D005/D006/F003/F005 Spent Solvent /Paint	20 gallons	Distilled on-site		Re-Use of Solvent	Water Based Paints / Solvent Substitution
	Paint Booth	D001/D005/D006/F003/F005 Distillation Bottoms	50 lbs		Safety Kleen, Brunswick Ohio 330-273-3111-disposal		

### REMARKS-GENERAL INFORMATION

● **General Process Information: Automotive Service. Retailer of Chevrolet and Cadillac automobiles and trucks.**

**Regulatory/Enforcement History** (if applicable):

**Additional P2 remarks and information: Microbial Parts Cleaning appears to be working well for facility.**

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](mailto:p2mail@epa.state.oh.us) or [www.epa.state.oh.us/ocapp/ocapp.html](http://www.epa.state.oh.us/ocapp/ocapp.html)

**Other:**



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

- |   |  |
|---|--|
| <input type="checkbox"/> Recycler of Hazardous Waste                    | <input type="checkbox"/> Exempt Boiler and/or Industrial Furnace       |
| <input type="checkbox"/> Underground Injection Control Facility         | <input type="checkbox"/> Small Quantity On-Site Burner Exemption       |
| <input type="checkbox"/> Hazardous Waste Transporter                    | <input type="checkbox"/> Smelting, Melting, Refining Furnace Exemption |
| <input type="checkbox"/> Treater, Storer or Disposer of Hazardous Waste |  |

**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"/> Destination Facility for Universal Waste |
| <input type="checkbox"/> Large Quantity Handler of Universal Waste<br>(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. Oil
- Used Oil Fuel Marketer to Off-Specification Used Oil Burner

**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          D005          D006          F003          F005**

**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 checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Other Comments: Kasper has not yet generated any universal waste, but has indicated that the facility intends to recycle spent lamps as universal waste.
Containers	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Used Oil in Tanks and Containers. Distillation Solids in Containers.

Name of Inspector(s)	Name of Inspector(s)	Date of Inspection/Time (mm/dd/yyyy) (hh:mm)
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**Gary Deutschman** **5/28/2009**

**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)
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**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 <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
a.	Is the surface impoundment or waste pile regulated as a hazardous waste management unit? [3745-279-12(A)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>

*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 <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
3.	Is off-specification used oil fuel burned for energy recovery in devices specified in 3745-279-12(C)?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>

*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 <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
a.	Is the mixture managed as specified in 3745-279-10(B)? [3745-279-21(A)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>

*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 <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
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*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 <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
7.	Are containers and aboveground tanks used to store used oil in good condition with no visible leaks? [3745-279-22(B)]	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
8.	Are containers, above ground tanks, and fill pipes used for underground tanks clearly labeled or marked "Used Oil"? [3745-279-22(C)]	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
9.	Has the generator, upon detection of a release of used oil, done the following: [3745-279-22(D)]	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
a.	Stopped the release?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
b.	Contained the release?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
c.	Cleaned up and properly managed the used oil and other materials?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
d.	Repaired or replaced the containers or tanks prior to returning them to service, if necessary?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>

**ON-SITE BURNING IN SPACE HEATER**

10.	Does the generator burn used oil in used-oil fired space heaters? [3745-279-23] If so:	
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 <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>

b.	Is the heater designed to have a maximum capacity of not more than 0.5 million BTU per hour?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
c.	Are the combustion gases from heater vented to the ambient air?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>

*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 <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
12.	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 <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
a.	Does the generator transport used oil in a vehicle owned by the generator or an employee of the generator?[3745-279-24]	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
b.	Does the generator transport more than 55 gallons of used oil at any time?[3745-279-24]	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>

*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 <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
14.	Is the non-DIY used oil collection center registered with Ohio EPA? [3745-279-31]	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
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 <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>

*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.*

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

#3 – Foster Chevrolet Cadillac must evaluate the used paint filters and spent fluorescent light bulbs to determine if they are hazardous waste.