

**Environmental
Protection Agency**

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

Re: Moore's Body Shop
Hazardous Waste
OHR000042945
Erie County
NOV

January 5, 2011

Mr. Gary Moore, Sr., Owner
Moore's Body Shop
314 W. Lucas Street (Route 101)
Castalia, Ohio 44824

Dear Mr. Moore:

On December 16, 2010, I conducted a hazardous waste compliance evaluation inspection (CEI) of Moore's Body Shop (Moore's) located at 314 W. Lucas Street, Castalia, Ohio. This inspection was conducted to determine Moore'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). The inspection included a tour of facility operations and a review of facility paperwork. This letter will explain the violation I found, what you need to do to correct this violation, one area of concern and what you need to do to satisfy this area of concern.

Moore's is an auto body shop. Moore's only conducts automobile body work and does not perform any mechanical or service work. Moore's is a conditionally exempt small quantity generator of hazardous waste. Hazardous waste generated at the facility is paint/solvent waste (D001, D035, F003, F005). Other waste generated at the facility is paint booth filters.

I inquired about your spent fluorescent bulbs and you stated that you have not changed a spent bulb in your office or shop. I then discussed with you the proper management and disposal of bulbs and gave you the following information pertaining to lamps: the fact sheets Universal Waste Rules for Handlers of Lamps; Fluorescent Lamps: What you Should Know; a sample universal waste plan and a list of lamp recyclers. Ohio EPA recommends that you recycle your spent bulbs.

During the inspection, I also gave you the following information: the fact sheet Identifying your Hazardous Waste and a generator category sheet.

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I found the following violation of Ohio's hazardous waste laws. 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. 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.

Moore's has failed to evaluate the paint filters from the painting booth to determine if they are hazardous. Moore's is currently disposing of this waste stream in the local landfill. Moore's must immediately cease disposing of the paint booth filters as non-hazardous waste in the local landfill until a proper waste evaluation has been completed.

A 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. Moore's must sample the paint filters from the painting booth to determine the Toxicity Characteristic Leaching Procedure (TCLP) concentrations of **all Resource Conservation and Recovery (RCRA) metals** (excluding mercury) including **lead (D008)**, **barium (D005)** and **chromium (D007)** and any **other regulated volatile organic constituents (VOCs)** including **methyl ethyl ketone (D035)** that may be present in the waste in light of the materials or the processes used as listed in OAC Rule 3745-51-24 following the methods as outlined in U.S. EPA's SW-846. You will need to ensure to collect **at least 100 grams of waste** to properly run the TCLP test.

- *To abate this violation, Moore's must submit the analytical information from sampling to me. Your results must document if the waste is hazardous or not and, if hazardous, 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.*

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- *Please consult the fact sheet Identifying your Hazardous Waste given to you during the CEI. Philip Services (PSC), your current waste hauler, may be able to assist you in sampling. I have also enclosed a list of Commercial Environmental Laboratories. You may also be able to find assistance by looking under Environmental Consultants or Services in the phone book.*

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_i_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.

Area of Concern:

You faxed me information stating that PSC is your waste hauler. However, you are unable to locate any manifests or shipping documents demonstrating your waste pick-up since your administrative assistant resigned. You stated you only generate approximately one 55-gallon drum of hazardous waste every two years or so. Currently you have one drum of waste about $\frac{3}{4}$ full (which I observed) and it's been roughly two years since the last pick-up. You plan to get this drum picked up by PSC, however you tried to call the Toledo office and no one answered. On December 30, 2010, I called PSC in Toledo and they stated that your facility would now be handled out of their Detroit office. Thus, I called Deneen Hubbard of PSC in Detroit to inquire about getting a hazardous waste manifest(s) for a pick-up from your facility.

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Ms. Hubbard is on vacation until January 4, 2011, so I was unable to talk to her at that time. Ms. Hubbard's phone number is 313-824-5863. Please call her to obtain the following information:

- a) As many manifests or shipping papers from the pick-up of your waste as you are able to get (at least two).
 - b) The waste evaluation information/waste profile information from PSC for your spent paint waste. (Based on this information I will determine if you have properly evaluated your paint-related waste and I will determine the status of your compliance with other hazardous waste laws and notify you of my findings in a separate letter).
- ***To satisfy this area of concern, please submit the information outlined above within 30 days of your receipt of this letter.***

I have enclosed the publication Environmental Compliance Guide for Auto Repair Shops – March 2007 (Update). Although you are not a repair shop there is good information in this guide pertaining to your shop. Please consult page 12 for information pertaining to hazardous waste including pages 13, 14 about paint-related waste including paint booth filters. I have also included another generator category sheet with an enlarged list of toxicity characteristic wastes (D004-D043) located on the back.

If you find additional 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. Furthermore, you may possibly reduce your regulatory requirements.

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 (419) 373-3082. Ohio EPA has helpful information about this at the following web address: <http://www.epa.ohio.gov/ocapp/>

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.development.ohio.gov/cdd/oeef/>

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.

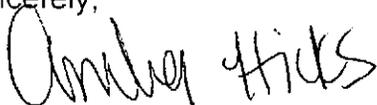
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If you haven't already, we encourage you to sign-up for this free service. You can find more information at the following Web link http://ohioepa.custhelp.com/cgi-bin/ohioepa.cfg/php/enduser/doc_serve.php?2=subscriptionpage. Please feel free to share this information with your colleagues.

Enclosed you will find a copy of the checklists that I completed during the inspection. Please address all correspondence to Amber Hicks, Ohio EPA, 347 North Dunbridge Road, Bowling Green, Ohio 43402. Should you have any questions, please feel free to call me at (419) 373-3082 or email at amber.hicks@epa.ohio.gov.

You can find copies of the rules and other information on the division's web page at <http://www.epa.ohio.gov/dhwm>.

Sincerely,



Amber M. Hicks
Division of Hazardous Waste Management

/llr

pc: Colleen Weaver, DHWM, NWDO
Cindy Lohrbach, DHWM, NWDO
~~DHWM, NWDO File: Moore's Body Shop~~

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.

Send to Central Office <input checked="" type="checkbox"/>	Ohio Environmental Protection Agency RCRA SUBTITLE C SITE IDENTIFICATION/VERIFICATION FORM	For Ohio EPA use only
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Completed verification forms required to be submitted to CO should be e-mailed to paula.canter@epa.state.oh.us.

Site EPA ID No. Site Name	EPA ID Number: OHR000042945		Website: (Optional)	
Site Location Information	Name: Moore's Body Shop			
Site Land Type (check only one) NAICS code(s) www.census.gov/epcd/www/naics.html	Street Address: 314 W. Lucas Street (Rte 101)		State: OH	
	City, Town, or Village: Castalia		Zip Code: 44824	
	County Name: Erie		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"/>	
	811121			

Facility Representative Additional names can be recorded in number 12 Only provide address information if it is different than the site address	First Name: Gary		MI:	Last Name: Moore, Sr.	
	Title: Owner				
	Phone Number: 419-684-5629			Phone Number Extension:	
	E-Mail Address:				
	Fax Number: 419-684-9381			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 <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):		
	Operator 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:	

VIOLATIONS CITED?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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TYPE OF HANDLER - MARK "X" AS APPROPRIATE		
<input type="checkbox"/> Not a HW Generator	<input checked="" type="checkbox"/> UNKNOWN: Cited for violation of 3745-52-11 <input type="checkbox"/> Short-Term/Temporary Generator (generates from a short-term or one-time event and not from on-going processes). <i>Check the box for the applicable generator status and provide a comment.</i>	<input type="checkbox"/> Large Quantity Generator (LQG)
		<input type="checkbox"/> Small Quantity Generator (SQG)
		<input checked="" type="checkbox"/> Conditionally Exempt Small-Quantity Generator
		<input type="checkbox"/> U.S. Importer of Hazardous Waste
		<input type="checkbox"/> Mixed Waste (Hazardous and Radioactive) Generator

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

<input type="checkbox"/> Hazardous Waste Transporter	<input type="checkbox"/> Exempt Boiler and/or Industrial Furnace
<input type="checkbox"/> Hazardous Waste Transfer Facility	<input type="checkbox"/> Small Quantity On-Site Burner Exemption
<input type="checkbox"/> Treater, Storer or Disposer of Hazardous Waste	<input type="checkbox"/> Smelting, Melting, Refining Furnace Exemption
<input type="checkbox"/> Recycler of Hazardous Waste	<input type="checkbox"/> Underground Injection Control Facility
<input type="checkbox"/> 72-Hour Recycler	<input type="checkbox"/> Receives Hazardous Waste from Off-site

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 (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

Eligible Academic Entities with Laboratories: Facility has previously notified that they are opting into managing laboratory hazardous waste pursuant to OAC rules 3745-52-200 through 3745-52-216. Check the box(es) below to indicate the laboratory type.

College or University
 Teaching hospital that is owned by or has a formal written affiliation agreement with a college or university
 Non-profit Institute that is owned by or has a formal written affiliation agreement with a college or university

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 D035 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 type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
Containers	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	

Name of Inspector(s)	Name of Inspector(s)	Date of Inspection/Time (mm/dd/yyyy) (hh:mm)
Amber Hicks		12-16-10 13:43

Comments:
 Note that the facility may generate lamps in the future. At the time of the CEI the facility had not generated any spent bulbs. I gave the facility information pertaining to the proper management of spent lamps (fact sheets Fluorescent Lamps – What you should know, Universal Waste Rules for Handlers of Lamps and a list of lamp recyclers).

PROCESS, WASTE, P2 SUMMARY SHEET

Facility Name: Moore's Body Shop
Facility Type: LQG
 SQG
 CESQG
 TSD
Date of Inspection: 12-16-10
EPA ID#: OHR000042945

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 <small>(recycle, wwt, etc)</small>	Name, state, and type of activity occurring at the off-site facility.	Current P2 Activities	P2 Opportunities
1	Cleaning of paint spray guns	Spent paint/solvent (D001, D035, F003, F005)	~ 2 gallons a month		PSC (Philips Service) - Toledo, OH - however this is unverified @this time. Waiting on info from facility & PSC.	
2	Painting	Paint booth filter	1 large paint booth filter		Throwing in trash - local landfill. **	
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REMARKS-GENERAL INFORMATION

General Process Information:

** Cited for 52-11. Facility needs to sample waste to determine if hazardous or not.

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:

**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 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.

MIX HAZARDOUS WASTE WITH USED OIL

5.	Does the CESQG mix its hazardous waste with used oil for the purpose of burning for energy recovery? [3745-51-05(J)] If so:	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
a.	Does the CESQG manage the mixture in accordance with 3745-279-21?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>

**** Facility states PSC (Philips Service) - Toledo, OH is their waste hauler however this is unverified @ this time. I am waiting on info from facility & PSC.