



State of Ohio Environmental Protection Agency

Southeast District Office

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Logan, Ohio 43138

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

June 6, 2007

**GALLIA COUNTY
GENERAL FILE
(LARRY'S BODY SHOP)
DHWM/SEDO
NON-NOTIFIER**

Ms. Charla Whobrey
Larry's Body Shop
2046 Addison Pike
Gallipolis, Ohio 45631

Dear Ms. Whobrey:

On May 31, 2007, Trevor Irwin (Division of Solid and Infectious Waste Management) and I performed a compliance inspection to determine your facility's compliance with Ohio's hazardous waste laws regulations as found in Chapter 3734 of the Ohio Revised Code (ORC) and Chapter 3745 of the Ohio Administrative Code (OAC). This letter will explain the violations we found and what you need to do to correct the violations.

Based on this inspection; you are in violation of the following hazardous waste rules:

- (1) **OAC rule 3745-279-22(C), Used oil requirements for generators:** Containers and above-ground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words "Used Oil."

The drums and five gallon cans used to used oil were not labeled "used oil." Please provide photographs showing that these containers have been properly labeled.

- (2) **OAC rule 3745-279-11(A), Prohibitions:** A small quantity generator of universal waste is prohibited from disposing of universal waste.

You had stated during the inspection that spent fluorescent bulbs are disposed in the trash and we saw some that were stored improperly (not in a labeled, protective container). As we discussed, because of the amount of mercury in the bulbs, they are typically characterized as hazardous waste. These bulbs must be collected for recycling or you must demonstrate that they are not hazardous waste prior to disposal. I have attached a fact sheet regarding universal waste management for spent bulbs for your use. To demonstrate compliance, provide a photograph showing that the bulbs are stored properly and provide the name and address of the facility that you plan to use to recycle these bulbs.

General Comments:

- (a) We observed a drum of apparently paint/solvent waste being stored outside. This drum is starting to exhibit some deterioration due to corrosion. This drum should be removed and properly disposed before it releases its contents, which would necessitate a potentially costly cleanup. Please address this drum and provide documentation showing that this drum has been properly managed.
- (b) During the inspection, we observed a drum of used oil that is stored outside with an open bung. To avoid precipitation entering the drum and potentially causing an oil release, any drums stored outside should be kept closed. We also observed that the drum of paint/thinner waste in the mixing room is also stored open. As I mentioned during the inspection, you can use a funnel with a tight-fitting lid that helps control vapors.

Please provide documentation required above **within 30 days of the date of this letter**. If you have any questions regarding waste management or pollution prevention activities, please call me at (740) 380-8178.

Sincerely,



Richard Stewart
District Representative
Division of Hazardous Waste Management

RS/dh

Enclosures

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: Larry's Body Shop					Website: (Optional)				
4. Site Location Information	Street Address: 2046 Addison Pike									
	City, Town, or Village: Gallipolis					State: OH				
	County Name: Gallia					Zip Code: 45631				
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: Roy			MI:		Last Name: McCarty Jr.				
	Phone Number: 740-4367-7444					Phone Number Extension:				
	E-Mail Address:									
	Fax Number: 740-367-7588					Fax Number Extension:				
	Street or P.O. Box:									
	City, Town or Village:					State:				
	Country:					Zip Code:				
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: Charla Whobrey					Date Became Owner (mm/dd/yyyy):				
	Owner Type:	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"/>	
	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 Phone #:				
	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:					Name of Site's Operator:					
Date Became Operator (mm/dd/yyyy):					Operator Phone #:					
Owner Type:					Date Became Operator (mm/dd/yyyy):					
Street or P.O. Box:					Operator Phone #:					
City, Town or Village:					Country:					
State:					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 checked="" 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 checked="" 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.						
D001	D018	D035	D039	D040	F003	F005
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)		
Rich Stewart		Melody Stewart		5/31/07 10:00		
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)	

USED OIL CHECKLIST - Larry's E... Shop

PROHIBITIONS

- 1. Is used oil being managed in a surface impoundment or waste pile? If so: Yes ___ No N/A ___ RMK# ___
Is the surface impoundment or waste pile being regulated under OAC 3745-54 to 3745-57 or 3745-65 to 3745-69? [3745-279-12(A)] Yes ___ No N/A RMK# ___
- 2. Is used oil being used as a dust suppressant? [3745-279-12(B)] Yes No N/A ___ RMK# ___
- 3. Is off-specification used oil fuel burned for energy recovery only in devices specified in 3745-279-12(C)? Yes ___ No N/A RMK# ___

USED OIL GENERATOR STANDARDS

- 4. Does the generator mix hazardous waste with used oil only as provided in 3745-279-10(B)? [2745-279-21(A)] Yes ___ No N/A RMK# ___
- 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 RMK# ___
- 6. Does the generator only store used oil in tanks, containers, or units subject to OAC 3745-54 to 3745-57 or 3745-65 to 3745-69? [3745-279-22(A)] Yes ___ No N/A RMK# ___
- 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 ___ RMK# ___
- 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 ___ RMK# 1
- 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 ___ RMK# ___
 - b. Contained the release? Yes No N/A ___ RMK# ___
 - c. Cleaned up and properly managed the used oil and other materials? Yes No N/A ___ RMK# ___
 - d. Repaired or replaced the containers or tanks prior to returning them to service, if necessary? Yes No N/A ___ RMK# ___
- 10. Does the generator burn used oil in used fired space heaters? [3745-279-23] If so: Yes ___ No N/A ___ RMK# ___
 - 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 NA RMK# ___

b. Is the heater designed to have a maximum capacity of not more than 0.5 million BTU per hour?

Yes No N/A RMK#

c. Are the combustion gases from heater vented to the ambient air?

Yes No N/A RMK#

11. Does the generator have the used oil hauled only by transporters that have obtained an EPA ID#, unless the generator qualifies for an exemption pursuant to 3745-279-24 (self transportation or tolling agreements)? [3745-279-24]

Yes No N/A RMK#

USED OIL 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 RMK#

13. Is the non-DIY used oil collection center registered with Ohio EPA? [3745-279-31]

Yes No N/A RMK#

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 RMK#

WASTE EVALUATION

15. Have all wastes generated at the facility been evaluated? [3745-52-11]

Yes No N/A RMK#

REMARKS

#1 Two drums and a 5 gallon can of used oil were not labeled as required.

REMARKS-GENERAL INFORMATION

General Process Information:

This facility is a body shop which performs repairs on customer's vehicles, (two paint booths) operating here since 1993. Larry's doesn't typically perform general auto maintenance.

Regulatory/Enforcement History (if applicable):

No information on this facility was found in DHWM's files.

From: Paula Canter
To: Joanne Draudt
Date: 7/16/2007 10:34 AM
Subject: Re: Fwd: scanned document attached

Hope this helps. You'll probably have to consult with Dave and the inspector to see whether to cite only 52-11 or also 3734.02(F).

>>> Mitch Mathews 7/16/2007 10:28 AM >>>

Yeah, this is usually at least a violation of OAC rule 3745-52-11 and often times leads to a violation of ORC 3734.02(F).

Additionally, I don't think 273-11 would be applicable since it says "disposing of universal waste." Putting them in the dumpster does not equal disposal (hence the citation of .02(F) and not (E) & (F)).

Let me know if there are additional questions.

Mitch

>>> Paula Canter 07/13/07 8:32 AM >>>

>>> Joanne Draudt 7/13/2007 8:27 AM >>>

Here is a copy of the letter.

>>> <sedo_konica@epa.state.oh.us> 7/13/2007 8:23 AM >>>

This is image data from the scanner.