



State of Ohio Environmental Protection Agency

Northwest District Office

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

**Re: Franklin Body Shop, Inc.
OHD 986 981 165
Richland County
DHWM, NWDO
Complaint 2821
Second Notice of Violation**

February 4, 2009

Mr. Dennis Brown
Franklin Body Shop, Inc.
19 South Adams Street
Mansfield, Ohio 44902

Dear Mr. Brown:

On November 25, 2008, Ed Pulido and I, representing the Ohio Environmental Protection Agency (Ohio EPA), investigated a complaint and conducted a compliance evaluation inspection at Franklin Body Shop, Inc. (FBSI) located at 19 South Adams Street, Mansfield, Ohio. Ohio EPA sent a Notice of Violation (NOV) on December 16, 2008, specifying the violations observed during the inspection on November 25, 2008. To date, FBSI has failed to respond to the December 16, 2008, NOV and remains in violation of the following:

Violations:

1. **Ohio Administrative Code (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..."

FBSI failed to evaluate the following waste streams to determine if they were a hazardous waste in accordance with OAC Rule 3745-52-11, prior to sending them off site: a) waste paint booth filters, b) spent sand from the stationary sandblasting machine, and c) spent sand from the handheld sandblasting gun.

In order to abate this violation, FBSI must do the following and submit the requested information to Ohio EPA **within 30 days of receipt of this letter.**

- a. **Waste paint booth filters-** During the inspection, FBSI stated that waste paint booth filters are changed approximately every three months.

In order for FBSI to determine whether the waste paint booth filters exhibit any hazardous waste characteristics, FBSI must obtain a chemical analysis of a representative sample of the waste paint booth filters. This sample should be taken once the waste paint booth filters are spent and ready to be changed. FBSI will need to contract the services of an environmental laboratory to analyze this material. FBSI must at least determine the concentrations of the Resource Conservation and Recovery Act (RCRA) metals and volatile organic compounds (VOCs) in the waste. If the waste paint filters can be considered a liquid as defined in OAC Rule 3745-51-21, then the flashpoint of the material must be evaluated.

As a screening tool, FBSI has the option of analyzing the waste paint booth filters for total RCRA metals and total VOCs. However, based on the results of these tests, a Toxicity Characteristic Leaching Procedure (TCLP) test for RCRA metals and TCLP test for VOCs may also be required.

Based on the results of the analytical tests, FBSI shall label the container(s) appropriately and dispose of the waste at a proper disposal facility.

FBSI shall submit the analytical results indicating the proper evaluation of the waste paint booth filters and appropriate manifest documents or shipping papers indicating proper disposal of the waste paint booth filters. The results must document if the waste is hazardous or not and, if hazardous, whether it is restricted from land disposal. If the waste is hazardous, FBSI must explain what treatment, storage, or disposal facility the waste will be sent 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.

Please notify me at least five days prior to taking the sample(s) so that I may be present.

Since the waste paint booth filters are only generated a few times a year, it could potentially be an extended period of time before the paint booth filters are spent and ready to be evaluated. If the waste paint booth filters will not be generated within the next month, then FBSI can abate this violation by sending in a written description of how the waste will be evaluated the next time it is generated. FBSI should include who will take the sample of the waste, how the waste will be sampled, what analyses the sample will be evaluated for, and the name, address, and phone number of the laboratory that will analyze the sample. FBSI must also include an approximation of when the waste will be generated so that Ohio EPA can check that it has properly been evaluated in the future.

- b. Spent sand from the stationary sandblasting machine -FBSI generates sand from the stationary sandblasting machine approximately once every year. In order for FBSI to determine whether the spent sand exhibits any hazardous waste characteristics, FBSI must obtain a chemical analysis of a representative sample of the spent sand. This sample should be taken once the sand is spent and ready to be changed. FBSI will need to contract the services of an environmental laboratory to analyze this material. FBSI must at least determine the concentrations of the RCRA metals in the waste.

As a screening tool, FBSI has the option of analyzing the spent sand for total RCRA metals. However, based on the results of these tests, a TCLP test for RCRA metals may also be required.

Based on the results of the analytical tests, FBSI shall label the container(s) appropriately and dispose of the waste at a proper disposal facility.

FBSI shall submit the analytical results indicating the proper evaluation of the spent sand and appropriate manifest documents or shipping papers indicating proper disposal of the spent sand. The results must document if the waste is hazardous or not and, if hazardous, whether it is restricted from land disposal. If the waste is hazardous, FBSI must explain what treatment, storage, or disposal facility the waste will be sent 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.

Please notify me at least five days prior to taking the sample(s) so that I may be present.

Since the spent sand from this machine is only generated approximately once a year, it could potentially be an extended period of time before the sand is spent and ready to be evaluated. If the sand will not be generated within the next month, then FBSI can abate this violation by sending in a written description of how the sand will be evaluated the next time it is generated. FBSI should include who will take the sample of the sand, how the waste will be sampled, what analyses the sample will be evaluated for, and the name, address, and phone number of the laboratory that will analyze the sample. FBSI must also include an approximation of when the waste will be generated so that Ohio EPA can check that it has properly been evaluated in the future.

- c. Spent sand from the handheld sandblasting gun -FBSI generates sand from the handheld sandblasting gun.

This sand falls onto the floor of the shop. In order for FBSI to determine whether the spent sand exhibits any hazardous waste characteristics, FBSI must obtain a chemical analysis of a representative sample of the spent sand. This sample should be taken once the sand is spent. FBSI may need to sweep the sand off the floor and place it into the sampling jar after several uses of the handheld gun to obtain enough sand to constitute a representative sample. FBSI will need to contract the services of an environmental laboratory to analyze this material. FBSI must at least determine the concentrations of the RCRA metals in the waste.

As a screening tool, FBSI has the option of analyzing the spent sand for total RCRA metals. However, based on the results of these tests, a TCLP test for RCRA metals may also be required.

Based on the results of the analytical tests, FBSI shall label the container(s) appropriately and dispose of the waste at a proper disposal facility.

FBSI shall submit the analytical results indicating the proper evaluation of the spent sand and appropriate manifest documents or shipping papers indicating proper disposal of the spent sand. The results must document if the waste is hazardous or not and, if hazardous, whether it is restricted from land disposal. If the waste is hazardous, FBSI must explain what treatment, storage, or disposal facility the waste will be sent 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.

Please notify me at least five days prior to taking the sample(s) so that I may be present.

Since this waste is only generated a few times a year, it could potentially be an extended period of time before enough sand is spent to constitute a representative sample. If the waste will not be generated within the next month, then FBSI can abate this violation by sending in a written description of how the waste will be evaluated the next time it is generated. FBSI should include who will take the sample of the waste, how the waste will be sampled, what analyses the sample will be evaluated for, and the name, address, and phone number of the laboratory that will analyze the sample. FBSI must also include an approximation of when the waste will be generated so that Ohio EPA can check that it has properly been evaluated in the future.

During a phone conversation with FBSI on January 27, 2009, Ohio EPA became aware that FBSI thought Ohio EPA would be sampling the waste. However, that is not the case. Ohio EPA will not be sampling the waste streams at FBSI.

As the generator of the wastes, it is FBSI's responsibility to evaluate the waste. If FBSI needs assistance on the proper steps of evaluating the wastes, then Ohio EPA will be of assistance. However, the responsibility to properly evaluate the wastes will remain with the facility.

General Concern:

- A. **Parts Washer:** During the inspection, Ohio EPA observed a parts washer that was empty in the basement of the facility. FBSI stated that this parts washer had been purchased at an auction many years ago and had never been utilized.

**No further information needs to be submitted for this general concern.
This general concern is considered addressed.**

Should you have any questions or if I can be of assistance, please contact me at (419) 373-3065. Please send all correspondence **within 30 days of receipt of this letter** to Ohio EPA, Northwest District Office, Attn: Kara Reynolds, 347 North Dunbridge Road, Bowling Green, Ohio 43402.

Sincerely,

Kara Reynolds

Kara Reynolds
Environmental Specialist
Division of Hazardous Waste Management

//lr

pc: Colleen Weaver, DHWM, NWDO
Kara Reynolds, DHWM, NWDO
Cindy Lohrbach, DHWM, NWDO
(DHWM, NWDO Richland County File: Richland County General 2001-)

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.