



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

December 16, 2008

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

Dear Mr. Brown:

Thank you for accompanying Ed Pulido and me during the Ohio Environmental Protection Agency's (Ohio EPA's) November 25, 2008, complaint investigation and compliance evaluation inspection of Franklin Body Shop, Inc.'s (FBSI's) facility located at 19 South Adams Street, Mansfield, Ohio. I investigated a complaint alleging that FBSI is dumping paint and sand in the field beside the facility. I also inspected FBSI to determine its 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). During the inspection, I helped you identify ways to prevent pollution by reducing waste.

This letter will explain the violations I found, what you need to do to correct the violations, other general concerns I have, what you need to do to respond to my general concerns, and the pollution prevention opportunities I identified.

FBSI is an automotive body shop. At the time of the inspection, FBSI was a conditionally exempt small quantity generator of hazardous waste that generated waste paint related material (D001, D035, F003, F005). However, FBSI generates waste paint booth filters and spend sand from the sandblasting processes that has not been evaluated prior to disposal. FBSI does not generate used oil.

**Complaint**

Ohio EPA did not observe any paint contaminated sand or soil in the field located next to the facility or in the empty lot located south of the stream. Ohio EPA did not observe any paint stains in the stream bed located behind the facility either.

FBSI showed Ohio EPA hazardous waste manifests from the last waste shipments for the waste paint related material and stated that FBSI does not improperly dispose of the paint waste. However, FBSI did state that spent sand from the stationary sandblasting machine is disposed of in the local landfill. FBSI also has a handheld sandblasting gun. This sandblasting gun is used for small jobs and the sand falls onto the floor of the shop. These waste streams have not been evaluated prior to disposal. This has resulted in the violation listed below.

Ohio EPA found the following violation 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 receipt of this letter:**

**Violations:**

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..."

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.

For more information, the following fact sheets have been enclosed: Identifying Your Hazardous Waste, dated November 2006; Use of Generator Knowledge In Complying with OAC rule 3745-52-11 Hazardous Waste Evaluation, dated July 18, 2005; Violations Most Frequently Cited by Division of Hazardous Waste Management Inspectors, dated November 19, 2008; and Environmental Laboratories, dated November 2004.

- 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.

**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. OAC rule 3745-51-01(C)(1) states "A "spent material" is any material that has been used and as a result of contamination can no longer serve the purpose for which it was produced without processing..." A secondary material that is further used, for its intended purpose as a product, is not spent or a waste. It does not necessarily need to serve its original use. Solvents that are still fit for use are not spent materials (and hence not hazardous wastes) when used for their intended purposes. This practice is considered continued use of a product.

If FBSI decides to use this parts washer, then FBSI will need to have this fluid analyzed prior to disposal. FBSI must analyze a representative sample of this material for TCLP RCRA metals, TCLP VOCs, flashpoint, and pH to determine if this waste is a hazardous waste and how to properly dispose of this waste.

If this spent parts washer fluid is a hazardous waste, then it will count towards FBSI's hazardous waste generator status. However, if FBSI decides to use parts washer fluid that is enrolled in a continued use program, then this waste stream would not count towards FBSI's hazardous waste generator status. I have enclosed two regulatory interpretation letters with more information on continued use programs. These letters are addressed to Andy on December 19, 2005, and to David Rinehart on August 16, 1999.

Also, if there is a filter on the parts washer, then this filter should also be evaluated when spent to determine if it is a hazardous waste prior to disposal. If a representative sample is taken for this evaluation, then the sample should be analyzed by an environmental laboratory for TCLP RCRA metals, TCLP VOCs, flashpoint, and pH. However, it is possible that this filter may be recycled as scrap metal after it has been drained. FBSI should check with local scrap metal recyclers to determine if it can be recycled as scrap metal.

For more information, the following fact sheets have been enclosed: Hazardous Waste Generator Categories And Episodic Generation, dated March 2007; and Ohio EPA's Parts Washer Handbook, dated November 2007.

For information on the proper way to manage and dispose of fluorescent lamps and other lighting fixtures at the facility, I have enclosed the following fact sheets: 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 July 2008.

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 altogether eliminate the amount of waste that your company generates you may be able to reduce treatment and disposal costs. Ohio EPA also has helpful information about pollution prevention at the following web address: <http://www.epa.state.oh.us/ocapp/ocapp.html>. If you would like to be considered for an in-depth on-site pollution prevention assessment, or if you would like more information about pollution prevention assessments, please contact me at (419) 373-3065.

The Division of Hazardous Waste Management 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 site: [www.epa.state.oh.us/dhwm/listserv.html](http://www.epa.state.oh.us/dhwm/listserv.html). Please feel free to share this with your colleagues.

Mr. Dennis Brown  
December 16, 2008  
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Enclosed you will find a copy of the checklists that were completed during the inspection. Should you have any questions, please feel free to call me at (419) 373-3065. 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,

*Kara Reynolds*

Kara Reynolds  
Environmental Specialist  
Division of Hazardous Waste Management

/llr

Enclosures

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.

Ohio Environmental Protection Agency  
**RCRA SUBTITLE C SITE  
IDENTIFICATION/VERIFICATION FORM**

For Ohio EPA use only

E-mail this completed form to [kristina.durnell@epa.state.oh.us](mailto:kristina.durnell@epa.state.oh.us)  
or mail it to Kristina Durnell, Central Office

<b>Site EPA ID No.</b>	EPA ID Number: <b>OHD 986 981 165</b>	
<b>Site Name</b>	Name: <b>Franklin Body Shop, Inc.</b>	Website: (Optional)
<b>Site Location Information</b>	Street Address: <b>19 South Adams Street</b> City, Town, or Village: <b>Mansfield</b> County Name: <b>Richland</b>	State: <b>OH</b> Zip Code: <b>44902</b>
<b>Site Land Type</b> (check only one) <b>NAICS code(s)</b> <a href="http://www.census.gov/epcd/www/naics.html">www.census.gov/epcd/www/naics.html</a>	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"/>	
<b>Facility Representative</b>	First Name: <b>Dennis</b> MI: Last Name: <b>Brown</b> Phone Number: <b>419-522-4203</b> Phone Number Extension: E-Mail Address: Fax Number: <b>419-522-4287</b> Fax Number Extension: Street or P.O. Box: City, Town or Village: State: Zip Code:	
Additional names can be recorded in number 12  Only provide address information if it is different than the site address		
<b>Legal Owner And Operator of the Site.</b> List Additional Owners and/or Operators in the Comment Section or on another copy of this form page	Name of Site's Legal Owner: <b>Dennis Brown</b> Owner Private County District Federal Indian Municipal State Other Type: <input checked="" type="checkbox"/> <input type="checkbox"/> Street or P.O. Box: <b>19 South Adams Street</b> City, Town or Village: <b>Mansfield</b> State: <b>Ohio</b> Name of Site's Operator: <b>Dennis Brown</b> Owner Private County District Federal Indian Municipal State Other Type: <input checked="" type="checkbox"/> <input type="checkbox"/> Street or P.O. Box: <b>19 South Adams Street</b> City, Town or Village: <b>Mansfield</b> State: <b>Ohio</b>	Date Became Owner (mm/dd/yyyy): <b>1976</b>  Owner Phone #: <b>419-522-4203</b> Country: <b>USA</b> Zip Code: <b>44902</b>  Date Became Operator (mm/dd/yyyy): <b>1976</b>  Operator Phone #: <b>419-522-4203</b> United States Zip Code: <b>44902</b>

**VIOLATIONS CITED?**  Yes  No

**TYPE OF HANDLER- A MINIMUM OF ONE BOX MUST BE CHECKED**

<input type="checkbox"/> Not a Generator	<input checked="" type="checkbox"/> UNKNOWN: Cited for violation of 3745-52-11	<input type="checkbox"/> Large Quantity Generator (LQG)
		<input type="checkbox"/> Small Quantity Generator (SQG)
		<input 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"/> 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 RCRAInfo source record, you do not need to list them all. 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	Other Comments:
Containers	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	

Date of Inspection/Time  
(mm/dd/yyyy) (hh:mm)  
**11/25/2008 10:45 AM**

Name of Inspector(s) <b>Kara Reynolds</b>	Name of Inspector(s) <b>Ed Pulido</b>
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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:** Franklin Body Shop, Inc. **Facility Type:** Not Sure Yet **Date of Inspection:** 11-25-2008 **EPA ID#:** OHD 986 981 165

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 Painting	Waste Paint Related Material D001, D035, F003, F005	~20 Gallons Drums Storage Area	Storage	Petro-Chem Processing Group, MI		
2 Painting	Paint Booth Filters	Changed Every Three Months		Local Landfill		
3 Sandblasting	Spent Sand	Unknown		Local Landfill		

## REMARKS-GENERAL INFORMATION

**General Process Information:**

See Letter

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

N/A

**Additional P2 remarks and information:**

N/A

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:**

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 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 checked="" 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.