



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: Independent Auto Body Plus
Hazardous Waste
Complaint # 2686
Richland County
Notice of Violation

May 6, 2008

Mr. Keith Shellhouse
Independent Auto Body Plus
4952 Plymouth Springmill Road
Shelby, Ohio 44875

Dear Mr. Shellhouse:

On October 25, 2007, I sent you a letter requesting additional information pertaining to my August 31, 2007, complaint investigation. I never received a response. On April 15, 2008, Ed Pulido and I conducted a compliance evaluation inspection at your business, Independent Auto Body Plus (Independent), located at 4952 Plymouth Springmill Road, Shelby, Ohio. This inspection was conducted to determine Independent'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). Independent was represented by you. We discussed the processes at your body shop, reviewed paperwork, and we walked around the facility. This letter will explain the violations we found as a result of our inspection, what you need to do to correct the one outstanding violation, two areas of concern, and what you need to do to satisfy these areas of concern.

Independent is a vehicle collision body shop. Independent does not service vehicles, but conducts body work (painting, etc.) and restores older vehicles. Wastes generated at the facility include spent paint/solvent, solvent waste, dust from the paint booth filters, antifreeze, used oil, and fluorescent bulbs.

During the inspection, I provided you with the following materials: the Ohio EPA Fact Sheets: The Regulation of Used Oil: An Overview for Ohio Businesses, Used Oil Generators, Universal Waste Rules for Handlers of Lamps; the publication Environmental Compliance Guide for Auto Body Shops; and a list of computer, fluorescent lamp and ballast recyclers.

As a result of my inspection on April 15, 2008, I found the following violations of Ohio's hazardous waste laws. In order to correct the one outstanding 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 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.

Independent has failed to evaluate their spent solvent to determine if it is hazardous. Independent is currently taking approximately 5 gallons per year to API, a retail store, which distills this in their solvent distiller.

Independent must immediately stop taking any waste solvent to API.

To properly evaluate the above waste stream, Independent must do one of three options: 1) Independent must take a representative sample of this waste to properly evaluate this waste stream through a laboratory analysis which lists constituents present and at what concentration. Independent must sample the spent solvent to determine the concentrations of the Resource Conservation and Recovery Act (RCRA) metals (which may be present in the materials utilized in the process) and any other regulated volatile organics that may be present based on the paint utilized (in light of the materials or the processes used) as listed in the Ohio Administrative Code Rule 3745-51-24 following the methods as outlined in U.S. EPA's SW-846. Independent may run total concentrations for these constituents as a screening tool. If the concentrations are detected for the constituents at or above the regulatory limit, a TCLP may be required to ensure this constituent is not present above the Ohio EPA regulatory level, or 2) Independent must apply generator knowledge of the hazardous characteristic(s) of the waste in light of the materials or the processes used through adequate documentation (Material Safety Data Sheets, etc.), or 3) a combination of option one and two.

- To abate this violation, Independent must submit the analytical information or the documentation for generator knowledge 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.
- I believe you stated this solvent was not generated as part of your painting operations. Please indicate how you generate this material. You may wish to contact your supplier of this material to obtain the Material Safety Data Sheet. (MSDS).

I have enclosed the guidance documents Identifying your Hazardous Waste and Use of Generator Knowledge in Complying with OAC rule 374552-11, Hazardous Waste Evaluation which you may find useful.

- You stated API was a retail paint store in Mansfield. I could not find this business on the internet under this name. Please indicate if the store is under another name, where this store is located, and their telephone number.

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.

**2. Used oil storage requirements - proper labels.
OAC 3745-279-22 (C) (1)**

Containers used to store used oil shall be labeled or marked clearly with the words "Used Oil."

Independent failed to mark two 5-gallons buckets storing used oil with the words "Used Oil".

"Used Oil" was written on the two 5-gallons buckets during the investigation. Thus, this violation was abated.

In addition, I noted the following areas of concern:

Areas of Concern:

1. Fluorescent Bulbs.

You stated that your supplier of bulbs, Maintenance Engineering, LTD (ME), has picked up your fluorescent bulbs because they have been faulty. They had guaranteed their bulbs for a certain amount of time and your bulbs have not met that time, thus, they have been picked up and replaced. I contacted ME and they stated they are recycling bulbs that they pick up in situations like this (when they pick up faulty bulbs).

You stated otherwise you have not had any other spent fluorescent bulbs. When you do have spent bulbs, you need to ensure that your bulbs are being recycled. In addition, we discussed with you managing your bulbs as universal waste (labeling, container closed, etc.) and I gave you a fact sheet discussing this information.

- To satisfy this area of concern if you have bulbs in the future that do become spent (and are not being exchanged by ME), you need to designate a recycler for your bulbs. I will need you to tell me who will be recycling your bulbs in the future. Please consult the fact sheet on lamp recyclers for a list of recyclers.

2. Waste dust from paint booth filters.

You had inquired as to if you could take the accumulated paint dust/waste from your paint booth filters and use that as a product to mix into the rust inhibitor you make and use in your shop. You would have to demonstrate the formula or "recipe" that shows that this is a valid ingredient to make rust inhibitor. As long as you can demonstrate that rust inhibitor needs this material (similar ingredients from other rust inhibitor products), this may be acceptable.

Unless you can demonstrate that this material is a valid ingredient in the making of your rust inhibitor, you will have to sample this material. If the material is hazardous then you will have to dispose at a licensed hazardous waste treatment, storage, and disposal facility. If you sample the waste dust and this material is non-hazardous, the Division of Hazardous Waste Management would not regulate this material and you could add it to your rust inhibitor.

- To satisfy this area of concern, please submit your formula/recipe for making your rust inhibitor and / or a way to demonstrate that this is a valid ingredient for making this product. Keep in mind you will have to consider the type of paint you use and what the dust actually is – what specific ingredients make up the paint/dust material. Thus, you must answer if the ingredients that make up the paint are valid ingredients in the making of rust inhibitor.

Ohio EPA will issue an EPA ID number to track our investigation activity at the property in question. You cannot use this number for manifesting hazardous waste shipments.

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May 6, 2008
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If you want to use an EPA ID number for manifesting and other hazardous waste, used oil or universal waste activities, you must complete and submit a Notification of Regulated Waste Activity form (*EPA Form 9029 (Rev. 11/2002)*) to Ohio EPA. This form is available on our Web page at <http://www.epa.state.oh.us/dhwm/notiform.html> or you can call me or the Division of Hazardous Waste Management, Central Office, RIS at (614) 644-2977 and we will mail you a copy.

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. 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://www.epa.state.oh.us/dhwm/listserv.html>. Please feel free to share this information with your colleagues.

Please address all correspondence to Amber Hicks, Ohio EPA, 347 N. Dunbridge Road, Bowling Green, Ohio 43402. Should you have any questions, please feel free to call me at (419) 373-3082.

You can find copies of the rules and other information on the division's web page at <http://www.epa.state.oh.us/dhwm>. Ohio EPA has helpful information about pollution prevention at the following web address: <http://www.epa.state.oh.us/ocapp/ocapp.html>.

Sincerely,



Amber M. Hicks /
Division of Hazardous Waste Management

//lr

Enclosures

pc: Colleen Weaver, DHWM, NWDO
Cindy Lohrbach, DHWM, NWDO
~~DHWM, NWDO; File: Independent-Auto Body Plus~~)
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.

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:		
3. Site Name	Name: Independent Auto Body Plus	Website: (Optional)	
4. Site Location Information	Street Address: 4952 Plymouth Springmill Road		
	City, Town, or Village: Shelby	State: OH	
	County Name: Richland	Zip Code: 44875	
5. Site Land Type (check only one)	<input checked="" type="checkbox"/> 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		
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: Keith	MI:	
	Phone Number: 419-347-5254	Last Name: Shellhouse	
	E-Mail Address:		
	Phone Number Extension:		
	Fax Number:		
	Fax Number Extension:		
	Street or P.O. Box:		
City, Town or Village:			
State:		Country: USA	
		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:		
	Date Became Owner (mm/dd/yyyy):		
	Owner Type:	<input type="checkbox"/> 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	
	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 Type:	<input type="checkbox"/> 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	
Street or P.O. Box:			
City, Town or Village:			
Operator Phone #:			
State:		Country:	
		Zip Code:	
9. Violations Cited?	<input 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 type="checkbox"/> Conditionally Exempt Small Quantity Generator		
<input checked="" 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 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 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.			
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: Additional site visit /CEI.
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)
Amber Hicks		Ed Pulido	4/15/2008 10:52-13:00
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)

PROCESS, WASTE, P2 SUMMARY SHEET

Facility Name: Independent Auto Body Plus **Facility Type:** Unknown **Date of Inspection:** 4-15-08 **EPA ID#:** None

Waste Generated			On- or Off-Site Management		P2 Activities		
Process/Activity Generating Waste (e.g. plating bath, machining, baghouse, painting, general maintenance, etc)	Waste Description (e.g. sludge, solvent, ash, used oil, spent lamps, etc.) and EPA Waste Code, if applic.	QTY Generated per Month, Type of Accumulation (container, tank, etc) and location of waste accumulation area	Type of On-Site Treatment (recycle, wwt, etc)	Name, state, and type of activity occurring at the off-site facility.	Current P2 Activities	P2 Opportunities	
1	Painting operations	paint/solvent waste	~ 2 gallons	Facility reuses as is as an ingredient to make a product (rust inhibitor)*	No off-site disposal - facility re-uses waste.**	Re-using.	
2	Pulling of engines/radiators activities	Used Oil	~ 10 gallons a year	NA	Auto Zone - OH	Recycled.	
3	Unsure	Solvent waste	~ 5 gallons a year	NA	Facility returns back to a retail store.		
4	Pulling of engines/radiators activities	Antifreeze	~4-5 gallons a year	Reuses.	NA	Re-using.	
5	Lightning	Fluorescent bulbs	Unknown	NA	Facility returning to manufacturer.	Facility does use "green tip" bulbs.	

6	Painting operations	Paint booth filter dust	Facility does not change filter but expels dust from filter. ~1/4 of a coffee can every 3 months.	Blowing dust out of filter outside.	None		
7							
8							
9							

REMARKS--GENERAL INFORMATION

General Process Information: *Facility reuses as is as an ingredient to make a product (rust inhibitor) which they then utilize on vehicles they are restoring.

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:

**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 No N/A
- a. Is the surface impoundment or waste pile regulated as a hazardous waste management unit? [3745-279-12(A)] Yes No N/A
2. Is used oil used as a dust suppressant? [3745-279-12(B)] Yes No N/A
3. Is off-specification used oil fuel burned for energy recovery in devices specified in 3745-279-12(C)? Yes No N/A

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 No N/A
- a. Is the mixture managed as specified in 3745-279-10(B)? [3745-279-21(A)] Yes No N/A

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 No N/A

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 No N/A
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
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

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
- b. Contained the release? Yes No N/A
- c. Cleaned up and properly managed the used oil and other materials? Yes No N/A
- d. Repaired or replaced the containers or tanks prior to returning them to service, if necessary? Yes No N/A

ON-SITE BURNING IN SPACE HEATER

10. Does the generator burn used oil in used-oil fired space heaters? [3745-279-23] If so: Yes No N/A
- 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
- b. Is the heater designed to have a maximum capacity of not more than 0.5 million BTU per hour? Yes No N/A
- c. Are the combustion gases from heater vented to the ambient air? Yes No N/A

GENERATOR TRANSPORTATION

11. 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 No N/A
- a. Does the generator transport used oil in a vehicle owned by the generator or an employee of the generator?[3745-279-24] Yes No N/A
- b. Does the generator transport more than 55 gallons of used oil at any time?[3745-279-24] Yes No N/A

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

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
13. Is the non-DIY used oil collection center registered with Ohio EPA? [3745-279-31] Yes No N/A
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

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.

Keyword: UsedOilChecklistforGenerators.Oct.2007.doc