



**Environmental  
Protection Agency**

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

Re: Ohio CAT, Equipment Division  
Wood County  
OHD004305124  
Hazardous Waste  
**Return to Compliance**

August 16, 2010

Mr. Robert Johnson, Shop Floor Supervisor  
Ohio CAT, Equipment Division  
25970 State Route 25  
Perrysburg, Ohio 43551

Dear Mr. Johnson:

Thank you for your July 14, 2010, and July 30, 2010, responses to Ohio EPA's June 4, 2010, Notice of Violation (NOV) letter. The information you submitted included material safety data sheets for the paints used at this facility, analytical results for the paint booth filters, and universal waste documentation. My review of the documentation submitted reveals that Ohio CAT, Equipment Division (Ohio CAT) has adequately demonstrated abatement of all of the violations cited in the June 4, 2010, NOV.

The following is a summary of the violations cited in the June 4, 2010, NOV as a result of my May 17, 2010, inspection and your compliance with respect to each:

**1. Waste Evaluation, OAC Rule 3745-52-11:**

- a) Any person who generates a waste must determine if that waste is a hazardous waste by using generator knowledge or by testing the waste.

At the time of the inspection, Ohio CAT did not have waste evaluation documentation for the spent paint filters. Ohio CAT has historically disposed of this spent material as a non-hazardous waste. Ohio CAT must immediately cease disposing of the waste paint filters as non-hazardous waste until a proper waste evaluation has been completed.

Ohio CAT must obtain a representative sample of the spent paint booth filter waste stream and have it analyzed for Toxic Characteristic Leaching Procedure (TCLP) Resource Conservation and Recovery Act (RCRA) metals (SW-846 Method 1311/6010) and volatile organics (SW-846 Method 1311/8260). To abate this violation, Ohio CAT must submit a copy of the analytical results to Ohio EPA. Once analytical results have been reviewed, Ohio EPA will advise you on proper disposal options as well as plans for the future management of this waste stream.

**On July 30, 2010, Ohio CAT submitted a copy of the waste analysis results for the paint booth filters. In addition, Ohio CAT included a copy of the material safety data sheets for the paints used at this facility. The submitted analytical results indicate that the spent paint booth filters are a non-hazardous waste. These filters may be managed as a solid waste. This portion of the violation has been abated.**

- b) In addition, Ohio CAT failed to have waste evaluation documentation or an established recycling plan in place for the fluorescent bulbs generated at the facility.

Hazardous bulbs are considered "spent materials" and remain hazardous waste even when recycled. Hazardous waste lamp generators have the option of handling their lamps as hazardous waste or as universal waste. Managing hazardous waste lamps under the universal waste rules eases certain regulations imposed on generators of spent lamps.

Please be aware that incandescent, fluorescent, metal halide, neon, high-intensity discharge, high-pressure sodium and mercury-vapor lamps could be hazardous waste when discarded. Fluorescent lamps may contain up to 40 milligrams (mg) of mercury, depending on the brand and manufacturer. Lamps may also contain lead and cadmium. Many lamps exhibit a characteristic of toxicity for heavy metals when disposed. A copy of Fluorescent Lamps: What You Should Know, was given to you at the time of my inspection. I recommend that you review this document and contact me if you have any questions.

Ohio CAT must submit to Ohio EPA documentation to demonstrate how you plan to properly manage your fluorescent bulbs. If Ohio CAT plans to manage the spent fluorescent bulbs when generated as universal waste, please submit the name of the facility where you plan to recycle the bulbs.

Ohio CAT must also properly train employees, who handle or have responsibility for managing universal waste, on waste handling and emergency procedures relative to their responsibilities and send me documentation (memo or sign-in sheets) that this has been completed.

**On July 14, 2010, Ohio CAT submitted documentation for the management of fluorescent bulbs. Ohio CAT will manage all spent fluorescent bulbs as universal waste. Ohio CAT intends to ship the universal waste lamps off-site for recycling at Environmental Recycling in Bowling Green, Ohio. On July 14, 2010, Ohio CAT also submitted a copy of the sign-in sheet for the universal waste employee training that was conducted on July 9, 2010. This portion of the violation has been abated.**

***With this information, the two portions of this violation have been completely abated.***

**2. OAC Rule 3745-279-22(C)(1): Labeling:**

Containers, aboveground tanks, and fill pipes used for underground storage tanks shall be labeled or marked clearly with the words "used oil."

Ohio CAT had one 1,000-gallon storage tank and one 500-gallon storage tank of used oil that were not properly labeled.

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At the time of my inspection, Ohio CAT properly labeled both of the storage tanks with the words "used oil". A copy of the fact sheet, The Regulation of Used Oil: An Overview for Ohio Businesses Who Generate Use Oil, was given to you at the time of my inspection. Please review this information and contact me if you have any questions.

***Therefore, this violation is considered abated.***

Ohio EPA has helpful information about compliance assistance and pollution prevention at the following web address: <http://www.epa.ohio.gov/ocapp>. In addition, you can find copies of the rules and other information on the division's web page at: <http://www.epa.ohio.gov/dhwm/>.

Should you have any questions or if I can be of assistance, please contact me at (419) 373-3066.

Sincerely,



Melissa L. Boyers  
Division of Hazardous Waste Management

//lr

pc: Cindy Lohrbach, DHWM, NWDO  
Colleen Weaver, DHWM, NWDO  
Monti Zimmerman, Ohio CAT, Safety & Environmental Coordinator  
~~DHWM, NWDO:2010.Wood County General File~~  
ec: Melissa Boyers, 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.