



Environmental  
Protection Agency

John R. Kasich, Governor  
Mary Taylor, Lt. Governor  
Scott J. Nally, Director

Eval 001  
Enf. 001

September 16, 2011

**CERTIFIED MAIL**

**Re: Chuck Fries Paint & Body Shop (CFP&BS)**  
Current Hazardous Waste Generator Status (CESQG)  
Miami County  
NOV

OH R 000 165316

Mr. Travis Hickerson  
Chuck Fries Paint & Body Shop  
805 Garbry Rd.  
Piqua, OH 45356

Dear Mr. Hickerson:

On August 17, 2011, Ohio EPA received a complaint requesting Ohio EPA's Division of Materials and Waste Management check CFP&BS' filter and solvent disposal records. We also forwarded the complaint to the Regional Air Pollution Control Agency (RAPCA) regarding paint odors & clouds of paint drifting into area yards. Ohio EPA and RAPCA conducted a complaint investigation of CFP&BS on August 23, 2011. During my complaint investigation you showed me around your body shop & showed me your drums of hazardous solvent waste. You also believed you could provide information from Dupont regarding your paint's metal content with relation to disposal (whether or not they filters would be considered hazardous waste). I faxed you information that same date regarding what metals and corresponding concentrations that would help you characterize your paint filters as hazardous or not.

I recently called you and provided you with a few more days to obtain information from your paint vendor, DuPont. I also informed you that if you failed to send this information to me that Ohio EPA would cite a violation regarding your failure to characterize your paint filter waste stream.

This letter will outline Ohio EPA DMWM's observations, recommendations and findings from our complaint investigation. RAPCA communicated their findings in a September 8, 2011 letter.

To-date, Ohio EPA has not received any paint characterization info and has identified the following violation of Ohio's hazardous waste laws:

**Hazardous Waste Determination  
(OAC 3745-52-11)**

Any person who generates a waste must determine if the waste is a hazardous waste.

Southwest District Office  
401 East Fifth Street  
Dayton, OH 45402-2911

937 | 285 6357  
937 | 285 6249 (fax)  
www.epa.ohio.gov

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CFP&BS failed to evaluate its paint booth filter waste to determine if it is hazardous.

CFP&BS must immediately contact DuPont (to assist with generator knowledge) or a hazardous waste disposal facility (a reference list is attached for your reference) to determine if your used paint booth filters are hazardous waste. Please submit this determination **within 30 days upon your receipt of this letter. Additionally, do not dispose of any further paint booth filters in your trash until this analysis has been performed.**

### **CFP&BS Hazardous Waste Generator Status**

Based upon your generation rate (one drum weighing approximately 550 pounds that was filled over a 4 month period), CFP&BS is a conditionally exempt small quantity generator (CESQG) of hazardous waste. You generate less than 220 lbs of hazardous waste per month. You explained that prior to December 2010, that CFP&BS generated "spotty" amounts of hazardous waste given you did a lot of outsourcing from when you took over the business in 2006. You also believed that this waste generated prior to December 2010 had been previously disposed. The hazardous waste currently on-site is from used solvent CFP&BS used to clean your paint spray guns. Even if the filters are added to your hazardous waste stream, CFP&BS would still be a CESQG.

I'm enclosing a summary of the requirements for a CESQG. Please note the following:

CESQGs cannot exceed 2200 lbs (~4-55 gallon drums) of hazardous waste on-site at any given time. CFP&BS does not currently exceed this quantity.

OAC 3745-51-05(F)(3) requires that CESQGs must ensure delivery of their hazardous waste to an offsite storage, treatment or disposal facility (please refer to the list of disposal facilities enclosed-this list is not all-inclusive given there are such facilities in other states). Given you did previously dispose hazardous waste before you started accumulating in the drum that was filled over four months (began December 2010 & was full by approximately April/May of 2011), **please submit documentation (which is simple as company name & contact info) regarding where your hazardous waste was disposed of previously within 30 days upon your receipt of this letter.**

### **Recommendations**

During my August 23, 2011 complaint investigation, I recommended that:

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- 1) CFP&BS label your small used gun solvent container and 2 - 55 gallon drums as either "hazardous waste" or with a description of its contents.
- 2) move your drums of hazardous waste inside the building
- 3) dig the dirt up surrounding your drums and store this dirt in a container and do not dispose of it until a hazardous waste characterization has been performed.

### **Findings**

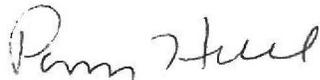
The current status of Ohio EPA's complaint investigation is currently ongoing given we are still awaiting information regarding CFP&BS' filter and solvent disposal records.

Please explain how you've addressed these concerns when you submit the documentation required above within 30 days upon your receipt of this letter.

Ohio EPA's Office of Compliance Assistance and Pollution Prevention (OCAPP) offers free, confidential assistance to small businesses. You may reach the local OCAPP representative, Jim Pellegrino at 937-285-6439.

Should you have any questions, please feel free to call me at (937) 285-6091 or contact me via e-mail at [pam.hull@epa.state.oh.us](mailto:pam.hull@epa.state.oh.us).

Sincerely,



Pam Hull  
District Representative  
Division of Materials and Waste Management

PH/rb

cc: Robyn Fox, SWDO-DMWM/SWDO Facility File  
Facility File: Chuck Fries Paint & Body Shop, CESQG, Miami County

ec: Jennifer Riley, Regional Air Pollution Control Agency

**NOTICE:**

Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve your company from having to comply with applicable regulations.

Send to Central Office <input type="checkbox"/>	<b>Ohio Environmental Protection Agency</b> <b>RCRA SUBTITLE C SITE</b> <b>IDENTIFICATION/VERIFICATION FORM</b>	For Ohio EPA use only
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Completed verification forms required to be submitted to CO should be e-mailed to [brad.hauser@epa.state.oh.us](mailto:brad.hauser@epa.state.oh.us).

<b>Site EPA ID No.</b> <b>Site Name</b>  <b>Site Location Information</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>	EPA ID Number: <b>needs to be assigned</b>	
	Name: <b>Chuck Fries Paint &amp; Body Shop</b>	Website: (Optional)
	Street Address: <b>805 Garbry Rd.</b>	
	City, Town, or Village: <b>Piqua</b>	State: <b>OH</b>
County Name: <b>Miami</b>	Zip Code: <b>45356</b>	
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>811198</b>		

<b>Facility Representative</b>  Additional names can be recorded in number 12  Only provide address information if it is different than the site address	First Name: <b>Travis</b>		MI:	Last Name: <b>Hickerson</b>	
	Title:				
	Phone Number: <b>937-773-3312</b>			Phone Number Extension:	
	E-Mail Address:				
	Fax Number: <b>937-773-4050</b>			Fax Number Extension:	
	Street or P.O. Box: <b>805 Garbry Rd.</b>				
	City, Town or Village: <b>Piqua</b>				
State: <b>OH</b>			Zip Code: <b>45356</b>		

<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:				Date Became Owner (mm/dd/yyyy):				
	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:								
	State:								
	Name of Site's Operator:								
	Date Became Operator (mm/dd/yyyy):								
	Operator 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:								
State:									
Country:									
Zip Code:									
Operator Phone #:									
Zip Code:									

<b>VIOLATIONS CITED?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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**TYPE OF HANDLER - MARK "X" AS APPROPRIATE**

<input type="checkbox"/> Not a HW Generator	<input type="checkbox"/> UNKNOWN: Cited for violation of 3745-52-11	<input type="checkbox"/> Large Quantity Generator (LQG)
	<input type="checkbox"/> Short-Term/Temporary Generator (generates from a short-term or one-time event and not from on-going processes). <i>Check the box for the applicable generator status and provide a comment.</i>	<input type="checkbox"/> Small Quantity Generator (SQG)
		<input checked="" 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"/> Hazardous Waste Transporter                    | <input type="checkbox"/> Exempt Boiler and/or Industrial Furnace       |
| <input type="checkbox"/> Hazardous Waste Transfer Facility              | <input type="checkbox"/> Small Quantity On-Site Burner Exemption       |
| <input type="checkbox"/> Treater, Storer or Disposer of Hazardous Waste | <input type="checkbox"/> Smelting, Melting, Refining Furnace Exemption |
| <input type="checkbox"/> Recycler of Hazardous Waste                    | <input type="checkbox"/> Underground Injection Control Facility        |
| <input type="checkbox"/> 72-Hour Recycler                               | <input type="checkbox"/> Receives Hazardous Waste from Off-site        |

**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 Used Oil  
 Used Oil Fuel Marketer who first claims the Used Oil meets the specifications

**Eligible Academic Entities with Laboratories:** Facility has previously notified that they are opting into managing laboratory hazardous waste pursuant to OAC rules 3745-52-200 through 3745-52-216. Check the box(es) below to indicate the laboratory type.

- College or University  
 Teaching hospital that is owned by or has a formal written affiliation agreement with a college or university  
 Non-profit Institute that is owned by or has a formal written affiliation agreement with a college or university

**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 or list them in the comments if more space is needed. If the waste codes are the same as listed in the most recent RCRAInfo source record, you do not need to list them. Instead just indicate the date of the most recent source record.

**COMMENTS: USE THIS AREA TO DESCRIBE WHETHER THE INSPECTION WAS ANNOUNCED, WHETHER THE WASTE IS STORED IN TANKS OR CONTAINERS, ETC.**

Announced     Yes     No    Additional Facility Representatives:  
Tanks             Yes     No  
Containers       Yes     No

Name of Inspector(s)  
**Pam Hull- Ohio EPA DMWM**

Name of Inspector(s)  
**Jennifer Riley-RAPCA**

Date of Inspection/Time  
(mm/dd/yyyy) (hh:mm)  
**08/23/2011**

**Comments:**

**complaint investigation - Cited for failure to characterize paint filters.**

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature <input checked="" type="checkbox"/> Agent  <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery</p>
1. Article Addressed to:	<p>D. Is delivery address different from item 1? <input checked="" type="checkbox"/> Yes  If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p><b>MR TRAVIS HICKERSON  CHUCK FRIES PAINT &amp; BODY SHOP  805 GARBY ROAD  PIQUA, OHIO 45356</b></p>	<p>Service Type  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
2. Article Number (Transfer from service label)	<p>7010 1060 0002 4250 7034</p>
PS Form 3811, February 2004	<p>Domestic Return Receipt 102595-02-M-1540</p>

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For delivery information visit our website at <a href="http://www.usps.com">www.usps.com</a> <b>OFFICIAL USE</b>	
Postage \$ Certified Fee Return Receipt Fee (Endorsement Required) Restricted Delivery Fee (Endorsement Required)	Postmark Here
Total Paid <b>MR TRAVIS HICKERSON</b> Sent To <b>CHUCK FRIES PAINT &amp; BODY SHOP</b> Street, Apt. or PO Box <b>805 GARBY ROAD</b> City, State <b>PIQUA, OHIO 45356</b>	
PS Form 3800, August 2006 See Reverse for Instructions	