



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: FleetPride
Lucas County
Hazardous Waste
OHD 005 414 123

July 16, 2008

Mr. Joe Gears, Area Manager
FleetPride
220 Indiana Avenue
Toledo, Ohio 43602

Dear Mr. Gears:

This letter is written to inform you of Ohio EPA's serious concerns with the hazardous waste violations which have occurred at the FleetPride facility in Toledo, Ohio.

As you know, during a hazardous waste compliance evaluation inspection conducted by Ohio EPA on August 29, 2006, my staff documented that FleetPride was in violation of Ohio Revised Code ("ORC") Section 3734.02(E)&(F), Ohio Administrative Code ("OAC") Rule 3745-52-11, and OAC Rule 3745-279-22(C)(1).

Specifically, FleetPride was cleaning the paint booth spray gun by using laquer thinner (xylene, toluene, and methyl ethyl ketone) and spraying the spent solvent directly into a bucket with a liner. FleetPride then allowed the spent solvent to evaporate causing the residue to harden, which is considered treatment of a hazardous waste and disposal of hazardous waste to the air. FleetPride disposed of the liners as a solid waste at BFI - Allied Waste located in Erie, Michigan. According to ORC Section 3734.02 (E) & (F) this practice is not legal as a permit is required to treat and/or dispose of hazardous waste and the spent solvent and the residue would be categorized as a listed hazardous waste (i.e. F003, F005) per OAC Rule 3745-51-31.

FleetPride has been discarding the bucket liners, which are a listed hazardous waste (F003, F005), into the solid waste dumpster at the facility which were offered for off-site transportation and ultimate disposal at a solid waste landfill. Therefore, the spent bucket liners were caused to be transported to a site other than a permitted hazardous waste treatment, storage or disposal facility, in violation of ORC Section 3734.02 (F). In addition, FleetPride failed to comply with Ohio's requirements for waste evaluation found in OAC Rule 3745-52-11, and used oil labeling found in OAC Rule 3745-279-22(C)(1).

I have been informed by my staff that as of June 18, 2008, FleetPride is properly managing its waste. Although Ohio EPA is pleased that FleetPride has returned to compliance for the aforementioned violations and recognizes that the quantity of waste improperly managed was small, please know that Ohio EPA views such violations as serious and will expect FleetPride to maintain compliance with Ohio's hazardous waste laws and regulations in the future.

Failure to maintain such compliance in the future may result in enforcement actions pursuant to the authorities vested in the Director of the Ohio EPA, including assessment of civil penalties. Your progress in maintaining compliance with the hazardous waste rules and regulations will be monitored closely.

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The Ohio EPA strongly encourages pollution prevention as the preferred approach for waste management. The first priority of pollution prevention is to eliminate the generation of wastes and pollutants at the source (source reduction). For those wastes or pollutants that are generated, the second priority is to recycle or reuse them in an environmentally sound manner. You can benefit economically, help preserve the environment and improve your public image by implementing pollution prevention programs.

Ohio EPA has helpful information about compliance assistance and pollution prevention at the following web address: <http://www.epa.state.oh.us/ocapp/ocapp.html>. In addition, you can find copies of the hazardous waste rules and other information on the Division of Hazardous Waste Management's web page at <http://www.epa.state.oh.us/dhwm>.

If you have any questions regarding the hazardous waste requirements applicable to FleetPride, please contact Ms. Melissa Boyers of Ohio EPA's Northwest District Office at (419)373-3066.

Sincerely,


Shannon M. Nabors
District Chief

MLB/cs

pc: John Schierberl, Supervisor, CO, DHWM
John Pasquarette, Manager, DHWM, NWDO
Colleen Weaver, Supervisor, DHWM, NWDO
Cindy Lohrbach, DHWM, NWDO
~~DHWM, NWDO, FleetPride, File~~

ec: Melissa Boyers, NWDO-DHWM



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INTER-OFFICE MEMORANDUM

TO: Shannon Nabors, Northwest District Office Chief

FROM: ^{MB} Melissa Boyers, DHWM, NWDO through
Colleen ~~W~~ Weaver, Unit Supervisor, DHWM, NWDO

DATE: July 16, 2008

SUBJECT: FleetPride Briefing Memo

DHWM, NWDO is preparing a district warning letter for:

FleetPride
220 Indiana Avenue
Toledo, Ohio 43602
Lucas County

Based upon observations made during an August 29, 2006, Compliance Evaluation Inspection and October 24, 2006, follow-up site visit, the facility has been cited for failure to comply with the following hazardous waste regulations: illegal treatment/disposal of hazardous waste, ORC Section 3734.02(F); waste evaluation violation, OAC Rule 3745-52-11; and a used oil violation, OAC Rule 3745-279-22(C)(1).

FleetPride (FP) was treating and disposing of spent laquer thinner (F003, F005) by allowing it to evaporate. FP did not have waste evaluation documentation for the spent cardboard paint booth filters and the spent sodium hydroxide solution generated in the large hot water parts washer tank. FP failed to properly evaluate the spent solvent and bucket liners generated in the paint booth gun washing area prior to disposal. FP has historically disposed of this spent material by allowing the solvent to evaporate and then disposing of the liner as a non-hazardous waste. FP also had two poly drums and two buckets of used oil that were not properly labeled.

On October 27, 2006, as a result of the violations identified, Ohio EPA issued a Notice of Violation (NOV) which notified FP of the three violations discovered during the August 29, 2006 compliance evaluation inspection, and requested that FP respond in writing, describing the actions and timetables necessary to demonstrate compliance. FP's December 12, 2006 response to Ohio EPA provided documentation adequate to demonstrate abatement of one of the three violations. By letter dated March 22, 2007, Ohio EPA acknowledged FP's abatement of the one violation and requested information within fifteen (15) days regarding abatement of the two outstanding violations. These outstanding violations include waste disposal and waste evaluation. On October 9, 2007, Ohio EPA sent FP a second partial return to compliance letter due to the fact that none of the information requested in the March 22, 2007, letter was submitted.

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On November 21, 2007, FP submitted a copy of the employee training plan that outlines the proper hazardous waste management procedures for the facility. On November 28, 2007, Melissa Boyers, Ohio EPA, Northwest District Office, spoke with Mr. Joe Gears, FP Area Manager, and gave him comments on the training plan. On December 7, 2007, Ohio EPA sent an electronic mail to follow up on the training plan corrections and submittal of the analytical results for the paint booth filters. A second electronic mail message was sent on January 10, 2008.

On June 5, 2008, Mr. Joe Gears spoke with Melissa Boyers and arranged for a site visit. On June 18, 2008, Ohio EPA, represented by Melissa Boyers and Wendy Miller, made a site visit to document the return to compliance status of the facility.

Based upon the waste evaluation documentation, it was determined that FP is operating as a conditionally exempt small quantity generator of hazardous waste.

On June 30, 2008, FP was issued a return to compliance letter.

/cs

pc: DHWM, NWDO File