



Environmental
Protection Agency

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

Re: Bosserman Aviation Equipment, Inc.
OHR000147876
Hazardous Waste
Wyandot County
Partial Return to Compliance

November 17, 2011

Mr. Terry L. Bosserman
Bosserman Aviation Equipment, Inc.
2327 State Route 568
Carey, Ohio 43316

Dear Mr. Bosserman:

Thank you for your October 31, 2011, response (received in this office on November 1, 2011) to Ohio EPA's October 3, 2011, Notice of Violation letter (NOV). Mr. James Barnhart, Production Manager submitted the following information on your behalf:

- Additional information/clarification pertaining to violation #1, ORC Section 3734.02 (E) & (F) - Treatment, storage, or disposal of a hazardous waste.
- A picture and explanation of your Haz-Waste Activity Sheet on Smartsheet.com which will alert you when drums are due and when returned manifests are due. Bosserman plans to utilize this tool to ensure that they will receive all returned hazardous waste manifests within 60 days and will not store drums of hazardous for more than 180 days in the future.
- RCRA Hazardous Waste Training & DOT Refresher Training certificates for James Barnhart and Frank Buck (Paint Manager) indicating they completed this training on September 23, 2011, from Chemtron Corporation Environmental Services.
- A sign-in sheet for all paint employees (paint and solvent wastes), test bay employees (fuel wastes) and employees assigned to refurb teams (used oil, waste antifreeze, waste automatic transmission fluid) for RCRA/DOT Hazardous Waste Handler Training given on October 27, 2011, by you.
- August, September and October 2011, emergency equipment inspection logs.

My review of this documentation reveals that Bosserman Aviation Equipment, Inc. (Bosserman) has adequately demonstrated abatement of the following violations discovered during the August 18, 2011, compliance evaluation inspection (CEI) as listed below:

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Violation	Date Violation Observed	Date Violation Abated
2. OAC Rule 3745-52-20(A) Use of Hazardous Waste Manifest – Must prepare a manifest appropriately.	August 18, 2011	November 1, 2011
3. OAC Rule 3745-52-42(B) Returned copy of hazardous waste manifest.	August 18, 2011	November 1, 2011
4. OAC Rule 3745-52-34(D)(5)(c) Personnel Training.	August 18, 2011	November 1, 2011

In addition, Bosserman satisfied all the areas of request for additional information (A-C) in the October 3, 2011, NOV with their October 31, 2011, response. Nothing further is necessary pertaining to these requests for information.

Ohio EPA cited an additional violation in the October 3, 2011, NOV, to Bosserman. Bosserman remains in violation of the following hazardous waste law as outlined in that NOV:

Violation	Date Violation Observed
1. ORC Section 3734.02 (E) & (F) Treatment, storage, or disposal of a hazardous waste.	August 18, 2011

Please be advised that due to the nature of the violation, Bosserman may be subject to closure and financial assurance requirements pursuant to OAC rules 3745-55-11 through 3745-55-20 and OAC rules 3745-55-42 through 3745-55-47 at this site.

Bosserman stated in their October 31, 2011, response that the facility did not store hazardous waste over 180 days since this waste was useable solvent that was waiting to be distilled in the solvent recovery unit (the still had been broken and thus solvent had accumulated waiting to be distilled). Mr. Barnhart stated that this should not be considered waste which was stored over 180 days as this was still useable product simply waiting to be distilled. Spent solvent/paint waste utilized in the cleaning of paint lines/paint guns is considered a spent material. Thus, your spent solvent/paint waste (D001, D035, F003, F005) is considered a waste even when reclaimed and would have to be managed on-site as a hazardous waste and manifested if you shipped it off-site.

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In summary, even though you are recycling this material it is considered a hazardous waste and would have to be either recycled (processed through the still) within 180 days of generation or manifested and shipped off-site within 180 days of generation. Please consult OAC Rule 3745-51-02 (C) (3) and the corresponding table associated with this rule. I have enclosed a copy of this rule with this letter. The rule can also be found at the following link: http://epa.ohio.gov/portals/32/oac_rules/51-02.pdf.

Please note that if you generate jet fuel and water (waste fuel and water) that becomes unintentionally contaminated during storage, this is considered a commercial chemical product (CCP) because the fuels have not been used. Such contaminated CCPs are not wastes when they are processed to remove contamination as long as they are being used for their intended purpose/fuel properties. In addition, CCPs that are normally fuels that are burned for energy recovery are not wastes and therefore are not hazardous wastes. The generator and subsequent handlers of the contaminated gasoline that will be burned for energy recovery are not required to manage it as a hazardous waste. If Bosserman manages their contaminated fuels in this manner, Bosserman should ensure to get written documentation from the ultimate disposal facility that any waste fuel generated from Bosserman is ultimately burned for energy recovery. If it is not burned for energy recovery, it is a waste and most likely a hazardous waste which would have to be managed and disposed as such. If Bosserman has doubts on whether this material is a CCP, I would advise contacting me or Ron Nabors with the Office of Compliance Assistance and Pollution Prevention (OCAPP) for guidance. Mr. Nabors contact information is 419-373-3147 and ron.nabors@epa.state.oh.us. Or Bosserman should err on the side of managing as a hazardous waste to prevent incurring possible violations. I have enclosed information obtained from Ohio EPA's Answer Place (an online question and answer database) pertaining to water contaminated fuel.

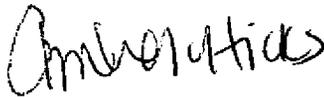
I noticed in your response under #2 in your Haz-Waste Activity Sheet that you have that satellite drums have a one year limit to fill and three days to remove to hazardous waste storage once full. Please be advised that there is no time limit on how long a generator may actively accumulate (fill) a waste in a satellite drum. Satellite drums need to be limited to up to 55-gallons, labeled, closed unless adding to them, under the control of an operator and as you correctly stated must be dated when full and moved to a container storage area within three days of being full. I just wanted to note that as a clarification. If for your management and documentation, you would like to limit the accumulation time to one year, that is your prerogative, but there is no regulatory requirement to do this.

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I have enclosed the U.S. EPA guidance Managing your Hazardous Waste: A Guide for Small Businesses – December 2001. In addition, the following weblink has Ohio EPA's Generator Handbook: http://www.epa.state.oh.us/portals/32/pdf/gen_handbook.pdf. Please consult these resources for information pertaining to the small quantity generator hazardous waste requirements.

No response to this letter is necessary. If you should have any questions, please feel free to call me at (419) 373-3082 or email me at amber.hicks@epa.state.oh.us.

Sincerely,



Amber M. Hicks
Division of Materials and Waste Management

Allr

Enclosures

pc: Cindy Lohrbach, DMWM, NWDO
Colleen Weaver, DMWM, NWDO

ec: Amber Hicks, DMWM, NWDO
Colleen Weaver, DMWM, 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.