Ohio | Environmental Protection Agency

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

Re: B&K Body & Paint Shop
Complaint #3023
Auglaize County
OHD170099543
Hazardous Waste
Return to Compliance

September 21, 2011

Mr. Bill Kruse, Owner-Manager
B&K Body & Paint Shop
406 Derrick Street
St. Marys, Ohio 45885

Dear Mr. Kruse:

Thank you for your July 15, 2011, and August 26, 2011, responses to Ohio EPA's June 1, 2011, 2nd Notice of Violation (NOV) letter. The information you submitted included receipts for the used oil, paint waste solvent and spent fluorescent bulbs that were picked up for recycling/disposal by Veolia. In addition, a copy of the analytical results for the spent blue shop towels was submitted.

My review of the documentation submitted reveals that B&K Body & Paint Shop (hereafter referred to as B&K) has adequately demonstrated abatement of the violations cited in the November 26, 2010, NOV letter.

The following is a summary of the violations cited in the November 26, 2010, NOV as a result of our November 10, 2010, inspection and your compliance with respect to each:

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

a. At the time of the inspection, B&K did not have waste evaluation documentation for the spent blue colored Scott paper towels. B&K pours the lacquer thinner on the paper towels and uses them for shop clean-ups.

B&K has historically disposed of this spent material as a non-hazardous waste. B&K must immediately cease disposing of the spent blue colored Scott paper towels as non-hazardous waste until a proper waste evaluation has been completed. B&K must evaluate this waste stream to determine whether the towels would be a characteristic hazardous waste.

Northwest District Office
347 North Dunbridge Road
Bowling Green, OH 43402-9398

419 | 352 8461
419 | 352 8468 (fax)
www.epa.ohio.gov

B&K must obtain a representative sample of the spent blue colored Scott paper towels 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, B&K 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 August 26, 2011, B&K submitted, via electronic mail, a copy of the analytical results for the waste analysis of the spent blue colored Scott paper towels. The submitted analytical results indicate that the spent paper towels are non-hazardous. B&K can manage this waste stream as a solid waste. This portion of the violation has been abated.

b. B&K failed to have waste evaluation documentation or an established recycling plan in place for the fluorescent bulbs generated at the facility.

B&K must immediately cease disposing of the fluorescent lamps as non-hazardous waste until a proper waste evaluation has been completed. 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 our inspection. I recommend that you review this document and contact me if you have any questions.

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.

Basically, you can run analytical to determine if the spent bulbs contain mercury, lead, or cadmium (if you would like to continue to dispose of them) OR you can choose to manage them through the universal waste rules by recycling.

When the bulbs are recycled as a universal waste, they are not considered a hazardous waste. You must ensure that the spent bulbs are recycled within one year of being generated and that you keep documentation showing the bulbs were recycled.

In addition, you must label the box containing the burned out bulbs (prior to recycling) with the words "universal waste lamps". To abate this violation, B&K must confirm how you plan to manage the spent bulbs in the future and where they will be recycled if you choose to handle them as universal waste.

On July 15, 2011, B&K submitted, via electronic mail, a copy of the receipt for the spent fluorescent bulbs that Veolia picked up for recycling on March 25, 2011. B&K will manage all spent fluorescent bulbs as universal waste. This portion of the violation has been abated.

This violation has 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."

B&K had one 55-gallon drum of used oil that was not properly labeled.

At the time of our inspection, B&K properly labeled the 55-gallon drum with the words "used oil". A copy of the fact sheet, The Regulation of Used Oil: An Overview for Ohio Businesses Who Generate Used Oil, was given to you at the time of our inspection. Please review this information and contact me if you have any questions.

This violation was previously abated on November 10, 2010.

3. OAC Rule 3745-279-24: Off-Site Shipment:

Generators shall ensure that their used oil is transported only by transporters who have obtained an EPA identification number.

B&K has been giving the used oil they generated to St. Marys Chrysler who is burning it in their on-site burner.

B&K must immediately cease giving used oil to any person or transporter who does not have an EPA identification number. To abate this violation, B&K must notify Ohio EPA with how you plan to manage you used oil in the future and provide the applicable documentation for review.

On July 15, 2011, B&K submitted, via electronic mail, a copy of the receipt for the used oil that Veolia picked up on March 25, 2011. The used oil will be burned for energy recovery and will be picked up as needed by Veolia.

Therefore, this violation has been 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/.

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

Sincerely,

Melissa L. Boyers

Melissa L. Boyers
Division of Materials and Waste Management

/cs
pc: Cindy Lohrbach, DMWM, NWDO
Colleen Weaver, DMWM, NWDO
DMWM-HW, NWDO Auglaize County, B&K Body & Paint Shop
ec: Melissa Boyers, DMWM, NWDO

Notice:
Ohio's 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.