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Ohio | Environmental Protection Agency

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

September 16, 2011 **CERTIFIED MAIL**

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

OHRØØØ165316

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

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:

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) 285-6091or contact me via e-mail at 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 ☐	Ohio Environmental Protection Agency **RCRA SUBTITLE C SITE IDENTIFICATION/VERIFICATION FORM**	For Ohio EPA use only

Completed verification forms required to be submitted to CO should be e-mailed to brad.hauser@epa.state.oh.us.

Site EPA ID No. **Site Name**	EPA ID Number: **needs to be assigned** Name: **Chuck Fries Paint & Body Shop**							Website: (Optional)	
Site Location Information	Street Address: **805 Garbry Rd.**								
	City, Town, or Village: **Piqua**							State: OH	
Site Land Type (check only one)	County Name: **Miami** Private ☒	County ☐	District ☐	Federal ☐	Indian ☐	Municipal ☐	State ☐	Zip Code: **45356** Other ☐	
NAICS code(s) www.census.gov/epcd/www/naics.html	**811198**								

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

Legal Owner And Operator of the Site. 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 ☐	County ☐	District ☐	Federal ☐	Indian ☐	Municipal ☐	State ☐	Other ☐
	Street or P.O. Box:								
	City, Town or Village:				Owner Phone #:				
	State:				Country:		Zip Code:		
	Name of Site's Operator:				Date Became Operator (mm/dd/yyyy):				
	Operator Type:	Private ☐	County ☐	District ☐	Federal ☐	Indian ☐	Municipal ☐	State ☐	Other ☐
	Street or P.O. Box:								
	City, Town or Village:				Operator Phone #:				
	State:				Country		Zip Code:		

VIOLATIONS CITED? ☒ Yes ☐ No

TYPE OF HANDLER - MARK "X" AS APPROPRIATE

☐ Not a HW Generator	☐ UNKNOWN: Cited for violation of 3745-52-11	☐ Large Quantity Generator (LQG)
	☐ Short-Term/Temporary Generator (generates from a short-term or one-time event and not from on-going processes). *Check the box for the applicable generator status and provide a comment.*	☐ Small Quantity Generator (SQG) ☒ Conditionally Exempt Small Quantity Generator ☐ U.S. Importer of Hazardous Waste ☐ Mixed Waste (Hazardous and Radioactive) Generator

TYPE OF REGULATED WASTE ACTIVITY (MARK "X" IN ALL OF THE APPROPRIATE BOXES)

- ☐ Hazardous Waste Transporter
- ☐ Hazardous Waste Transfer Facility
- ☐ Treater, Storer or Disposer of Hazardous Waste
- ☐ Recycler of Hazardous Waste
- ☐ 72-Hour Recycler
- ☐ Exempt Boiler and/or Industrial Furnace
  - ☐ Small Quantity On-Site Burner Exemption
  - ☐ Smelting, Melting, Refining Furnace Exemption
- ☐ Underground Injection Control Facility
- ☐ Receives Hazardous Waste from Off-site

UNIVERSAL WASTE ACTIVITIES (INDICATE TYPES OF UNIVERSAL WASTE MANAGED (CHECK ALL BOXES THAT APPLY)

- ☐ Small Quantity Handler of Universal Waste
- ☐ Large Quantity Handler of Universal Waste (accumulates 5,000 kg. or more)
- ☐ Destination Facility for Universal Waste

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)	Name of Inspector(s)	Date of Inspection/Time (mm/dd/yyyy) (hh:mm)
Pam Hull- Ohio EPA DMWM	**Jennifer Riley-RAPCA**	**08/23/2011**

Comments:
complaint investigation - Cited for failure to characterize paint filters.

Revised 09.05.10

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MR TRAVIS HICKERSON
CHUCK FRIES PAINT & BODY SHOP
805 GARBY ROAD
PIQUA, OHIO 45356

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X B Hickerson ☐ Agent ☐ Addressee

B. Received by (Printed Name) | C. Date of Delivery 11/9

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Transfer from service label) 7010 1060 0002 4250 7034

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

7010 1060 0002 4250 7034

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Total P
Sent To MR TRAVIS HICKERSON
Street, A CHUCK FRIES PAINT & BODY SHOP
or PO Bo 805 GARBY ROAD
City, Stat PIQUA, OHIO 45356

PS Form 3800, August 2006 See Reverse for Instructions