



**Environmental  
Protection Agency**

John D. Kasich, **Governor**  
Mark Taylor, **Lt. Governor**  
Scott L. Smith, **Director**

Re: Southside Body Shop  
Complaint #3131  
Mercer County  
Hazardous Waste  
**Notice of Violation**  
OHR000167502

March 20, 2012

Mr. Dan Wicker, Owner  
Southside Body Shop  
1015 West Logan Street  
Celina, Ohio 45822

Dear Mr. Wicker:

Thank you for accompanying me during Ohio EPA's March 1, 2012, compliance evaluation inspection (CEI) and complaint investigation (CI) of Southside Body Shop (SBS) located at 1015 West Logan Street, in Celina, Ohio. I inspected SBS to determine its compliance with Ohio's hazardous waste laws as found in Chapter 3734. of the Ohio Revised Code (ORC) and Chapter 3745. of the Ohio Administrative Code (OAC). My inspection included observations of facility operations and a review of written documentation. This letter will explain the result of the inspection.

SBS opened in 2007 and repairs and paints damaged vehicle bodies and straightens vehicle frames. SBS currently spray paints water-based paints in one paint booth. SBS was operating as a hazardous waste conditionally exempt small quantity generator at the time of my inspection. SBS generates the following waste:

1. Paint Related Waste (F003 & F005): SBS spray paints with water-based paints and cleans the paint guns with a Grow Automotive Refinish Products SS Solvent that contains, amongst other constituents, VM&P naphtha, methyl alcohol and toluene. SBS generates about five gallons of this waste every three months. The waste from SBS will be shipped by Safety-Kleen.
2. Universal Waste Lamps: Spent fluorescent lamps are recycled through a specialty company in Dayton.
3. Used Oil: A very small amount of used transmission oil could be accumulated if there is damage to the radiator and it must be removed and replaced. You stated that approximately one pint of oil is removed from the radiator. The used oil will be recycled through Safety-Kleen.

SBS recycles metal parts at Three Sons.

As a result of my inspection, I found the following violations of Ohio's hazardous waste laws:

**1. Waste Evaluation  
OAC Rule 3745-52-11**

A generator must determine whether its waste is hazardous by first determining if the waste is listed as a hazardous waste in rules 3745-51-30 to 3745-51-35; by testing the waste according to the methods set forth in rules 3745-51-20 to 3745-51-24; or by applying knowledge of the hazardous characteristic of the waste in light of the materials or the processes used. SBS has failed to evaluate its hazardous paint waste.

According to the MSDS that you provided during my inspection on March 1, 2012, the entire volume of paint waste should have been determined to be the listed hazardous waste F003 and F005. Instead, SBS has been separating the liquid portion of the listed hazardous waste from the sludge portion and having the sludge portion of the listed hazardous waste transported to a solid waste facility not permitted to accept hazardous waste, since SBS believed that this portion was non-hazardous waste. SBS failed to evaluate its listed hazardous paint waste.

In order to abate this violation, SBS must immediately evaluate the waste, in accordance with the requirements of Ohio Administrative Code Rule 3745-52-11, and explain in writing what it determines the waste to be and what hazardous waste numbers it will apply to the waste. In addition, SBS must clearly explain how it will manage its hazardous waste and where it will be transported to. SBS must

**2. Unpermitted Hazardous Waste Treatment, Storage & Disposal  
ORC Section 3734.02(E)&(F)**

No person shall store, treat, or dispose of hazardous waste identified or listed under this chapter and rules adopted under it, regardless of whether generated on or off the premises where the waste is stored, treated, or disposed of, or transport or cause to be transported any hazardous waste identified or listed under this chapter and rules adopted under it to any other premises, except at or to any of the following: (1) A hazardous waste facility operating under a permit issued in accordance with this chapter;

(2) A facility in another state operating under a license or permit issued in accordance with the "Resource Conservation and Recovery Act of 1976" 90 Stat. 2806, 42 U.S.C.A. 6921, as amended.

**SBS has become an unpermitted hazardous waste treatment and disposal facility by: unlawfully treating its listed hazardous paint waste (F003 & F005) by separating the liquid and solid portions and unlawfully disposing of its listed hazardous paint waste (F003 & F005) by causing it to evaporate and then releasing it to the air. These two unlawful activities occurred on its property for at least four years. SBS must immediately cease this unpermitted treatment and disposal of hazardous waste. Specifically, SBS treated and disposed its hazardous paint waste in the following manner:**

**SBS accumulated its listed hazardous paint waste (F003 & F005) in 5-gallon containers. It would allow the hazardous paint waste to sit and separate, with the paint settling to the bottom and the solvent making up the top layer. SBS would then pour off the solvent on the top and place it into its hazardous waste drum. However, SBS caused the solvent contaminated paint sludge (liquid) that remained on the bottom to dry through evaporation and then released it to the air. Once the evaporation was complete, the listed hazardous paint waste discarded along with the 5-gallon container in SBS's regular trash.**

On March 1, 2012, I observed two 5-gallon containers of listed hazardous paint waste (F003 & F005) outside the back of the facility. SBS was causing this listed hazardous paint waste to be unlawfully treated and disposed by allowing it to separate and evaporate. SBS must immediately arrange for the lawful transportation of the two 5-gallon containers of listed hazardous paint waste (F003 & F005) to a permitted hazardous waste treatment, storage or disposal facility. Please provide Ohio EPA with advance notice prior to shipment of any hazardous waste off-site. You must explain to Ohio EPA, in advance, what treatment, storage or disposal facility you may send it to. Additionally, please provide a copy of the hazardous waste manifest or shipping paper returned from the designated facility.

Since SBS has violated ORC Section 3734.02(E) & (F) by becoming an unpermitted treatment facility, it is subject to OAC Rules 3745-55-10 through 3745-55-48 and 3745-55-97, including preparing, submitting and implementing a closure plan in accordance with these rules. SBS also is subject to all applicable general facility standards, found in OAC Chapters 3745-54 and 55, until such time as SBS has demonstrated that it has ceased operations as a treatment facility.

Additionally, at any time, Ohio EPA may assert its right to have SBS begin facility-wide cleanup, pursuant to the Corrective Action process under Ohio law.

Due to the serious nature of this violation, a referral to our Central Office Compliance Assurance Section for escalated enforcement consideration may result.

**3. Causing the Transportation of Hazardous Waste to an Unauthorized Facility  
ORC Section 3734.02(F)**

No person shall store, treat, or dispose of hazardous waste identified or listed under this chapter and rules adopted under it, regardless of whether generated on or off the premises where the waste is stored, treated, or disposed of, or transport or cause to be transported any hazardous waste identified or listed under this chapter and rules adopted under it to any other premises, except at or to any of the following: (1) A hazardous waste facility operating under a permit issued in accordance with this chapter; (2) A facility in another state operating under a license or permit issued in accordance with the "Resource Conservation and Recovery Act of 1976" 90 Stat. 2806, 42 U.S.C.A. 6921, as amended.

**SBS separates its listed hazardous paint waste (F003 & F005), dries the paint sludge and then places the dried hazardous waste into the facility trash. The trash is hauled by Triple R to Republic's Celina Landfill in Mercer County and not to a properly permitted hazardous waste facility. Therefore, SBS has caused listed hazardous waste to be transported to a facility not authorized to accept hazardous waste. SBS must immediately cease this illegal transportation of hazardous waste to a facility not permitted to accept hazardous waste.**

Due to the serious nature of this violation, a referral to our Central Office Compliance Assurance Section for escalated enforcement consideration may result.

**4. Used Oil Container Labeling  
OAC Rule 3745-279-22(C)(1)**

Containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words "Used Oil." On March 1, 2012, I observed one 55-gallon drum of used oil that was not labeled in this manner.

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In order to correct this violation, SBS must immediately mark or label the 55-gallon drum of used oil with the words "Used Oil" and provide me with photographic documentation that this has been done.

As a used oil generator you are required to store used oil in containers or aboveground tanks that are in good condition (no severe rusting, apparent structural defects or deterioration) and not leaking. Containers, aboveground tanks and fill pipes for underground tanks must be labeled with the words "Used Oil." If leaks are detected, the generator must stop the release; contain the release; clean up and manage properly the released used oil and other materials related to the release; and, if necessary, repair or replace any leaking containers or tanks prior to returning them to service. I have enclosed, copies of the following used oil fact sheets: The Regulation of Used Oil: An Overview for Ohio Businesses Who Generate Used Oil, and Used Oil Recyclers. Please review these carefully and contact me immediately if you have any questions.

Please be aware that 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. I have enclosed copies of the following documents to assist you in properly managing your spent lamps: Fluorescent Lamps: What You Should Know and Computer, Fluorescent Lamp and Ballast Recyclers. I recommend that you review these documents carefully and contact me if you have any questions. The first document describes the rules you must follow in order to manage lamps as a universal waste.

The requirements for Universal Waste lamps include:

- Place spent lamps into closed containers that are structurally sound (boxes for example);
- Label the containers with the words "Used Lamps";
- Document the length of time that the spent lamps are stored (place a date on the boxes);
- Store spent lamps for no longer than one year;
- Inform all employees with the responsibility to collect spent lamps of these requirements; and
- Ship the spent lamps to a lamp recycler (please refer to the list of recyclers that I have enclosed with this letter).

You may be able to further reduce the waste your company generates. If you find ways to recycle, reduce or altogether eliminate the amount of waste that your company

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You may be able to further reduce the waste your company generates.

If you find ways to recycle, reduce or altogether eliminate the amount of waste that your company generates you may be able to reduce your treatment and disposal costs and you may possibly reduce your regulatory requirements. I have enclosed copies of Pollution Prevention Opportunities, a worksheet that can help you recognize opportunities for reducing waste and conserving energy at your business, and the fact sheet Management of Electronic Waste from Businesses. Please review this information and contact me if you have any questions.

The Division of Materials and Waste Management has created an electronic news service to provide you with quick and timely updates on events and news related to hazardous waste activities in Ohio. If you haven't already, we encourage you to sign up for this free service. You can find more information at the following Web link: [http://ohioepa.custhelp.com/cgi-bin/ohioepa.cfg/php/enduser/doc\\_serve.php?2=subscriptionpage](http://ohioepa.custhelp.com/cgi-bin/ohioepa.cfg/php/enduser/doc_serve.php?2=subscriptionpage). Please feel free to share this information with your colleagues.

SBS needs to immediately take the necessary measures to return to compliance with Ohio's environmental laws. Within 14 days of receipt of this letter, SBS is requested to provide documentation to this office including the steps taken to abate the violations cited above. Documentation of steps taken to return to compliance includes written correspondence, updated policies, and photographs, as appropriate, and may be submitted via the postal service or electronically to [don.north@epa.state.oh.us](mailto:don.north@epa.state.oh.us).

Please be advised that violations cited above will continue until the violations have been properly abated. Failure to comply with Chapter 3734. of the Ohio Revised Code and rules promulgated thereunder may result in a civil penalty of up to \$10,000 per day for each violation. It is imperative that you return to compliance. If circumstances delay the abatement of violations, SBS is requested to submit written correspondence of the steps that will be taken by date certain to attain compliance.

Enclosed you will find copies of all checklists completed during the inspection. If you have any questions, please feel free to contact me at (419) 373-3074. You can find copies of the rules and other information on the division's web page at <http://www.epa.ohio.gov>.

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Ohio EPA also has helpful information about pollution prevention at  
<http://www.epa.ohio.gov/ocapp>.

Sincerely,



Don North  
District Representative  
Division of Materials and Waste Management

/cg

pc: Cindy Lohrbach, DMWM, NWDO  
Colleen Weaver, DMWM, NWDO (hard copy with checklists)

ec: Colleen Weaver, DMWM, NWDO (scanned copy with checklists)  
Don North, DMWM, NWDO  
Mike Reiser, DMWM, NWDO  
Jeremy Scoles, DMWM, NWDO

Send to Central Office <input checked="" 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>	EPA ID Number:		Website: <b>www.southsidebodyshop.com</b> (Optional)
<b>Site Location Information</b>	Name: <b>Southside Body Shop</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>	Street Address: <b>1015 W. Logan Street</b>		State: <b>OH</b>
	City, Town, or Village: <b>Celina</b>		Zip Code: <b>45822</b>
	County Name: <b>Mercer</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>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>Dan</b>		MI:	Last Name: <b>Wicker</b>	
	Title: <b>Owner</b>		Phone Number: <b>419-586-5712</b>		
	Phone Number Extension:		E-Mail Address: <b>wickers@southsidebodyshop.com</b>		
	Fax Number: <b>419-586-8919</b>		Fax Number Extension:		
	Street or P.O. Box:				
	City, Town or Village:				
	State:		Zip Code:		

<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:		Owner Phone #:		
	State:		Country:		Zip Code:
	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:		Operator Phone #:		
	State:		Country:		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). Check the box for the applicable generator status and provide a comment.	<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 checked="" 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.

**F005                      F003**

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

- |            |   |  |                                      |
|------------|---|--|--------------------------------------|
| Announced  | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | Additional Facility Representatives: |
| Tanks      | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |                                      |
| Containers | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |                                      |

Name of Inspector(s)  
 Don North

Name of Inspector(s)

Date of Inspection/Time  
 (mm/dd/yyyy) (hh:mm)  
 03/01/2012

**Comments:**