



Environmental
Protection Agency

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

Re: Auto-Tech Collision Center, Inc.
Hazardous Waste
Sandusky County
Complaint #3105
NOV
OHR000166801

December 27, 2011

Mr. Joe Havens
Auto-Tech Collision Center, Inc.
104 Hayes Avenue
Fremont, Ohio 43420

Dear Mr. Havens:

On December 6, 2011, Mary Ann Miller and I investigated a complaint at Auto-Tech Collision Center, Inc. (Auto-Tech) located at 104 Hayes Avenue, Fremont, Ohio. The complaint was received by the Division of Materials and Waste Management on November 1, 2011. The complaint stated that Auto-Tech was possibly an illegal auto repair shop and may be in violation of other regulations as well. This letter will explain the violation I found and what you need to do to correct this violation.

Auto-Tech is an auto body and collision shop for automobiles. Auto-Tech does not conduct automotive repairs. Auto-Tech is a conditionally exempt small quantity generator of hazardous waste. Hazardous waste generated is solvent/paint waste (D001, D035, F003, F005). Other wastes generated are waste oily rags, paint booth filters and lamps.

We observed your painting operations and toured your shop. You provided me signed manifests for the pick-up of your paint related waste (D001, D035, F003, F005) by Chemtron Corporation. Your last pick-ups of this material were 1-10-11 (2 drums/60 gallons) and 5-16-11 (2 drums/60 gallons). You utilize a 5-gallon bucket in the paint room from the cleaning of your paint guns which you dump into your labeled hazardous waste drum. This drum was closed and had an accumulation start date of 5-16-11.

During the investigation, I gave you the following information: the Ohio EPA fact sheets: Running an Auto Collision Repair Shop? Know Your Ohio EPA Regulations – May 1999; Universal Waste Rules for Handlers of Lamps; Fluorescent Lamps: What you Should Know; Identifying your Hazardous Waste; the Ohio EPA publication Environmental Compliance Guide for Auto Repair Shops – March 2007; a sample universal waste management plan for lamps, and a list of lamp recyclers in Ohio.

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On December 8, 2011, C & W Auto Supply Co. faxed me the Material Safety Data Sheets (MSDSs) for the solvent, reducer, primer, color and clear coats you utilize in your shop.

I found the following violation of Ohio's hazardous waste laws. Auto-Tech needs to immediately take the necessary measures to return to compliance with Ohio's environmental laws. **Within 14 days of receipt of this letter**, Auto-Tech is requested to provide documentation to this office including the steps taken to abate the violation cited below. 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 amber.hicks@epa.ohio.gov.

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

Any person who generates a waste must determine if that waste is a hazardous waste in accordance with the criteria for hazardous waste as set forth in Chapter 3745-51 of the Administrative Code.

Auto-Tech has failed to evaluate the paint filters from the painting booth to determine if they are hazardous. You had a drum labeled Safety-Kleen paint booth filter service. I asked you if you had Safety-Kleen pick up your filters and you stated you had not had a pick-up to date. In addition we observed a paint booth filter in a trash can in the shop. On December 15, 2011, I spoke with a Safety-Kleen representative and asked if they picked up your paint booth filters. They reviewed their records back to 2007 and they have not picked up any waste from your facility (including paint booth filters). Thus, in the past, Auto-Tech has been disposing of this waste stream in the local landfill. Auto-Tech must immediately cease disposing of the paint booth filters as non-hazardous waste in the local landfill until a proper waste evaluation has been completed.

A waste evaluation can be conducted by taking a representative sample of this waste to properly evaluate this waste stream through a laboratory analysis which lists constituents present and at what concentration. Auto-Tech must sample the paint filters from the painting booth to determine the Toxicity Characteristic Leaching Procedure (TCLP) concentrations of **all Resource Conservation and Recovery Act (RCRA) metals** (excluding mercury) and any **other regulated volatile organic constituents (VOCs)** including **methyl ethyl ketone (D035)** that may be present in the waste in light of the materials or the processes used as listed in OAC Rule 3745-51-24 following the methods as outlined in U.S. EPA's SW-846. You will need to ensure to collect **at least 100 grams of waste** to properly run the TCLP test.

- ***To abate this violation, Auto-Tech must submit the analytical information from sampling to me. Your results must document if the waste is hazardous or not. If it is hazardous, you must explain what treatment, storage, or disposal facility you will send it to.***
- ***If Auto-Tech has been properly disposing of the paint booth filters, please respond with this information. If you have been disposing in the local landfill, please state the landfill where you have been disposing of the filters.***
- *If the waste is hazardous, I will determine the status of your compliance with other hazardous waste laws and notify you of my findings in a separate letter.*
- *Please consult the fact sheet Identifying your Hazardous Waste given to you during the CEI. Chemtron Corporation, your current waste hauler, may be able to assist you in sampling. I have also enclosed a list of Commercial Environmental Laboratories which you could call. You may also be able to find assistance by looking under Environmental Consultants or Services in the phone book.*

In addition, I have enclosed the Ohio EPA fact sheet: Handling Paint Waste from your Business and a fact sheet I found on the Internet from the Environmental Protection Commission of Hillsborough County (Florida) entitled Paint Booth Filters which explains the proper management of paint booth filters.

When sampling is performed, please notify me at least seven days prior to taking the samples so that I or an Ohio EPA representative may be present.

Please be advised that the violation cited above will continue until the violation has 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, Auto-Tech is requested to submit written correspondence of the steps that will be taken by date certain to attain compliance.

Other information:

Please note that the lamps generated from your business may be a hazardous waste. Lamps may not be disposed as a solid waste unless you have conducted a proper waste evaluation to determine that they are non-hazardous.

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If you do generate lamps, in lieu of conducting a waste evaluation, you may manage these as a universal waste (recycle the lamps, etc.). Please consult the information given to you during the investigation for the proper management of lamps generated at your shop and let me know if you have any questions pertaining to this information.

You had a small red can in the paint room labeled "Oily Waste Can". We inquired as to that and you stated that this can was for rags. Your insurance company had told you must collect rags separate from your other waste streams. You stated that you have yet to dispose of your rags. *Please note that your rags are a waste which must be evaluated. They cannot be disposed in the trash unless you have conducted a proper waste evaluation which indicates the rags are non-hazardous. This can be conducted through proper sampling or adequate generator knowledge. In addition, if you launder your rags you do not have to conduct a waste evaluation. As long as your used rags are sent to a commercial laundry subject to regulation under the Clean Water Act, they are not considered a waste in OAC rule 3745-51-02 and hence not subject to the hazardous waste regulations (a waste evaluation would not need to be conducted).* Please consult the fact sheet Identifying your Hazardous Waste given to you during the CEI. In addition, I have enclosed the fact sheet Use of Generator Knowledge In Complying with OAC Rule 3745-52-11 – Hazardous Waste Evaluation.

Pollution Prevention:

I have enclosed a list of Paints and Coatings Recyclers which you may find useful. Auto-Tech should consider laundering their rags as a pollution prevention option. If you find additional ways to recycle, reduce, or altogether eliminate the amount of waste that your company generates you may be able to reduce treatment and disposal costs. Furthermore, you may possibly reduce your regulatory requirements. Or if you would like a free, non-regulatory on-site pollution prevention assessment or more information about pollution prevention, please contact me at (419) 373-3082. Ohio EPA has helpful information about this at the following web address: <http://www.epa.ohio.gov/ocapp/>

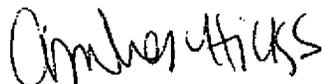
The Division of Materials and Waste Management (DMWM) has created an electronic news service to provide you with quick and timely updates on events and news related to hazardous waste activities in Ohio. If you haven't already, we encourage you to sign-up for this free service. You can find more information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

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Enclosed you will find a copy of the checklists that I completed during the inspection. Please address all correspondence to Amber Hicks, Ohio EPA, 347 N. Dunbridge Road, Bowling Green, Ohio 43402. Should you have any questions, please feel free to call me at (419) 373-3082 or email at amber.hicks@epa.ohio.gov.

You can find copies of the rules and other information on the division's web page at <http://www.epa.ohio.gov/dmwm.aspx>.

Sincerely,



Amber M. Hicks
Division of Materials and Waste Management

/llr

Enclosures

pc: Cindy Lohrbach, DMWM, NWDO
Colleen Weaver, DMWM, NWDO (w/ checklists)

ec: Amber Hicks, DMWM, NWDO
Colleen Weaver, DMWM, NWDO
Mary Ann Miller, 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.

Send to Central Office <input checked="" type="checkbox"/>	Ohio Environmental Protection Agency RCRA SUBTITLE C SITE IDENTIFICATION/VERIFICATION FORM	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.

Site EPA ID No. Site Name Site Location Information Site Land Type (check only one) NAICS code(s) www.census.gov/epcd/www/naics.html	EPA ID Number: NA		Website: (Optional)	
	Name: Auto-Tech Collision Center, Inc.		Street Address: 104 Hayes Avenue	
	City, Town, or Village: Fremont		State: OH	
	County Name: Sandusky		Zip Code: 43420	
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"/>		
811121				

Facility Representative Additional names can be recorded in number 12 Only provide address information if it is different than the site address	First Name: Joe MI: Last Name: Havens	
	Title: Owner	
	Phone Number: 419-332-7544 Phone Number Extension:	
	E-Mail Address:	
	Fax Number: 419-332-7532 Fax Number Extension:	
	Street or P.O. Box:	
	City, Town or Village:	
State: Zip Code:		

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 <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:		Owner Phone #:	
	City, Town or Village:		Country: Zip Code:	
	State:		Date Became Operator (mm/dd/yyyy):	
	Name of Site's Operator:		Operator Type: Private <input type="checkbox"/> County <input type="checkbox"/> District <input type="checkbox"/>	
	Street or P.O. Box:		Federal <input type="checkbox"/> Indian <input type="checkbox"/> Municipal <input type="checkbox"/> State <input type="checkbox"/> Other <input type="checkbox"/>	
	City, Town or Village:		Operator Phone #:	
State:		Country Zip Code:		

VIOLATIONS CITED?	<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 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 (accumulates 5,000 kg. or more)	

CHECK ALL BOXES BELOW THAT APPLY FOR THE TYPES OF UNIVERSAL WASTE THE FACILITY MANAGES
<input type="checkbox"/> Batteries
<input type="checkbox"/> Pesticides
<input type="checkbox"/> Mercury containing equipment
<input type="checkbox"/> Lamps

USED OIL ACTIVITIES (INDICATE TYPE(S) OF ACTIVITY(S))
<input type="checkbox"/> Used Oil Generator
<input type="checkbox"/> Used Oil Transporter
<input type="checkbox"/> Used Oil Transfer Facility
<input type="checkbox"/> Used Oil Processor
<input type="checkbox"/> Used Oil Re-refiner
<input type="checkbox"/> Off-Specification Used Oil Burner
<input type="checkbox"/> Used Oil Fuel Marketer who directs shipment of Off-Spec Used Oil
<input type="checkbox"/> 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.

<input type="checkbox"/> College or University
<input type="checkbox"/> Teaching hospital that is owned by or has a formal written affiliation agreement with a college or university
<input type="checkbox"/> 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.

D001 D035 F003 F005

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)	Name of Inspector(s)	Date of Inspection/Time (mm/dd/yyyy) (hh:mm)
Amber Hicks	Mary Ann Miller	12/6/11 10:24

Comments:
Facility needs to evaluate paint booth filters.

PROCESS, WASTE, P2 SUMMARY SHEET

Facility Name: Auto-Tech Collision Center, Inc. Facility Type: LQG SQG CESQG TSD Date of Inspection: 12-6-11 EPA ID#: NA

Waste Generated			On- or Off-Site Management		P2 Activities	
Process/Activity Generating Waste (e.g. plating bath, machining, baghouse, painting, general maintenance, etc)	Waste Description (e.g. sludge, solvent, ash, used oil, spent lamps, etc.) and EPA Waste Code, if applic.	QTY Generated per Month, Type of Accumulation (container, tank, etc) and location of waste accumulation area	Type of On-Site Treatment (recycle, wwt, etc)	Name, state, and type of activity occurring at the off-site facility.	Current P2 Activities	P2 Opportunities
1	Paint related activities	Waste paint/solvent - D001, D035, F003, F005	~ 15 gallons		Chemtron Corporation - Avon, OH	
2	Paint booth	Paint booth filters	17 pb filters total in booth (unsure of how often generated)		In solid waste landfill - cited for 52-11.	
3	Maintenance/paint activities	Rags	Unsure		Facility stated has not disposed of - indicated in letter must either evaluate or launder.	Facility could launder rags as a pollution prevention option.
4						
5						
6						

7							
8							
9							

REMARKS **GENERAL INFORMATION**

General Process Information:

Regulatory/Enforcement History (if applicable):

Additional P2 remarks and information:

Would this facility be interested in a P2 assessment? Yes* No *If yes, refer promptly to your district P2 coordinator.
 Office of Compliance Assistance and Pollution Prevention - 1-800-329-7518 or p2mail@epa.state.oh.us or www.epa.state.oh.us/ocapp/ocapp.html

Other:

**CONDITIONALLY EXEMPT SMALL QUANTITY GENERATOR REQUIREMENTS
COMPLETE AND ATTACH A PROCESS, WASTE, P2 SUMMARY SHEET**

CESQG: ≤100Kg. (Approximately 25-30 gallons) of waste in a calendar month or < 1 Kg. of acutely hazardous waste.
 SQG: Between 100 and 1,000 Kg. (About 25 to under 300 gallons) of waste in a calendar month.
 LQG: ≥ 1,000 Kg. (~300 gallons) of waste in a calendar month or ≥1 Kg. of acutely hazardous waste in a calendar month.
 NOTE: To convert from gallons to pounds: *Amount in gallons x Specific Gravity x 8.345 = Amounts in pounds.*

Safety Equipment Used:

WASTE EVALUATION

1.	Have all wastes generated at the facility been adequately evaluated? [3745-52-11]	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
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GENERATOR CLASSIFICATION

2.	Does the generator produce <100 kg. of hazardous waste per month? [conditionally exempt small quantity generator ("CESQG")]	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
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NOTE: If quantities of hazardous waste accumulated on-site at any one time exceed 1,000 Kg. - or the generator produces between 100 and 1,000 Kg. of hazardous waste per month, it is operating as a Small Quantity Generator ("SQG"). If so, complete the Small Quantity Generator Requirements checklist.

OFF-SITE SHIPMENT OF HAZARDOUS WASTE

3.	Does the CESQG ensure delivery of hazardous waste(s) to an off-site permitted TSD? [3734.02(F)]	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
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TREATMENT OF HAZARDOUS WASTE

4.	Does the generator treat hazardous waste in a:	
	a. Container that meets 3745-66-70 to 3745-66-77?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
	b. Tank that meets 3745-66-90 to 3745-66-101 except 3745-66-97(C)?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
	c. Drip pads that meet 3745-69-40 to 3745-69-45?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
	d. Containment building that meets 3745-256-100 to 3745-256-102?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>

NOTE: Complete appropriate checklist for each unit.

NOTE: If the CESQG conducts treatment they are subject to the LQG requirements.

NOTE: If waste is treated to meet LDRs, use LDR checklist.

MIX HAZARDOUS WASTE WITH USED OIL

5.	Does the CESQG mix its hazardous waste with used oil for the purpose of burning for energy recovery? [3745-51-05(J)] If so:	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
	a. Does the CESQG manage the mixture in accordance with 3745-279-21?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>