

**Environmental  
Protection Agency**

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

Re: Imperial Truck Refinishing  
Hazardous Waste  
Complaint #3136  
Richland County  
Notice of Violation

March 20, 2012

Mr. David Hornickel, Owner  
Imperial Truck Refinishing  
910 Park Avenue E  
Mansfield, Ohio 44905

Dear Mr. Hornickel:

On February 29, 2012, Ohio EPA investigated a complaint at Imperial Truck Refinishing (Imperial) located at 910 Park Avenue E, Mansfield, Ohio. The complaint was received by Ohio EPA on February 27, 2012. Ohio EPA was represented by Tom Cikotte, Division of Air Pollution Control (DAPC) and the writer, of the Division of Materials and Waste Management (DMWM). The complaint stated that you were conducting sand blasting operations in the open air and this sand blast is dumped at 368 8<sup>th</sup> Avenue, Mansfield, Ohio. This letter will explain the validity of the complaint, the violation I found, what you need to do to correct this violation, one area of concern and what you need to do to correct this area of concern.

Imperial is an auto body shop for big trucks. Imperial conducts painting and sandblasting of large trucks. Wastes generated include sandblast waste, painting waste (from paint gun cleaning), and paint booth filters.

Upon arriving at your business, we discussed the complaint with you. You stated the following: that you conduct sandblasting/painting operations every day and may generate as much as four bags of sandblast waste per day; you have not evaluated your sandblasting material to determine if it's a hazardous waste; you conduct sandblasting in back in the open air with no enclosure; to dispose of the sandblast you load this material in a friend's (Rick Bond) dump truck and he takes to be used as fill by Jeremy Dickerson; and you last had the sand blast material hauled away this past fall (2011) and prior to that you had not had it taken away in roughly four years. We observed the back of your shop where you conduct the sand blasting operations and observed the sand blast waste.

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During the investigation, I gave you the following information: the Ohio EPA fact sheet Identifying your Hazardous Waste; 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; and the U.S. EPA publication Managing your Hazardous Waste – December 2001.

On March 14, 2012, Charlene of Sherwin-Williams Automotive Finishes, your paint supplier, faxed me the Material Safety Data Sheets for the paint and solvents utilized at your shop.

I found the following violation of Ohio's hazardous waste laws. Imperial needs to immediately take the necessary measures to return to compliance with Ohio's environmental laws. **Within 14 days of receipt of this letter**, Imperial 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](mailto: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.

- A. Imperial failed to have waste evaluation documentation for the spent sandblasting media which upon generation is left outside on the ground and ultimately disposed as fill at a residential home.

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. Imperial must sample the sand blast media from the sandblasting operations to determine the Toxicity Characteristic Leaching Procedure (TCLP) concentrations of **all Resource Conservation and Recovery Act (RCRA) metals** (excluding mercury) 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, Imperial must submit the analytical information from sampling to me. Your results must document if the waste is hazardous or not and, if hazardous, whether it is restricted from land disposal. If it is hazardous, you must explain what treatment, storage, or disposal facility you will send it to.***
  - *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. 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.*
- B. Imperial has failed to evaluate the paint filters from the painting booth to determine if they are hazardous. Imperial is currently disposing of this waste stream in the local landfill. Imperial 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. Imperial must sample the paint filters from the painting booth to determine the TCLP concentrations of **all RCRA metals** (excluding mercury) and the **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, Imperial must submit the analytical information from sampling to me. Your results must document if the waste is hazardous or not and, if hazardous, whether it is restricted from land disposal. If it is hazardous, you must explain what treatment, storage, or disposal facility you will send it to.***

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- *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. 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.

*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.*

**Area of Concern:**

- I. During the investigation, you did not ensure delivery of your painting waste (D001, F003, F005) to a proper off-site facility. You had one full drum of paint waste in the back outside and ¼ full drum of waste inside. You stated that you last had a pick-up of three drums of painting/solvent waste but you didn't remember who picked up your waste or when. As outlined in OAC Rule 3745-51-05 (G) (3), a conditionally exempt small quantity generator of hazardous waste must ensure delivery of its hazardous waste to an off-site storage, treatment, or disposal facility.
- ***To satisfy this area of concern, Imperial must submit to me a copy of a hazardous waste manifest or a bill of lading (shipping paper which you would receive at the time of pick-up - not an invoice from billing) from the pick-up of your painting/solvent waste. If you do not have this paperwork on-site, you could contact the transporter and/or disposal facility and request this information.***

*Please note that if this Area of Concern is not properly satisfied, this will lead to additional violation(s).*

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.

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If circumstances delay the abatement of the violation, Imperial is requested to submit written correspondence of the steps that will be taken by date certain to attain compliance.

*Ohio EPA, DMWM, did find validity to this complaint and Imperial is required to address this violation and the area of concern with DMWM. Likewise, you will be receiving a separate letter from Tom Cikotte of DAPC pertaining to Ohio EPA's investigation on February 29, 2012, concerning any issues and/or violations under Ohio's air pollution control regulations. You will need to respond to and address these issues/violations separately with Mr. Cikotte.*

If you need additional guidance, please contact me or Ron Nabors with the Office of Compliance Assistance and Pollution Prevention (OCAPP). Mr. Nabors contact information is 419-373-3147 and [ron.nabors@epa.state.oh.us](mailto:ron.nabors@epa.state.oh.us).

#### **Pollution Prevention:**

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/>

Ohio EPA will issue an EPA ID number to track our investigation activity at Imperial. You cannot use this number for manifesting hazardous waste shipments. If you want to use an EPA ID number for manifesting and other hazardous waste, used oil or universal waste activities, you must complete and submit a Notification of Regulated Waste Activity form (*EPA Form 9029 (Rev. 9/2010)*) to Ohio EPA. This form is available on our Web page at <http://www.epa.state.oh.us/Default.aspx?tabid=3915> or you can call me or the Division of Materials and Waste Management, Central Office at (614) 644-2621 and we will mail you a copy.

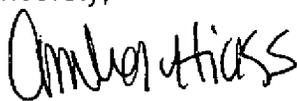
The Division of Materials and Waste Management (DMWM) has created an electronic news service to provide you with quick and timely updates on events and news related to hazardous waste activities in Ohio. If you haven't already, we encourage you to sign-up for this free service. You can find more information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

/lir

Enclosure

pc: Cindy Lohrbach, DMWM, NWDO  
{Colleen Weaver, DMWM, NWDO (w/ enclosure)...}

ec: Amber Hicks, DMWM, NWDO  
Tom Cikotte, DAPC, 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.

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> <b>Site Location Information</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>	EPA ID Number:		Website: (Optional)		
	Name: <b>Imperial Truck Refinishing</b>		State: <b>OH</b>		
	Street Address: <b>910 Park Avenue E</b>		City, Town, or Village: <b>Mansfield</b>		
	County Name: <b>Richland</b>		Zip Code: <b>44905</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"/>		NAICS code: <b>811121</b>			

<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>David</b>		MI:		Last Name: <b>Hornikel</b>	
	Title: <b>Owner</b>		Phone Number: <b>419-589-9606</b>		Phone Number Extension:	
	E-Mail Address:		Fax Number:		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:		Owner Phone #:	
	City, Town or Village:		Country:	
	State:		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:		Operator Phone #:		
City, Town or Village:		Country:		
State:		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 checked="" 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 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.

**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	Tom Cikotte (DAPC)	2/29/12 9:49

**Comments:**