



**Environmental  
Protection Agency**

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

Re: Charlie Gingerich  
Hazardous Waste  
Seneca County  
NOV

July 17, 2012

Mr. Charlie Gingerich, Operator  
880 South Bon Air Avenue  
Tiffin, Ohio 44883

Dear Mr. Gingerich:

On June 26, 2012, Miranda Garlock (Ohio EPA-Division of Air Pollution Control) and I investigated a complaint at your automotive scratch and dent repair shop located at 880 South Bon Air Avenue, Tiffin, Ohio. The complaint was received by the Division of Materials and Waste Management on June 20, 2012. The complainant was concerned that you were operating an illegal body shop. This letter will explain the validity of the complaint.

You are currently operating an automotive scratch and dent repair shop. Wastes generated at the facility include painting waste and solvent and used oil.

Upon arriving at your facility we discussed the complaint with you. You stated the following: you do scratch and dent work for Integrity Automall in Tiffin as well as race car and restoration work; you conduct painting of automotive vehicles on-site in your paint booth as well as some repairs/oil changes for your race car which advertises "Gingerich Automotive and Motor Sports" on the side of the vehicle and that you have been at this facility for approximately 3.5 to 4 years.

We walked through and around your shop. We observed your painting booth (which currently does not contain filters) as well as the 5-gallon container where you have your painting waste and solvent from the cleaning of your painting guns. You stated that you generate approximately 2.5 gallons of this waste in three months. I observed the solvent can for the solvent you utilize to clean your paint guns (PPG CarQuest Omni MS251- Multi-purpose solvent).

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; The Regulation of Used Oil: An Overview for Ohio Businesses Who Generate Used Oil; Handling Paint Waste from your Business; 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; a list of paints and coatings recyclers and a list of Ohio Commercial Facilities Accepting Hazardous Waste.

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I downloaded a copy of the Material Safety Data Sheet (MSDS) for the solvent you use to clean your paint guns (PPG Multi-Purpose Solvent MS251) from the Internet. Based on this MSDS, your solvent waste is a D001, F003, F005 hazardous waste.

On July 11, 2012, you left me a voice message stating that you will be mailing me the copies of receipts for the purchase of your paint; that you plan to put paint booth filters in your paint booth and that you will no longer be conducting work for Integrity Automall.

I found the following violation of Ohio's hazardous waste laws. You need to immediately take the necessary measures to return to compliance with Ohio's environmental laws. **Within 14 days of receipt of this letter**, you are requested to provide documentation to this office including the steps taken to abate the outstanding 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. Unlawful transportation of hazardous waste to an unauthorized facility.  
ORC § 3734.02 (F)**

No person shall unlawfully allow hazardous waste to be transported to an unauthorized facility.

You are unlawfully transporting and disposing of your solvent paint waste (D001, F003, F005) from the cleaning of your paint guns to an unauthorized facility (a facility that is not a permitted treatment, storage or disposal facility of hazardous waste). As discussed during the investigation, you must immediately cease transporting and disposing of your hazardous waste to an unauthorized facility.

Based on your generation rate of approximately 2.5 gallons every three months you have offered for transport 40 gallons of your solvent paint waste to an unauthorized facility over the course of the four years you have been in business at this location.

You must immediately begin to collect your solvent paint waste in a good container and have this waste picked up by a licensed hazardous waste hauler for disposal at a permitted hazardous waste treatment, storage and disposal facility. Please consult the list of Ohio Commercial Facilities Accepting Hazardous Waste that was given to you during the investigation.

***Please respond to me stating that you are managing your hazardous waste properly and who will be picking up your hazardous waste in the future.***

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Please note that violation of ORC Section 3734.02 (F) is a serious violation of Ohio's hazardous waste laws and you may be referred to Ohio EPA's Central Office for possible escalated enforcement action.

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, you are requested to submit written correspondence of the steps that will be taken by date certain to attain compliance.

### **Request for Information**

- During the investigation, I asked you to provide the MSDSs for the paints (hardeners, clear coats, tones, primers) you utilize at your shop. On July 11, 2012, you left me a voice message stating that you will be mailing the receipts for the purchase of your paints. **Please provide me the MSDSs for the paints you utilize in your shop within 14 days of receipt of this letter.** Based on this information submitted, I will notify you of your compliance with Ohio's hazardous waste laws in another letter.

You did not have paint booth filters in your paint booth at the time of our investigation; however, you stated that you will be putting paint booth filters in the paint booth. As discussed during the investigation, upon generation of used paint booth filters you must ensure to properly evaluate the paint booth filters to determine if they are a hazardous waste. The spent paint booth filters may not be placed into the trash until a proper waste evaluation has been conducted which indicates these are non-hazardous. Please consult the information I provided to you during the investigation pertaining to the management and waste evaluation of these filters. In addition, I have enclosed the Ohio EPA fact sheet Identifying your Hazardous Waste.

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. If you do generate lamps, in lieu of conducting a waste evaluation, you may manage these as a universal waste (recycle the lamps, etc.). I have enclosed the Ohio EPA fact sheets Fluorescent Lamps – What you should know, Universal Waste Rules for Handlers of Lamps and a list of lamp recyclers. Please consult this information for the proper management of lamps generated at your shop.

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In addition, you do service repairs on your race car at your shop. You stated at this time that you take the used oil from the servicing of your race car to Mike's Stop Shop. I am still researching the used oil regulations to determine your compliance with the used oil regulations regarding this activity. I will notify you of your compliance in another letter.

During the investigation, you stated that the property you currently occupy was at one time a Sherwin-Williams Paint Company factory with toluene tanks (unsure if you meant above ground or underground tanks). You stated that during rain events you can detect what smells like battery acid/antifreeze as well as a noticeable sheen in a manhole near your property and the drainage ditch near the property across the street (Mike's Stop Shop – 895 Bon Air Avenue). In addition, you stated that all the drains from your facility are cemented closed and that the area is serviced by drinking water wells and septic systems. Miranda Garlock has notified the Division of Drinking and Ground Waters and the Division of Surface Waters pertaining to your concerns and someone from these divisions should be contacting you pertaining to these issues.

If you find 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.

If you would like a free, non-regulatory on-site pollution prevention assessment or if you would like more information about pollution prevention, please contact me at (419) 373-3082 or Ron Nabors with the Office of Compliance Assistance and Pollution Prevention (OCAPP). OCAPP also provides regulatory assistance to small businesses. Mr. Nabors' contact information is 419-373-3147 and [ron.nabors@epa.state.oh.us](mailto:ron.nabors@epa.state.oh.us). Ohio EPA has helpful information about this at the following web address:  
<http://www.epa.ohio.gov/ocapp/>

The Ohio Department of Development's Office of Energy Efficiency may be able to help with energy efficiency issues. Their website is at:  
<http://www.development.ohio.gov/cdd/oeef/>

Please be advised that a full compliance evaluation inspection was not conducted. Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve you from having to comply with all applicable regulations.

Ohio EPA will issue an EPA ID number to track our investigation activity at your business. 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.

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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.

Enclosed you will find a copy of the checklist 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 me 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

/llr

pc: Cindy Lohrbach, DMWM, NWDO  
~~Colleen Weaver, DMWM, NWDO~~  
Chester Fitch (Property Owner)

ec: Amber Hicks, DMWM, NWDO  
Colleen Weaver, DMWM, NWDO  
Beth Ames, DDAGW, NWDO  
Mary Beth Cohen, DSW, NWDO  
Miranda Garlock, DAPC, 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>	EPA ID Number: <b>NA</b>	
<b>Site Name</b>	Name: <b>Charlie Gingerich</b>	Website: (Optional)
<b>Site Location Information:</b>	Street Address: <b>880 S. Bon Air Avenue</b>	
	City, Town, or Village: <b>Tiffin</b>	State: <b>OH</b>
	County Name: <b>Seneca</b>	
<b>Site Land Type</b> (check only one)	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"/>	Zip Code: <b>44883</b>
<b>NAICS code(s)</b> <a href="http://www.census.gov/epcd/www/naics.html">www.census.gov/epcd/www/naics.html</a>		

<b>Facility Representative</b>	First Name: <b>Charlie</b>	MI:	Last Name: <b>Gingerich</b>
Additional names can be recorded in number 12	Title: <b>Operator</b>		
Only provide address information if it is different than the site address	Phone Number: <b>567-230-6208</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: <b>Chester Fitch</b>		Date Became Owner (mm/dd/yyyy):	
	Owner Type: <input type="checkbox"/>	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: <b>1010 S. Bon Air Avenue</b>		
	City, Town or Village: <b>Tiffin</b>		Owner Phone #:	
	State: <b>Ohio</b>		Country: <b>USA</b>	Zip Code: <b>44883</b>
	Name of Site's Operator:		Date Became Operator (mm/dd/yyyy):	
	Operator Type: <input type="checkbox"/>	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 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 checked="" 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

<b>Eligible Academic Entities with Laboratories:</b> Facility has previously notified that they are opting into managing laboratory hazardous waste pursuant to DAC 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                      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	Miranda Garlock (DAPC)	6/26/2012 9:03

**Comments:**  
 Container was a 5-gallon bucket utilized to store solvent paint waste.