



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

November 15, 2012

RE: R & D AUTO, INC.  
CESQG  
OHR 000 111 070  
CUYAHOGA COUNTY  
PRTC/NOV

Mr. David Preznowski  
R & D Auto, Inc.  
3312 St. Clair Ave.  
Cleveland, Ohio 44114

Dear Mr. Preznowski:

I received your response to my October 19, 2012 Notice of Violation (NOV) letter on November 2, 2012. The documentation you submitted included the Material Safety Data Sheet (MSDS) for the "True Blue" paint gun cleaner solvent used by R & D Auto (R&D). Also included were two photographs showing a 55-gallon plastic open top style drum labeled "still bottom pucks" that is/will be used to accumulate the still bottoms from R&D's recycling of its spent paint gun cleaner solvent. An additional photograph was submitted showing a cardboard box labeled "used light bulbs for recycle" that R&D will use to accumulate its used lamps prior to recycling them.

My review of this documentation reveals that R&D has adequately demonstrated abatement of the following violations discovered during the September 28, 2012 inspection:

1. **OAC Rule 3745-52-11, Waste Evaluation (waste solvent still bottoms, universal waste lamps)**
2. **OAC Rule 3745-279-22(C), Used Oil Generator Standards**

### **Additional Violation**

At the time of my inspection, the MSDS for the True Blue paint gun cleaner solvent used by your facility could not be found. You submitted the MSDS for this product with your response to my NOV letter. Review of this MSDS indicates that the True Blue solvent, when spent, is a hazardous waste with the waste codes D001, F003, and F005. R&D accumulates it in a five gallon container which is filled approximately every two months. Once five gallons of the spent solvent is accumulated, it is recycled in your distillation unit for recovery and re-use of the solvent. The distillation unit recovers the solvent but

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produces waste still bottoms which are an F005 listed hazardous waste, being derived from the recycling of the F005 listed hazardous waste spent solvent. At the time of my inspection, you indicated that you were unaware the still bottoms may be a hazardous waste and that they have always been disposed of with R&D's solid waste stream. Disposing of this hazardous waste to a RCRA subtitle D solid waste (non-hazardous) landfill is a violation of the following hazardous waste law:

**3. ORC § 3734.02 (F), Unlawful Transportation of Hazardous Waste to an Unauthorized Facility**

No person shall unlawfully allow hazardous waste to be transported to an unauthorized facility, a RCRA subtitle D solid waste (non-hazardous) landfill.

R&D unlawfully disposed of the solvent distillation still bottoms (F005) from their facility into their solid waste stream. R&D's hazardous waste (F005) was therefore transported to a RCRA subtitle D solid waste (non-hazardous) landfill.

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

R&D must manage their F005 solvent distillation bottoms as a hazardous waste and follow all applicable hazardous waste regulations for a conditionally exempt small quantity generator of hazardous waste. Indicate in your response to this letter how management practice has been changed at your facility to ensure this hazardous waste will be properly managed and disposed of.

R&D must immediately take the necessary measures to return to compliance with Ohio's environmental laws. Within 14 days of receipt of this letter, R&D is requested to provide documentation to this office including the steps taken to abate violation 3, 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 [tom.roth@epa.ohio.gov](mailto:tom.roth@epa.ohio.gov).

Please be advised that this violation 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 the violation, R&D is requested to submit written correspondence of the steps that will be taken by date certain to attain compliance.

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To assist you, I have enclosed Ohio EPA's guidance documents entitled **Identifying Your Hazardous Waste** and **Hazardous Waste Generator Requirement Summary Table**. Should you have any questions, please feel free to call me at (330) 963-1231. You can find copies of the rules and other information on the Division of Materials and Waste Management's web page at: <http://www.epa.state.oh.us/dhwm/>.

The Division of Materials and Waste Management created an electronic news service to provide you with updates related to hazardous waste activities in Ohio. You can find more information and sign up for this free service 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).

Sincerely,



Tom Roth  
District Representative  
Division of Materials and Waste Management

TR/cl  
Enclosure

ec: Jeff Mayhugh, DMWM, CO  
Nyall McKenna, DMWM, NEDO  
Natalie Oryshkewych, DMWM, NEDO  
Marlene Kinney, DMWM, NEDO

## Hazardous Waste Generator Requirement Summary Table

Generator Requirements and OAC reference	Generator Category		
	CESQG	SQG	LQG
<b>Monthly Generation</b> 3745-52-34	≤ 1 kg acute hazardous waste ≤ 100 kg hazardous waste	> 100 kg and < 1,000 kg hazardous waste	> 1 kg acute hazardous waste ≥ 1,000 kg hazardous waste
<b>Total Accumulation On-site</b> 3745-52-34	≤ 1 kg acute hazardous waste ≤ 1,000 kg hazardous waste	> 100 kg and < 6,000 kg hazardous waste	> 1 kg acute hazardous waste ≥ 6,000 kg hazardous waste
<b>Hazardous Waste Determination</b> 3745-52-11	Required through process knowledge or analysis <b>(documentation required)</b>	Required through process knowledge or analysis <b>(documentation required)</b>	Required through process knowledge or analysis <b>(documentation required)</b>
<b>EPA ID Number</b> 3745-52-12	No applicable requirement	Required	Required
<b>Accumulation Time</b> 3745-51-05 3745-52-34	None 3745-51-05	180 days or 270 if the TSD is > 200 miles away (30 day extension also available) 3745-52-34(D) to (F)	90 days (30 day extension also available) 3745-52-34(A)
<b>Generator Treatment</b> 3745-52-34	Permissible on-site but must follow LQG requirements	Can treat hazardous waste on-site for up to 180 days	Can treat hazardous waste on-site for up to 90 days
<b>Satellite Accumulation</b> 3745-52-34	No applicable requirement	Up to 55 gallons of non-acute or 1 quart of acutely hazardous waste at or near the point of generation	Up to 55 gallons of non-acute or 1 quart of acutely hazardous waste at or near the point of generation
<b>Container Management</b> 3745-66-70 to 77	No applicable requirement	Good condition compatible with waste labeled as hazardous waste maintain aisle space and lids conduct weekly inspections label accumulation start date (unless a satellite accumulation area)	Good condition compatible with waste labeled as hazardous waste maintain aisle space and lids subparts AA, BB and CC apply conduct weekly inspections label accumulation start date (unless a satellite accumulation area)
<b>Tank Management</b> 3745-66-90 to 99 and 3745-66-101	No applicable requirement	Good condition compatible with waste labeled as hazardous waste accumulation start date tracked daily inspections 3745-66-101	Good condition compatible with waste labeled as hazardous waste accumulation start date tracked daily inspections subparts AA, BB and CC apply secondary containment is required

# Identifying Your Hazardous Waste

## Introduction

As a business owner, it is important to know if you generate hazardous waste. Under Ohio EPA's rules, all wastes generated from a business must be evaluated to see if they are hazardous or not. Ohio EPA has specific rules on how hazardous waste needs to be handled and disposed. For businesses that generate hazardous waste, there are also record keeping requirements to comply with.

*If you do not know whether your business generates a hazardous waste, or if you are not properly managing hazardous wastes, you could face a non-compliance penalty.*

## What is a hazardous waste?

If you have a material that can no longer be used, it is considered a waste. There are two ways in which your waste can be classified as a hazardous waste:

### Listed hazardous wastes

If your waste appears on any one of the lists published in Ohio's hazardous waste regulations, it may be a hazardous waste when disposed. These hazardous waste lists are published in the Ohio Administrative Code (OAC), rules 3745-51-31 through 3745-51-33. There are four different types of listed wastes. Each waste on the list is assigned a hazardous waste code.

## Characteristic hazardous wastes

If you find that your waste does not appear on the F, K, P or U lists in Ohio EPA's rules, your waste may still be regulated if it exhibits a hazardous characteristic. In the rules there are four characteristics that could cause a waste to be regulated as hazardous.

Knowing the EPA waste codes that apply to your wastes is important because these codes identify the specific type of waste generated by your company. They also help identify the waste as it is being transported, treated and disposed of.

## Do small businesses generate hazardous wastes?

Yes! Many small businesses are hazardous waste generators. Even if a business generates only a small amount of waste, the waste must still be evaluated and, if it is hazardous, properly managed.

Some of the small businesses that are commonly hazardous waste generators include:

- auto repair shops
- auto salvage yards
- body shops
- construction
- dry cleaners
- laboratories

### Listed Hazardous Waste Codes and Descriptions

Hazardous Waste Code	Waste Description
F wastes:	These listed wastes come from general processes such as cleaning, degreasing, metal finishing and manufacturing.
K wastes:	These listed wastes come from specific industrial processes, such as chemical or pesticide production, petroleum refining and metal manufacturing.
U wastes:	These listed wastes include unused, off-specification or discarded commercial chemicals. For example, if you have a process or lab chemical that has exceeded its shelf life and can't be used, this chemical may be a U waste.
P wastes:	Like U wastes, these wastes are also unused, off-specification or discarded commercial chemicals. The P wastes are, however, more toxic than U wastes.

*Hazardous waste codes for the above wastes include either an "F," "K," "P," or "U" followed by three digits (e.g., F001, K062, U122, P018).*

# Identifying Your Hazardous Waste

## Characteristic Hazardous Waste Descriptions

Hazardous Characteristic	Description
Ignitability:	The waste is a liquid and has a flash point of less than 140 degrees F (60 degrees C) or could catch fire under certain circumstances. Examples include: solvents, mineral spirits and paint waste.  Ignitable hazardous wastes are assigned the EPA hazardous waste code of D001.
Corrosivity:	The pH of the liquid waste is very low (two or less) or very high (12.5 or greater). Or, the waste can corrode metal. Examples include: acids or alkali cleaning baths and battery acid. Corrosive hazardous wastes are assigned the EPA hazardous waste code of D002.
Reactivity:	The waste is unstable, reacts violently, explodes or produces toxic vapors under certain conditions.  Examples: cyanide or sulfide wastes and peroxides.  Reactive hazardous wastes are assigned the EPA hazardous waste code of D003.
Toxicity:	The waste has specific toxic contaminants present in high enough concentrations to be harmful to humans or the environment. The toxic contaminants and their threshold levels are included in Ohio's hazardous waste regulations (OAC rule 3745-51-24). Examples include wastes that contain heavy metals (e.g., lead, chromium, mercury, cadmium) or certain chemicals (e.g., benzene, MEK, pesticides).  Toxic hazardous wastes are assigned the EPA hazardous waste codes of D004 through D043, depending on the contaminant(s) present.

- machine shops
- manufacturing
- medical clinics
- metal finishers
- painters
- photographers
- printers
- sandblasting
- wood refinishers

### How do I evaluate my waste?

First, you must know about ALL the wastes that come from your business. Go through your business and make a list of all your wastes (include even those that you think are not hazardous). Go through the list and carefully evaluate each waste stream. Some wastes are excluded from the hazardous waste

rules. These include, for example, certain wastes that are recycled. You should see if any of your wastes fall under these exclusions in the hazardous waste rules (OAC 3745-51-04). For wastes that aren't excluded, you need to be able to answer the following questions:

- Is the waste on Ohio EPA's F, K, P or U lists of hazardous wastes?

**Note:** In most cases, any waste that is mixed with or derived from a listed waste is also considered listed—and hazardous. An example of “mixed with” is mixing an F-listed solvent with antifreeze. An example of

“derived from” includes distillation bottoms from distilling an F-listed solvent.

- Does the waste have any of the hazardous waste characteristics?

Collect information that might be helpful to you in evaluating your waste. This may include information from your vendor, supplier or Material Safety Data Sheets (MSDS) with product information. Keep any information that you use to make your waste evaluation in your files. If your business is ever inspected by a hazardous waste inspector, the inspector will want to review this information.

# Identifying Your Hazardous Waste

If you do not have enough information from the process to evaluate a waste, you will need to have the waste sampled and sent to an environmental testing lab for analysis. Keep any lab results you have on your waste in a file.

Some of the common hazardous wastes that are generated from small businesses are listed below. These are just some examples of hazardous wastes that may be generated by your business. However, there may be others that are not listed below.

## What are some options for reducing the amount of waste my business generates?

There are many opportunities for businesses to reduce the amount of hazardous waste they generate, even for small businesses. These options can range from simply improving housekeeping practices to making process changes.

Reducing waste can save your company money, reduce environmental liability and regulatory burdens. To find out more about pollution prevention options for your business, contact Ohio EPA's Office of Compliance Assistance and Pollution Prevention at (614) 644-3469 or (800) 329-7518.

## Where can I get more help?

If you have any questions about how to evaluate wastes from your business or any other questions about Ohio's hazardous waste rules, contact either office listed below.

Ohio EPA  
Division of Hazardous Waste Management  
(614) 644-2917  
[www.epa.ohio.gov/dhwm](http://www.epa.ohio.gov/dhwm)

Ohio EPA  
Office Compliance Assistance and Pollution Prevention  
(800) 329-7518  
[www.epa.ohio.gov/ocapp](http://www.epa.ohio.gov/ocapp)

You can also contact your local Ohio EPA district office, Division of Hazardous Waste Management. See map on next page to locate district office which covers your area.

Common Hazardous Waste and their Waste Codes	
Description of Waste	EPA Waste Code(s)
Spent cleaning or degreasing solvents (e.g., xylene, acetone, MEK, toluene, benzene, methanol). Still bottoms	F003, F004, F005, D001, D018, D035
Spent halogenated cleaning or degreasing solvents (e.g., methylene chloride, 1,1,1-trichloroethane, carbon tetrachloride, trichloroethylene). Still bottoms	F001, F002, D019, D039, D040
Old paint, paint booth filters	D001, D035, D006, D007, D008
Mineral spirits or Stoddard solvent, solvent wipers	D001
Spent acids or caustics	D002
Fluorescent bulbs containing mercury*	D009
Dry cleaning waste and filters	F001, F002, D019
Printing wastes	D001, D002, D011
Lab chemicals	D, F, P, U codes possible
Metal plating wastes	F007, F008, F009, F010, F011, F012, F019, D007, D008

\* Waste fluorescent lights, pesticides, mercury-containing thermostats and batteries can all be managed as universal waste. For more information on universal wastes see [www.epa.ohio.gov/dhwm/universalwaste.aspx](http://www.epa.ohio.gov/dhwm/universalwaste.aspx).

# Identifying Your Hazardous Waste



## District Offices



**CDO Central District Office**  
 50 W. Town St. Suite 700  
 Columbus, OH 43215  
 (614) 728-3778  
 (614) 728-3898 Fax  
 (800) 686-2330  
[www.epa.ohio.gov/cdo](http://www.epa.ohio.gov/cdo)

**NWDO Northwest District Office**  
 347 N. Dunbridge Rd.  
 Bowling Green, OH 43402  
 (419) 352-8461  
 (419) 352-8468 Fax  
 (800) 686-6930  
[www.epa.ohio.gov/nwdo](http://www.epa.ohio.gov/nwdo)

**SWDO Southwest District Office**  
 401 E. Fifth St.  
 Dayton, OH 45402-6357  
 (937) 285-6357  
 (937) 285-6249 Fax  
 (800) 686-6357  
[www.epa.ohio.gov/swdo](http://www.epa.ohio.gov/swdo)

**NEDO Northeast District Office**  
 2110 E. Auroa Rd.  
 Twinsburg, OH 44087  
 (330) 963-1200  
 (330) 487-0769 Fax  
 (800) 686-6330  
[www.epa.ohio.gov/nedo](http://www.epa.ohio.gov/nedo)

**SEDO Southeast District Office**  
 2195 Front St.  
 Logan, OH 43138  
 (740) 385-8501  
 (740) 3856490 Fax  
 (800) 686-7330  
[www.epa.ohio.gov/sedo](http://www.epa.ohio.gov/sedo)

Toll-free numbers are for citizens with questions or concerns about environmental issues. The regulated community should use the business line for routine business. Spills and emergencies should be reported to (800) 282-9378.