



Environmental  
Protection Agency

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

Re: B&K Body & Paint Shop  
Complaint #3023  
Auglaize County  
OHD170099543  
Hazardous Waste  
**2<sup>nd</sup> Notice of Violation**

June 1, 2011

Mr. Bill Kruse, Owner-Manager  
B&K Body & Paint Shop  
406 Derrick Street  
St. Marys, Ohio 45885

Dear Mr. Kruse:

On November 10, 2010, the Ohio Environmental Protection Agency (Ohio EPA) conducted a complaint investigation and compliance evaluation inspection of B&K Body & Paint Shop (hereafter referred to as B&K) located at 406 Derrick Street in St. Marys, Ohio. On November 26, 2010, you were sent a Notice of Violation (NOV) letter which outlined the violations we found and what you needed to do to correct these violations.

On January 10, 2011, and January 24, 2011, I spoke with you regarding what you needed to do in order to return the cited violations to compliance. I spoke with you again on March 9, 2011, and you had not made any progress in addressing the violations. On March 29, 2011, I spoke with you regarding the outstanding violations and your need to respond to our letter. During our telephone conversation, you stated that you were working on a response to the violation letter and that you had receipts to submit for the used oil, paint waste solvent and spent fluorescent bulbs that were picked up by Veolia. In addition, you were planning to take a sample of the blue shop towels and drop it off at Veolia for lab analysis/waste evaluation. On April 27, 2011, I contacted you and left a voice mail message on your cell phone regarding the information you were going to submit. No return call was received. To date, B&K has failed to respond to the NOV letter and Ohio EPA's telephone requests and the violations cited remain outstanding.

The following is a summary of the violations cited in the NOV which was sent to you on November 26, 2010:

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

- a. At the time of the inspection, B&K did not have waste evaluation documentation for the spent blue colored Scott paper towels. B&K pours the lacquer thinner on the paper towels and uses them for shop clean-ups.

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B&K has historically disposed of this spent material as a non-hazardous waste. B&K must immediately cease disposing of the spent blue colored Scott paper towels as non-hazardous waste until a proper waste evaluation has been completed. B&K must evaluate this waste stream to determine whether the towels would be a characteristic hazardous waste.

B&K must obtain a representative sample of the spent blue colored Scott paper towels and have it analyzed for Toxic Characteristic Leaching Procedure (TCLP) Resource Conservation and Recovery Act (RCRA) metals (SW-846 Method 1311/6010) and volatile organics (SW-846 Method 1311/8260). To abate this violation, B&K must submit a copy of the analytical results to Ohio EPA. Once analytical results have been reviewed, Ohio EPA will advise you on proper disposal options as well as plans for the future management of this waste stream.

- b. B&K failed to have waste evaluation documentation or an established recycling plan in place for the fluorescent bulbs generated at the facility.

B&K must immediately cease disposing of the fluorescent lamps as non-hazardous waste until a proper waste evaluation has been completed. 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.

A copy of Fluorescent Lamps: What You Should Know, was given to you at the time of our inspection. I recommend that you review this document and contact me if you have any questions.

Hazardous bulbs are considered "spent materials" and remain hazardous waste even when recycled. Hazardous waste lamp generators have the option of handling their lamps as hazardous waste or as universal waste. Managing hazardous waste lamps under the universal waste rules eases certain regulations imposed on generators of spent lamps.

Basically, you can run analytical to determine if the spent bulbs contain mercury, lead, or cadmium (if you would like to continue to dispose of them) OR you can choose to manage them through the universal waste rules by recycling.

When the bulbs are recycled as a universal waste, they are not considered a hazardous waste. You must ensure that the spent bulbs are recycled within one year of being generated and that you keep documentation showing the bulbs were recycled.

In addition, you must label the box containing the burned out bulbs (prior to recycling) with the words "universal waste lamps". To abate this violation, B&K must confirm how you plan to manage the spent bulbs in the future and where they will be recycled if you choose to handle them as universal waste.

**2. OAC Rule 3745-279-22(C)(1): Labeling:**

Containers, aboveground tanks, and fill pipes used for underground storage tanks shall be labeled or marked clearly with the words "used oil."

B&K had one 55-gallon drum of used oil that was not properly labeled.

At the time of our inspection, B&K properly labeled the 55-gallon drum with the words "used oil". A copy of the fact sheet, The Regulation of Used Oil: An Overview for Ohio Businesses Who Generate Used Oil, was given to you at the time of our inspection. Please review this information and contact me if you have any questions.

*Therefore, this violation is considered abated.*

**3. OAC Rule 3745-279-24: Off-Site Shipment:**

Generators shall ensure that their used oil is transported only by transporters who have obtained an EPA identification number.

B&K has been giving the used oil they generated to St. Marys Chrysler who is burning it in their on-site burner.

B&K must immediately cease giving used oil to any person or transporter who does not have an EPA identification number. To abate this violation, B&K must notify Ohio EPA with how you plan to manage you used oil in the future and provide the applicable documentation for review.

Ohio EPA has helpful information about compliance assistance and pollution prevention at the following web address: <http://www.epa.ohio.gov/ocapp>. In addition, you can find copies of the rules and other information on the division's web page at: <http://www.epa.ohio.gov/dhwm/>.

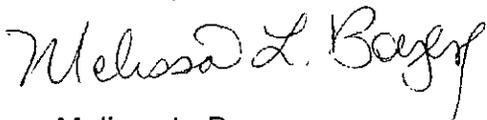
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Please submit documentation demonstrating abatement of the above outstanding violations to this office **within 15 days** of receipt of this letter.

Please note that Ohio EPA considers these violations serious in nature and the company's failure to respond to this and past Notices of Violations may result in referral of B&K's violations to our Central Office Enforcement Section for consideration of escalated enforcement.

If you have any questions or I can be of assistance, please contact me at (419) 373-3066.

Sincerely,



Melissa L. Boyers  
Division of Materials and Waste Management

/llr

pc: Cindy Lohrbach, DMWM, NWDO  
Colleen Weaver, DMWM, NWDO  
DMWM-HW, NWDO Auglaize County, B&K Body & Paint Shop.(New File) . . .

ec: Melissa Boyers, DMWM, NWDO

**Notice:**

Ohio's 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.