



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

Re: Clarks Auto
Hazardous Waste
Erie County
Complaint #3195
NOV

November 5, 2012

Mr. Paul Clark
Clark's Auto
14216 State Route 113
Wakeman, Ohio 44889

Dear Mr. Clark:

On October 17, 2012, I investigated a complaint at Clark's Auto located at 14216 State Route 113, Wakeman, Ohio. The complaint was received by the Division of Materials and Waste Management on September 11, 2012. The complaint stated that Clarks Auto was burning hazardous waste, disposing of waste on the ground, and Clarks Auto was a non-licensed body shop operating without a paint booth. This letter will explain the violation I found and what you need to do to correct this violation.

Clark's Auto is a business where you purchase vehicles from salvage, fix these vehicles up and sell them. You do not perform collision work or automobile body shop services to the "public". You do conduct body work (painting), some mechanical work on these vehicles but do not perform oil changes (you take vehicles to Wal-Mart for oil changes). In addition, all antifreeze is re-used back in your vehicles. Clark's Auto is a conditionally exempt small quantity generator of hazardous waste. Hazardous waste generated is solvent/paint waste (D001, F003, F005)

I observed your painting room and toured your shop. I observed some paint in which you stated you have been "accumulating" as you weren't sure if it was still good and how and where you needed to dispose of this material. You also stated that in the course of doing business you have never gotten rid of your solvent generated from the cleaning of your paint guns because in the course of business it evaporates since you do not utilize very much solvent. I explained that this may evaporate some in the course of your operations but you may not allow this material to set out in an effort to "get rid of it" or dispose of this material as this would be a serious violation of Ohio's hazardous waste laws. Any waste generated from the cleaning of your paint guns which is spent and no longer able to be utilized must be placed in a good container and picked up by a licensed hazardous waste hauler to ensure disposal at a permitted hazardous waste treatment, storage or disposal facility. I asked you if you had the Material Safety Data Sheets (MSDSs) for your paint and solvent and you stated you did not. However, you stated that you needed to get these as Miranda Garlock from Ohio EPA, Division of Air Pollution Control had conducted an investigation as well and required this information. I stated you will need to contact your paint supplier to obtain the MSDSs. Likewise you stated you would sort through the old paint you have on-site to determine what is still good paint and what is waste.

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I explained to you that any waste paint must also be placed in a good container and picked up by a licensed hazardous waste hauler to ensure disposal at a permitted hazardous waste treatment, storage or disposal facility. You stated you understood. I have enclosed a list of *Paints and Coatings Recyclers* as well as a list of *Ohio Commercial Facilities Accepting Hazardous Waste*.

You stated you had a paint booth which you have to get up and running based on the information Ms. Garlock provided to you for the proper operation of your paint booth. You stated you would be working with her and Ron Nabors of the Office of Compliance Assistance and Pollution Prevention (OCAPP) pertaining to the paint booth operations. In addition, you stated you have not generated paint booth filters (as your paint booth does not currently have filters in it) but that you will in the future once your paint booth is in proper operation. I explained that your paint booth filters must be evaluated to determine if they are hazardous per Ohio Administrative Code (OAC) Rule 3745-52-11 upon your first generation of this waste stream. Please consult the fact sheets I gave you during the investigation (Paint Booth Filters which explains the proper management of paint booth filters and as well as Identifying your Hazardous Waste).

I observed two old burn barrels (tipped over) as well as an old burn pile. There were several old screws in the charred pile. You stated that you had burned residential trash at this location (your mother lives on the same property as your business) and some metal screws, etc. may have gotten into the trash. You stated that Ms. Garlock informed you that may not burn residential trash and you stated that you were going to clean up the burn pile and take this material as well as the old burn barrels to the landfill. I told you at this time that you may not under any circumstance burn any waste generated from your business and likewise again reiterated you may not burn household trash either. You stated you understood and that you had never burned any waste from your business.

During the investigation, I gave you the following information: the Ohio EPA fact sheets: Universal Waste Rules for Handlers of Lamps; Fluorescent Lamps: What you Should Know; Identifying your Hazardous Waste; Handling Paint Waste from your Business; Before You Light It...Know Ohio's Open Burning Regulations – January 2011; 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; 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.

On October 17, 2012, I printed a copy from the Internet of the MSDS for your solvent utilized to clean your paint guns based on the can of lacquer thinner I observed during my investigation (as well as you stated you utilize this material to clean your guns). Based on this MSDS your spent solvent is a D001, F003, F005 hazardous waste. I have enclosed a copy of this MSDS which you should keep on-site.

I found the following violation of Ohio's hazardous waste laws. Clark's Auto needs to immediately take the necessary measures to return to compliance with Ohio's environmental laws.

Within 14 days of receipt of this letter, Clark's Auto 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.

- A. Clark's Auto has failed to evaluate the painting waste generated from your painting operations to determine if this material is a hazardous waste. To date you have not disposed of this waste. You have approximately 20-25 cans of paint which need to be evaluated in your paint mix room. Clarks Auto must immediately determine if the paint in the paint cans is still "good" or if this material is a waste which needs to be disposed. The waste paint must then be evaluated properly to determine the appropriate management and disposal of this material.

A waste evaluation can be conducted by applying adequate generator knowledge of the paint waste based on manufacturer MSDSs.

- B. Clark's Auto has failed to evaluate the painting solvent waste generated from the cleaning of your paint guns. To date you have not disposed of this waste. On October 17, 2012, I printed a copy from the Internet of the MSDS for your solvent utilized to clean your paint guns. Based on this MSDS your spent solvent is a D001, F003, F005 hazardous waste.

- ***To abate this violation Clark's Auto must do the following: 1) Clarks Auto must submit the MSDSs for the paint waste generated at your shop to me. Your results must document if the waste is hazardous or not and 2) submit a description of what treatment, storage, or disposal facility you will send your hazardous waste 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 as well as the list of painting recyclers and hazardous waste disposal facilities enclosed.*

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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, Clark's Auto 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. 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.

Pollution Prevention:

I have enclosed a list of Paints and Coatings Recyclers which you may find useful. 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://epa.ohio.gov/ocapp/ComplianceAssistanceandPollutionPrevention.aspx>.

Ohio EPA will issue an EPA ID number to track our compliance activities at Clarks Auto. 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://epa.ohio.gov/dmwm/Home.aspx> 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.

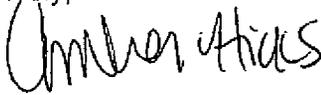
The Division of Materials and Waste Management (DMWM) has created an electronic news service to provide you with quick and timely updates on events and news related to hazardous waste activities in Ohio. If you haven't already, we encourage you to sign-up for this free service. You can find more information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

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

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

Sincerely,



Amber M. Hicks
Division of Materials and Waste Management

/s/

Enclosures

pc: Lisa Gifford, DMWM, NWDO
Colleen Weaver, DMWM, NWDO (w/ checklist)

ec: Amber Hicks, DMWM, NWDO
Colleen Weaver, DMWM, 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"/>	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 Name: Clarks Auto Website: (Optional) Street Address: 14216 State Route 113 City, Town, or Village: Wakeman State: OH County Name: Erie Zip Code: 44889 <table style="width:100%; border: none;"> <tr> <td style="border: none;">Private</td> <td style="border: none;">County</td> <td style="border: none;">District</td> <td style="border: none;">Federal</td> <td style="border: none;">Indian</td> <td style="border: none;">Municipal</td> <td style="border: none;">State</td> <td style="border: none;">Other</td> </tr> <tr> <td style="border: none;"><input checked="" type="checkbox"/></td> <td style="border: none;"><input type="checkbox"/></td> </tr> </table>	Private	County	District	Federal	Indian	Municipal	State	Other	<input checked="" type="checkbox"/>	<input type="checkbox"/>						
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Facility Representative Additional names can be recorded in number 12 Only provide address information if it is different than the site address	First Name: Paul MI: Last Name: Clark Title: Owner Phone Number: 440-714-7864 Phone Number Extension: E-Mail Address: Fax Number: Fax Number Extension: Street or P.O. Box: City, Town or Village: State: Zip Code:
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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): <table style="width:100%; border: none;"> <tr> <td style="border: none;">Owner Type:</td> <td style="border: none;">Private</td> <td style="border: none;">County</td> <td style="border: none;">District</td> <td style="border: none;">Federal</td> <td style="border: none;">Indian</td> <td style="border: none;">Municipal</td> <td style="border: none;">State</td> <td style="border: none;">Other</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/></td> </tr> </table> Street or P.O. Box: City, Town or Village: Owner Phone #: State: Country: Zip Code: Name of Site's Operator: Date Became Operator (mm/dd/yyyy): <table style="width:100%; border: none;"> <tr> <td style="border: none;">Operator Type:</td> <td style="border: none;">Private</td> <td style="border: none;">County</td> <td style="border: none;">District</td> <td style="border: none;">Federal</td> <td style="border: none;">Indian</td> <td style="border: none;">Municipal</td> <td style="border: none;">State</td> <td style="border: none;">Other</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/></td> </tr> </table> Street or P.O. Box: City, Town or Village: Operator Phone #: State: Country: Zip Code:	Owner Type:	Private	County	District	Federal	Indian	Municipal	State	Other	<input type="checkbox"/>	Operator Type:	Private	County	District	Federal	Indian	Municipal	State	Other	<input type="checkbox"/>																
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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"/> 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"/> Large Quantity Generator (LQG) <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
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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 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		10/17/2012 14:36

Comments:
 Containers are paint cans and small containers ~1-2 gallons of solvent waste used to clean paint guns. Clarks Auto is a business where vehicles are purchased from salvage, the owner fixes up these vehicles and sells them. He does not perform collision work or automobile body shop services to the "public". He conducts body work (painting), some mechanical work on these vehicles but does not perform oil changes (vehicles are taken to Wal-Mart for oil changes).

PROCESS, WASTE, P2 SUMMARY SHEET

Facility Name: Clarks Auto Facility Type: LQG SQG CESQG TSD Date of Inspection: 10-17-12 EPA ID#: NA

Waste Generated

On- or Off-Site Management

P2 Activities

Process/Activity Generating Waste <small>(e.g. plating bath, machining, baghouse, painting, general maintenance, etc)</small>	Waste Description <small>(e.g. sludge, solvent, ash, used oil, spent lamps, etc.) and EPA Waste Code, if applic.</small>	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	Cleaning of paint spray guns	Spent paint/solvent (D001, F003, F005)	~ 4-6 gallons a month	Facility stated in course of operations solvent evaporates s. **	None.	
2	Painting	Old paint waste	20-25 cans over the course of 7-8 years.	Facility has just allowed to accumulate ****	None.	Gave facility a list of paint recyclers.
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REMARKS-GENERAL INFORMATION

General Process Information:

** Cited for 52-11. Facility was informed that any waste must be contained and disposed at a TSD. As part of the 52-11 violation, facility must submit the TSD that they will utilize in the future to manage their hazardous waste.

**** Facility cited for 52-11. Some of the paint cans may not be waste. Facility must sort through cans and determine what is "good" and what is waste.

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 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"/>

**** Facility has not to date shipped any hazardous waste off. Facility generates a very small amount of waste which according to the facility evaporates in the course of operations at the facility. I explained to the facility some evaporation may occur in the course of operations but they may not allow this material to set out in an effort to "get rid of it" or dispose of this material as this would be a serious violation of Ohio's hazardous waste laws. I explained to the facility that any waste generated from the cleaning of paint guns which is spent and no longer able to be utilized must be placed in a good container and picked up by a licensed hazardous waste hauler to ensure disposal at a permitted hazardous waste treatment, storage or disposal facility. Facility is required as part of compliance for 52-11 violation to state who will be picking up their hazardous waste.