



**Environmental
Protection Agency**

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

Re: Ziebart Speedy Auto Glass
Marion County
Complaint #3185
NOV

September 11, 2012

Mr. Christopher A. Taylor, Owner
Ziebart Speedy Auto Glass
1921 Zwayer Drive
Marion, Ohio 43302

Dear Mr. Taylor:

Thank you and Andrew A. Taylor for taking the time to talk to me during Ohio EPA's complaint investigation of Ziebart Speedy Auto Glass (Ziebart) on August 29, 2012. Ohio EPA received a referral from the U.S. EPA regarding the mismanagement of waste at your facility.

Upon arrival, I spoke with you and Andrew Taylor and explained the reason of my visit. I stated that a complaint has been received at the U.S. EPA in Chicago and referred to Ohio EPA for further investigation. The U.S. EPA was aware that the facility has been previously visited by the Ohio EPA and that no issues have been found.

Ziebart continues to operate as a detail cleaning and automobile body repair shop. In addition, Ziebart purchased wrecked vehicles which are repaired, and resold to the public. Ziebart collects its spent solvent/paint in a 55-gallon drum. Ziebart is also collecting their spent paint booth filters and will conduct a proper waste evaluation prior to disposal. At the time of this investigation, Ziebart has suspended any paint activities since its new paint booth was being installed. Ziebart continues to be a conditionally exempt small quantity generator of hazardous waste.

Based on my observations, I found the following violation of Ohio's hazardous waste laws. Ziebart needs to immediately take the necessary measures to return to compliance with Ohio's environmental laws. Within 14 days of receipt of this letter, Ziebart is requested to provide documentation to this office including the steps taken to abate this violation.

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

Any person, who generates a waste, as defined in Rule 3745-51-02 of the administrative code, must determine if that waste is a hazardous waste.

Ziebart has failed to properly evaluate the spent paint booth filters generated at the facility from the old paint booth.

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During the inspection, you stated that in the past you disposed of the spent paint booth filters as solid waste. Ziebart must not dispose of any spent booth filters as non-hazardous waste in the local landfill until a proper waste evaluation has been completed.

Ziebart must sample the spent booth filters to determine the concentration of RCRA metals as listed in the OAC Rule 3745-51-24 following the method as outlined in U.S. EPA's SW-846. Ziebart should conduct TCLP to ensure these constituents are not present above the Ohio EPA regulatory level.

Ziebart shall submit the analytical results indicating the proper evaluation of the waste for Ohio EPA's review. The results must document if the waste is hazardous or not and, if hazardous, whether it is restricted from land disposal. If the waste is hazardous, Ziebart must also submit information as to what treatment, storage, or disposal facility the waste will be sent to.

Once Ohio EPA acknowledges Ziebart's proper characterization of the waste, Ziebart must dispose of the waste at a proper disposal facility. Ziebart must then submit the appropriate manifest documents or shipping papers indicating proper disposal of the waste to Ohio EPA.

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.

Ohio EPA will use the analytical data you provide, in addition to other documentation, to make regulatory and compliance decisions concerning the wastes tested. This review by Ohio EPA does not alleviate Ziebart's responsibility to independently determine whether the wastes tested are hazardous wastes pursuant to OAC Rule 3745-52-11. The data you submit should be reviewed using a data review process, referred to as data validation, to confirm the validity of your data prior to submission. Data validation includes a review of the following components: laboratory test methods, laboratory data completeness, documentation of holding time(s), chain(s) of custody, and quality assurance/quality control (QA/QC) data.

To confirm the validity of your data, you may use Ohio EPA's tier 1 data validation plan review form which can be obtained from Ohio EPA's web page:
http://www.epa.state.oh.us/dhwm/tier_i_data_validation_manual.html.

Ohio EPA may request the documentation needed to confirm the validity of the data submitted. Please submit a brief narrative of each sampling event which includes: sampling techniques used to obtain the sample and a description of how this sample was determined to be a representative sample of the waste tested.

Please note, if the waste is hazardous, you must evaluate it to determine if it is restricted from land disposal in accordance with OAC Chapter 3745-270. In addition, you must properly dispose of or recycle the waste. A copy of the waste disposal documentation and EPA waste codes applicable to the waste must be submitted to me at the Ohio EPA, Northwest District Office (NWDO) prior to disposal.

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Documentation of steps taken to return to compliance includes written correspondence, updated policies, and photographs, as appropriate, and may also be submitted via electronically to ed.pulido@epa.state.oh.us. Please be advised that violations cited above will continue until the violations have 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, Ziebart is requested to submit written correspondence of the steps that will be taken by date certain to attain compliance.

Should you have any questions or if I can be of assistance, please contact me at (419) 373-3015.

Sincerely,



Edgar V. Pulido
Division of Materials and Waste Management

/llr

pc: Cindy Lohrbach, DHWM, NWDO
Colleen Weaver, Supervisor, DMWM, NWDO w/ Attachments,
ec: Colleen Weaver, Supervisor, DMWM, NWDO
Ed Pulido, 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.