



**Environmental
Protection Agency**

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

Re: Southside Body Shop
Complaint #3131
Mercer County
Hazardous Waste
Partial Return to Compliance

October 17, 2012

Mr. Dan Wicker, Owner
Southside Body Shop
1015 West Logan Street
Celina, Ohio 45822

Dear Mr. Wicker:

Thank you for your September 20 and October 9, 2012, responses to Ohio EPA's March 20, 2012, Notice of Violation (NOV) letter. You submitted documentation including Safety-Kleen invoices for paint related solvent waste and used oil, photos of your used oil drum, and a photo of your hazardous waste drum label.

My review of this documentation reveals that Southside Body Shop (SBS) has adequately demonstrated abatement of the following violations:

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

A generator must determine whether its waste is hazardous by first determining if the waste is listed as a hazardous waste in rules 3745-51-30 to 3745-51-35; by testing the waste according to the methods set forth in rules 3745-51-20 to 3745-51-24; or by applying knowledge of the hazardous characteristic of the waste in light of the materials or the processes used. SBS has failed to evaluate its hazardous paint waste.

Waste manifest #2945448SKS, dated April 17, 2012, lists the hazardous waste numbers F003, F005, D001, D035, D006 & D005 for the hazardous waste paint and solvents. Therefore, SBS abated this violation on September 20, 2012.

**2. Unpermitted Hazardous Waste Treatment, Storage & Disposal
ORC Section 3734.02(E)&(F)**

SBS accumulated its listed hazardous paint waste (F003 & F005) in 5-gallon containers. It would allow the hazardous paint waste to sit and separate, with the paint settling to the bottom and the solvent making up the top layer. SBS would then pour off the solvent on the top and place it into its hazardous waste drum. However, SBS caused the solvent contaminated paint sludge (liquid) that remained on the bottom to dry through evaporation and then released it to the air. Once the evaporation was complete, the listed hazardous paint waste was discarded along with the 5-gallon container in SBS's regular trash.

You have informed me that on the day of my inspection you ceased to separate your hazardous waste paint and solvent and started to accumulate all the hazardous waste paint and solvent in one 55-gallon drum for proper disposal. You provided a Safety-Kleen invoice dated April 17, 2012, demonstrating that Safety-Kleen transported the hazardous waste to a permitted hazardous waste facility. However, this violation remains outstanding.

**3. Causing the Transportation of Hazardous Waste to an Unauthorized Facility
ORC Section 3734.02(F)**

SBS separates its listed hazardous paint waste (F003 & F005), dries the paint sludge and then places the dried hazardous waste into the facility trash. Therefore, SBS has caused listed hazardous waste to be transported to a facility not authorized to accept hazardous waste.

You have informed me that on the day of my inspection you ceased to separate your hazardous waste paint and solvent and started to accumulate all the hazardous waste paint and solvent in one 55-gallon drum for proper disposal. You provided a Safety-Kleen invoice dated April 17, 2012, demonstrating that Safety-Kleen transported the hazardous waste to a permitted hazardous waste facility. However, this violation remains outstanding.

**4. Used Oil Container Labeling
OAC Rule 3745-279-22(C)(1)**

Containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words "Used Oil." On March 1, 2012, I observed one 55-gallon drum of used oil that was not labeled in this manner.

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On October 9, 2012, you provided a photo of a drum labeled with the words "Used Oil". Therefore, this violation has been abated.

If you have any questions, please feel free to contact me at (419) 373-3074. You can find copies of the rules and other information on the division's web page at <http://www.epa.ohio.gov>.

Sincerely,



Don North
District Representative
Division of Materials and Waste Management

/cg

pc: Cindy Lohrbach, DMWM, NWDO
Colleen Weaver, DMWM, NWDO (hard copy)

ec: Colleen Weaver, DMWM, NWDO (scanned copy)
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