



State of Ohio Environmental Protection Agency

Northwest District Office

347 North Dunbridge Rd.
Bowling Green, OH 43402-9398

TELE: (419) 352-8461 FAX: (419) 352-8468
www.epa.ohio.gov

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

Re: Horwitz & Pintis Company
Hazardous Waste
Lucas County
Complaint # 2944
Notice of Violation

February 5, 2010

Mr. Steve Horwitz
Horwitz & Pintis Company
P. O. Box 60257
Rossford, Ohio 43460

Dear Mr. Horwitz:

On January 15, 2010, I investigated a complaint at Horwitz & Pintis Company (HPC) located at 1604 Tracy Road, Toledo, Ohio. The complaint was received by the Division of Hazardous Waste Management on December 10, 2009. The complainant stated that there was a strong irritating odor which appeared to be coming from your facility. This odor volleyed between an acrid/irritating smell to a sweet scent. This letter will explain the validity of the complaint, the violation I found, and what you need to do to correct this violation.

Upon arriving at your facility I discussed the complaint with you, and I proceeded to conduct a full compliance evaluation inspection (CEI) to determine HPC's compliance with Ohio's hazardous waste laws as found in Chapter 3734. of the Ohio Revised Code (ORC), and Ohio's hazardous waste regulations as adopted under Chapter 3745. of the Ohio Administrative Code (OAC).

HPC is a 55-gallon drum reconditioning facility. HPC receives RCRA empty 55-gallon drums that contained virgin products, mostly oil product, and then reconditions them through a process of washing, drying, blasting and painting. HPC is a conditionally exempt small quantity generator of hazardous waste. Hazardous waste generated at the facility is spent acetone paint waste utilized to clean paint booth guns (D001, F005). Other wastes generated at the facility include sodium hydroxide wash water solution from washing of drums; steel shot from shop blaster/dust collector waste and fiberglass paint booth filters.

We discussed the complaint. You stated from time to time that your facility may have an odor based on a drum that the facility is cleaning, but that you do not have an odor coming from your facility every day based on your process. From time to time, if the facility is cleaning a detergent drum then there may be a "sweet" smell in the facility. You stated that you do not know if there was an odor, either acrid or sweet or why there may have been an odor around the time that DHWM received the complaint. At the time of my inspection, I did not smell an acrid or irritating odor; however, it did smell slightly "sweet" upon entering the facility.

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You also stated that someone from either Toledo Environmental Services or the gas company (you could not remember what company the person represented) stopped by your facility recently pertaining to an odor but this person determined the smell was not coming from HPC.

On January 21, 2010, we discussed via telephone your policy on determining if a drum that your facility receives is RCRA empty. You stated at this time that if a drum contained liquid that your facility's policy was that the drum must be completely empty, drip dry. Otherwise, your facility will send the drum back to your customer. In addition, you stated that the RCRA empty policy is on the shipping paper for pickup from your customers and they sign agreeing to this policy.

On January 27, 2010, you submitted via email the RCRA empty policy your customers must sign at pick-up and waste characterization analytical dated February 26, 1991, and June 29, 1994, for your sodium hydroxide wash water solution. In addition, you submitted non-hazardous waste manifests for the pickup of this wash water on July 29, 2009; October 14, 2009, and November 13, 2009.

On January 28, 2010, you submitted via email waste characterization analytical for your sodium hydroxide wash water solution collected on June 10, 2009.

On February 1, 2010, I spoke with Mike Graff from PSC Cousins (PSC). Mr. Graff stated that he believed your sample on 6-10-09, was taken from the wash water tank but that PSC picked up your waste stream from the rinse water tank on 7-29-09. In addition, Mr. Graff stated that your waste shipments from 7-29-09, 10-14-09, 11-13-09, and 1-4-10 were disposed at Evergreen Landfill's solidification pit as non-hazardous wash water/sludge.

In addition on February 3 & 5, 2010, you submitted additional clarification pertaining to your process and the collection of the June 10, 2009, sample.

During the CEI, I gave you the following information: the fact sheets Fluorescent Lamps: What you Should Know; Universal Waste Rules for Handlers of Lamps; and a list of computer, fluorescent lamp and ballast recyclers.

I found the following violation of Ohio's hazardous waste laws. In order to correct this violation you must do the following and send me the required information **within 30 days** of your receipt of this letter:

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.

HPC failed to have adequate waste evaluation documentation for the sodium hydroxide wash water solution and rinse waters. You had analytical which was taken on this waste stream in 1991, 1994 and 2009.

Based on the 2009 analytical using the Toxicity Characteristic Leaching Procedure (TCLP), your wash water contained 1.0 mg/L of Trichloroethylene. The TCLP regulatory level for this constituent is 0.5 mg/L. Therefore, this waste would be considered hazardous with waste code D040. However, if the product Trichloroethylene was present in wash waters, it would be considered a listed waste (U228). This sample was taken on 6-10-09. However you did not proceed to ship this waste off-site. As you stated, you continued to use this material as wash water until the next pick-up of this material which was on 11-13-09, 156 days later. 2000 gallons of this waste was then picked up by PSC as a non-hazardous waste and sent to Evergreen Landfill.

HPC has completed waste evaluations on this waste; however, you do not have a system in place that evaluates the current waste going off (as you have allowed lag time in between your sample and the next shipment of this waste, all the while utilizing this material).

To properly evaluate this waste stream, HPC must conduct waste evaluations of the waste material that are indicative of the actual waste material that is to be shipped off.

- ***To abate this violation, HPC must submit information that explains how you made the determination that the material that went off on 11-13-09 was a non-hazardous waste in light of the most recent analytical. How do you explain how your most recent analytical of the waste stream dated 6-30-09, contained Trichloroethylene at 1.0 mg/L (what is the source of this constituent)?***
- ***HPC must submit information explaining how you made the determination that the rinse water that went off on 7-29-09 (975 gallons) and 10-13-09 (1058 gallons), was non-hazardous as you utilize the evaluation/analytical from the flusher waster to also evaluate this in light of the most recent analytical which contained Trichloroethylene at 1.0 mg/L?***
- ***HPC must submit information or an outline of how they plan to evaluate this waste stream in the future to ensure that the material that is being picked up has been evaluated properly (at the time of pick-up). In addition, please explain how based on this sampling schedule, HPC is sure that the sampling is adequate and representative to determine whether this material is hazardous or not [e.g. does the waste vary, how is sampling in 1991, 1994, 2004 (please provide 2004 records), and 2009 adequate to demonstrate that your waste stream has not changed?]***

Please note that I will review the information you submit and I will determine the status of your compliance with other hazardous waste laws and notify you of my findings in a separate letter.

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I have enclosed the fact sheets Identifying your Hazardous Waste and Use of Generator Knowledge In Complying with OAC Rule 3745-52-11, Waste Evaluation which you may find useful.

HPC recycles 55-gallon drums that they are not able to recondition (detect holes, etc.) as scrap metal. We discussed possibly laundering the rags that are used to dry the drums off after they have been fresh water rinsed, steamed and dried as a pollution prevention alternative. 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. You can find helpful information about pollution prevention at the following web address:
<http://www.epa.state.oh.us/ocapp/ocapp.html>.

If you would like a free, non-regulatory on-site pollution prevention assessment or if you would like 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://www.epa.ohio.gov/ocapp/>

The Ohio Department of Development's Office of Energy Efficiency may be able to help with energy efficiency issues. Their website is at: <http://www.development.ohio.gov/cdd/oeef/>

Ohio EPA will issue an EPA ID number to track our investigation activity at the property in question. 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. 11/2002)) to Ohio EPA. This form is available on our Web page at <http://www.epa.state.oh.us/dhwm/notiform.html> or you can call me or the Division of Hazardous Waste Management, Central Office, RIS at (614) 644-2977 and we will mail you a copy.

The Division of Hazardous Waste Management (DHWM) 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://www.epa.state.oh.us/dhwm/listserv.html>. Please feel free to share this information with your colleagues.

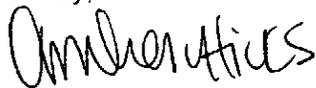
You can find copies of the rules and other information on the division's web page at <http://www.epa.state.oh.us/dhwm>.

A copy of all checklists completed during these inspections is attached for your review. Please address all correspondence to Amber Hicks, Ohio EPA, 347 N. Dunbridge Road, Bowling Green, Ohio 43402.

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Should you have any questions, please feel free to call me at (419) 373-3082.

Sincerely,



Amber M. Hicks
Division of Hazardous Waste Management

/llr

Enclosures

pc: Colleen Weaver, DHWM, NWDO
Cindy Lohrbach, DHWM, NWDO
~~DHWM, NWDO File: Horwitz & Pintis Co.~~

ec: Amber Hicks, DHWM, 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 kristina.durnell@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: Name: Horwitz & Pintis Co. Website: (Optional) Street Address: 1604 Tracy Road City, Town, or Village: Toledo State: OH County Name: Lucas Zip Code: 43605 <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: Steve MI: Last Name: Horwitz Phone Number: 419-666-2220 Phone Number Extension: E-Mail Address: hpdrum@buckeye-express.com Fax Number: Fax Number Extension: Street or P.O. Box: P.O. Box 60257 City, Town or Village: Rossford State: OH Zip Code: 43460
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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;"></td> <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;"></td> <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? Yes No

TYPE OF HANDLER - MARK "X" AS APPROPRIATE	
<input type="checkbox"/> Not a HW Generator	<input checked="" type="checkbox"/> UNKNOWN: Cited for violation of 3745-52-11 <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

TYPE OF REGULATED WASTE ACTIVITY (MARK "X" IN ALL OF THE APPROPRIATE BOXES)	
<input type="checkbox"/> Recycler of Hazardous Waste <input type="checkbox"/> Underground Injection Control Facility <input type="checkbox"/> Hazardous Waste Transporter <input type="checkbox"/> Treater, Storer or Disposer of Hazardous Waste	<input type="checkbox"/> Exempt Boiler and/or Industrial Furnace <input type="checkbox"/> Small Quantity On-Site Burner Exemption <input type="checkbox"/> Smelting, Melting, Refining Furnace Exemption

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. Oil		
<input type="checkbox"/> Used Oil Fuel Marketer to Off-Specification Used Oil Burner		
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 RCRA info source record, you do not need to list them. Instead just indicate the date of the most recent source record.		
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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Name of Inspector(s)	Name of Inspector(s)	Date of Inspection/Time (mm/dd/yyyy) (hh:mm)
Amber Hicks		1-15-10 9:36
Comments: Facility has lamps. Facility stated they don't know if they have or when the last time they changed bulbs was. Mr. Horwitz stated that he knew that bulbs were not to go into the trash. Gave information pertaining to proper management of lamps.		

PROCESS, WASTE, P2 SUMMARY SHEET

Facility Name: Horwitz Pintis Co. Facility Type: LQG SQG CESQG TSD Date of Inspection: 1-15-10 EPA ID#: NA

Waste Generated			On- or Off-Site Management		P2 Activities	
Process/Activity Generating Waste (e.g. plating bath, machining, baghouse, painting, general maintenance, etc)	Waste Description (e.g. sludge, solvent, ash, used oil, spent lamps, etc.) and EPA Waste Code, if applic.	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	Washing of empty product 55-gallon drums	NaOH wash water solution	varies; ~ 500-1000 gallons when busy.	NA	Cousins Waste Contol - OH	
2	Sand blasting of drums as part of reconditioning process	Sand blast/dust from dust collector	Not sure - only goes off a couple times of year. Non-hazardous.		Allied Waste.	
3	Painting of drums	Fiberglass paint booth filters	Filters changed twice a day. Non-hazardous.		In solid waste stream. BFI	
4	Absorb excess water off of drums after washing/drying.	Rags.	Unknown.		In solid waste stream. BFI	Suggested to the facility to launder rags.
5	Cleaning of paint booth guns.	Spent acetone/paint waste (D001, F005)	~25 gallons		Cousins Waste Contol - OH/PetroChem Processing - MI	
6						
7						

8							
9							

REMARKS, GENERAL INFORMATION

General Process Information:

Facility reconditions 55-gallon RCRA empty product drums (mostly oil). Drums are washed (NAOH wash water solution); rinsed with fresh water; steamed; vacuum cleaned; inspected; de-dented; shop blasted; painted.

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 checked="" 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"/>

