OhioEPA

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.state.oh.us

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

Re: FleetPride
Lucas County
Hazardous Waste
OHD 005 414 123
Partial Return to Compliance

March 22, 2007

Mr. Joe Gears, Area Manager
FleetPride
220 Indiana Ave.
Toledo, Ohio 43602

Dear Mr. Gears:

Thank you for your December 12, 2006, response to Ohio EPA's October 27, 2006, Notice of Violation (NOV) letter. My review of the documentation submitted reveals that FleetPride (FP) has adequately demonstrated abatement of one of the three violations cited. Ohio EPA conducted a site visit on December 4, 2006, to provide sampling oversight.

The following is a summary of the violations cited in the October 27, 2006, NOV and your compliance with respect to each:

1. **ORC Section 3734.02 (E & F): Permitted Facilities for the Treatment, Storage, and Disposal of Hazardous Waste:**

   No person shall treat, store, or dispose of hazardous waste without a hazardous waste facility permit.

   a. FP was cleaning the paint booth spray gun by using laquer thinner (xylene, toluene, and methyl ethly ketone) and spraying the spent solvent directly into a bucket with a liner. FP then allows the spent solvent to evaporate causing the residue to harden, which is considered treatment of a hazardous waste and disposal of hazardous waste to the air, and disposes of the liner as a solid waste. According to ORC Section 3734.02 (E) & (F) this practice is not legal as a permit is required to treat and/or dispose of hazardous waste and the spent solvent and the residue would be categorized as a listed hazardous waste (i.e. F003, F005) per OAC Rule 3745-51-31.

   FP has become an unpermitted hazardous waste disposal/treatment facility. FP must immediately cease treating and disposing of the spent laquer thinner by allowing it to evaporate. FP must properly collect, store and dispose of the spent laquer thinner as a listed hazardous waste. FP must create and submit an internal policy to address this practice and submit documentation to verify that this policy has been reviewed with all shop personnel. FP must submit photographic documentation to demonstrate that the spent solvent is being properly managed.

   b. FP has been discarding the bucket liners, which are a listed hazardous waste (F003, F005), and may be a characteristic hazardous waste due to methyl ethyl ketone, into the solid waste dumpster at the facility which were offered for off-site transportation and ultimate disposal. Therefore, the spent bucket liners were illegally transported in violation of ORC Section 3734.02 (F) to a solid waste disposal facility. During our visit on October 24, 2006, you indicated that your solid waste is picked up by BFI - Allied Waste located in Erie, Michigan.

FP may want to place a satellite accumulation container in the paint booth area to begin collecting the spent solvent.

Since FP violated ORC Section 3734.02(E&F), FP is subject to all applicable general facility standards found in OAC Chapters 3745-54 and 55. Additionally, at any time Ohio EPA may assert its right to have FP begin facility-wide cleanup pursuant to the Corrective Action process under Ohio law.

This violation has not been abated. FP must properly collect, store and dispose of the spent laquer thinner as a hazardous waste. FP must create and submit an internal policy to address this practice and submit documentation to verify that this policy has been reviewed with all shop personnel. This policy must address the bucket liners and state that they are to long be used for spraying spent solvent into when cleaning the paint booth spray guns. FP must submit photographic documentation to demonstrate that the spent solvent is being properly managed.

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

Any person who generates a waste in the state of Ohio must determine if that waste is a hazardous waste by using generator knowledge or by testing the waste.

a. At the time of the inspection, FP did not have waste evaluation documentation for the spent cardboard paint booth filter. FP has historically disposed of this spent material as a non-hazardous waste. FP must immediately cease disposing of the waste paint booth filters as non-hazardous waste until a proper waste evaluation has been completed.

FP must obtain a representative sample of the spent paint booth filter waste stream 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). You must notify me at least seven days prior to the sampling event date so that a representative from Ohio EPA can be present to observe the sampling and to split samples if necessary. To abate this violation, FP must submit a copy of the analytical results to Ohio EPA. Once analytical results have been reviewed, Ohio EPA will advise FP on proper disposal options as well as plans for the future management of this waste stream.

On December 4, 2006, FP changed out the cardboard filter located in the paint booth. FP plans to accumulate this waste stream in a drum labeled "hazardous waste" located in the paint booth area. FP must take a representative sample of this waste stream and have it analyzed using the above listed analytical test methods. FP must submit a copy of the analytical results to Ohio EPA.

b. In addition, FP did not have waste evaluation documentation for the spent sodium hydroxide solution generated in the large hot tank. FP has historically adjusted the pH of this solution using a neutralizer provided by Zep. DISC then pumps out the solution approximately once every three months and disposes of it as a non-hazardous waste. FP must immediately cease disposing of the spent sodium hydroxide solution as a non-hazardous waste until a proper waste evaluation has been completed.

During our follow-up visit on October 24, 2006, I asked one of your workers, Brian, if the spent sodium hydroxide solution had been shipped off-site since the August 29, 2006, inspection. Brian stated that DISC had picked up the spent solution and that no waste evaluation was done prior to the disposal. During my inspection on August 29, 2006, I indicated to Brian that a waste evaluation was needed before this waste stream could continue to be disposed of as a non-hazardous waste. I also notified you of this requirement when I spoke to you on the phone during our inspection.

FP must obtain a representative sample of the spent sodium hydroxide solution and have it analyzed for Toxic Characteristic Leaching Procedure (TCLP) Resource Conservation and Recovery Act (RCRA) metals (SW-846 Method 1311/6010). You must notify me at least seven days prior to the sampling event date so that a representative from Ohio EPA can be present to observe the sampling and to split samples if necessary. To abate this violation, FP must submit a copy of the analytical results to Ohio EPA. Once analytical results have been reviewed, Ohio EPA will advise FP on proper disposal options as well as plans for the future management of this waste stream.

On December 4, 2006, FP collected a sample of the spent sodium hydroxide solution for analysis. Ohio EPA was present during this sampling event. FP added 2.5 gallons of Zep vat neutralizer to the 250 gallons of sodium hydroxide solution. The pH of the spent solution prior to neutralization was approximately eleven. FP tested the pH following the addition of the neutralizer and it was eight. FP faxed a copy of the analytical result to Ohio EPA on December 12, 2006. The analytical results indicate that this waste stream is non-hazardous. FP should continue to neutralize the spent solution according to the manufacturer's recommendations prior to disposal as a non-hazardous wash water.

c. Also, FP failed to properly evaluate the spent solvent and bucket liners generated in the paint booth gun washing area prior to disposal. FP has historically disposed of this spent material by allowing the solvent to evaporate and then disposing of the liner as a non-hazardous waste. FP must immediately cease evaporating the spent solvent and immediately cease disposing of the bucket liner as a non-hazardous waste. FP must begin to properly manage the spent solvent by collecting it in a closed container and cease using buckets with liners. Based upon my review of the material safety data sheet, the spent solvent would be a listed hazardous waste (F003, F005) due to the presence of xylene, toluene, and methyl ethyl ketone. In order to achieve compliance, FP must begin to manage the spent solvent properly and submit documentation to Ohio EPA for review.

Ohio EPA may use the data you collect, in part, to make regulatory decisions concerning the waste(s) tested. A data review process, referred to as data validation, may be utilized to confirm the validity of the data. This data validation can include a review of the following components: sampling techniques, sample containers, representativeness of sample, laboratory test methods, laboratory data completeness, documentation of holding time(s), chain(s) of custody and quality assurance/quality control (QA/QC) data. Please include data sufficient for Ohio EPA to perform the data validation review. Information on conducting a data validation can be obtained from Ohio EPA's web page: http://www.epa.state.oh.us/dhwm/tier_i_data_validation_manual.html.

Ohio EPA will review the submitted waste evaluation information and determine FP's generator status. Additional violations may be cited based upon your determined generator status. You will be notified of any additional violations in a separate letter.

This violation has not been completely abated. FP must submit waste evaluation documentation for the spent paint booth filters and documentation for how you are managing the spent solvent.

3. 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."

FP had two blue poly drums of used oil in the area where the hot tank is located that were not properly labeled. In addition, there were two buckets located underneath the individual work tables in the shop area that were also not properly labeled.

FP properly labeled the two buckets with the words "Used Oil" at the time of our investigation.

FP must also properly label the two blue poly drums with the words "Used Oil" and submit photographic documentation to demonstrate compliance.

On December 4, 2006, Ohio EPA verified that the two blue poly drums of used oil are now properly labeled.

With this information, this violation has been abated.

Request for information:

FP stated that Gem Industrial changes the fluorescent bulbs in the facility approximately three times a year. FP must submit for review documentation showing what Gem Industrial does with the spent fluorescent bulbs.

On December 4, 2006, Ohio EPA verified that GEM Industrial was not removing the bulbs from the facility and they were being stored on-site. FP had the spent bulbs stored in boxes labeled "hazardous waste", however, FP plans to manage them as universal waste. FP was told to label the boxes "Universal Waste Lamps" and place the accumulation date on each box. FP has contacted Environmental Recycling to pick up the spent bulbs and have them recycled. Compliance with the universal waste rules may be assessed during a future visit to your facility.

Please submit documentation demonstrating abatement of the above outstanding violations (number 1 and 2) to this office within 15 days of receipt of this letter.

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

Sincerely,

Melissa L. Boyers

Melissa L. Boyers
Division of Hazardous Waste Management

/csl
pc: Cindy Lohrbach, DHWM, NWDO
Colleen Weaver, DHWM, NWDO
DHWM, NWDO FleetPride File
ec: Melissa Boyers, DHWM, NWDO
John Pasquarette, 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.