



State of Ohio Environmental Protection Agency

Northwest District Office

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

Re: Waterville Bodyworks
Lucas County
OHD986980464
Hazardous Waste-CESQG
Return to Compliance

November 25, 2008

Mr. John Spilker, Owner
Waterville Bodyworks
815 Michigan Avenue
Waterville, Ohio 43566

Dear Mr. Spilker:

Thank you for your July 24, 2008, and November 18, 2008, responses to Ohio EPA's February 15, 2008, Notice of Violation letter. The information you submitted included the analytical results and a copy of the disposal manifest for the spent paint booth filters. A review of the July 24, 2008, analytical results indicated that the wrong analytical method was used to evaluate the spent paint booth filters. On August 28, 2008, the Ohio EPA collected a sample of the spent paint booth filters and had them evaluated using the proper analytical method as required by SW-846. In addition, Ohio EPA made a site visit on October 14, 2008, to verify your compliance status with regard to the previously cited violations. My review of all of the documentation reveals that Waterville Bodyworks (WB) has adequately demonstrated abatement of all of the violations discovered during the February 12, 2008, compliance inspection.

The following is a summary of the violations cited and your compliance with respect to each:

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

No person shall store, treat, or dispose of hazardous waste identified or listed under this chapter and rules adopted under it, regardless of whether generated on or off the premises where the waste is stored, treated, or disposed of, or transport or cause to be transported any hazardous waste identified or listed under this chapter and rules adopted under it to any other premises, except at or to any of the following: (1) A hazardous waste facility operating under a permit issued in accordance with this chapter; (2) A facility in another state operating under a license or permit issued in accordance with the "Resource Conservation and Recovery Act of 1976" 90 Stat. 2806, 42 U.S.C.A. 6921, as amended ...

WB currently cleans the paint spray guns by using lacquer thinner and disposing of the spent solvent by spraying it into the air inside the paint booth. WB has historically disposed of these spent paint booth filters as solid waste in a solid waste landfill. This practice is not legal as the spent solvent contains xylene, toluene, and methyl ethyl ketone and therefore is categorized as a listed hazardous waste (i.e. F003, F005) as per OAC Rule 3745-51-31, and the filters would carry this listing since the solvent was disposed by spraying onto them.

WB must properly dispose of the spent paint filters located in the paint booth as a listed hazardous waste. A copy of the hazardous waste manifest for the next shipment of paint filters, complete with Land Disposal Restriction (LDR) form, must be submitted to the Ohio EPA.

On April 30, 2008, WB shipped the spent paint booth filters off-site and a copy of the manifest was submitted to Ohio EPA.

WB must submit a copy of an internal policy outlining how the paint guns are to be cleaned in the future. Spraying spent solvent into the air and onto filters is illegal disposal. WB must begin collecting the spent solvent and dispose of it properly.

On April 16, 2008, I verified the paint gun cleaning policy and witnessed an employee properly cleaning a paint spray gun by disposing of the spent solvent into a satellite container that was properly labeled and kept closed except when adding or removing waste.

Since WB violated ORC Section 3734.02(E&F), WB 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 WB begin facility-wide cleanup pursuant to the Corrective Action process under Ohio law.

With this information, this violation has been completely abated.

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

Any person who generates a waste 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, WB did not have waste evaluation documentation for the spent paint filters. WB has historically disposed of this spent material as a non-hazardous waste. WB must immediately cease disposing of the waste paint filters as non-hazardous waste until a proper waste evaluation has been completed. WB must properly dispose of the hazardous waste filters that were being used at the time of the inspection. Additionally, once you have installed new filters, you must have those analyzed prior to disposal. As we discussed, the new filters may not be considered a listed hazardous waste once you no longer spray solvent into the paint booth to clean the spray guns. However, they must be evaluated to determine if they are a characteristic hazardous waste.

WB must obtain a representative sample of the spent paint filters 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, WB must submit a copy of the analytical results, along with any waste codes that apply, to Ohio EPA. Once analytical results have been reviewed, Ohio EPA will advise WB on proper disposal options for this waste stream.

On April 16, 2008, WB sampled the spent paint booth filters and Ohio EPA was on-site to assist with the sample collection. On July 24, 2008, WB submitted a copy of the analytical results. The laboratory ran the wrong analytical method and the validity of the sample results were questionable. On August 28, 2008, Ohio EPA collected a representative sample of the spent paint booth filters and had them analyzed using the proper analytical methods. On September 22, 2008, Ohio EPA received the analytical results for the spent paint booth filters that indicate they are not a hazardous waste. WB may manage this waste stream as a solid waste.

- b. Also, WB failed to properly evaluate the spent solvent prior to disposal. WB has historically disposed of this spent material by spraying it into the air inside the paint booth. WB must immediately cease disposing of the spent solvent by spraying it into the paint booth. WB must begin to properly manage the spent solvent by collecting it in a closed container. Based upon the information you provided during the inspection, 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, WB must begin to manage the spent solvent properly and submit documentation to Ohio EPA for review.

On April 16, 2008, I verified that the spent solvent was properly collected in a satellite container when the spray paint guns were cleaned. WB no longer cleans out the paint guns inside the paint booth.

- c. WB also failed to have waste evaluation documentation or an established recycling plan in place for the fluorescent bulbs generated at the facility.

WB must submit to Ohio EPA documentation to demonstrate how you plan to properly manage your fluorescent bulbs. If WB decides to conduct waste sampling, please 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. If WB plans to manage the spent fluorescent bulbs as universal waste, please submit photographic documentation showing the storage containers properly closed, labeled, and dated. WB must also properly train employees, who handle or have responsibility for managing universal waste, on waste handling and emergency procedures relative to their responsibilities. In addition, WB must submit the name of the facility where you plan to recycle the bulbs.

On April 16, 2008, I verified that WB is managing the spent fluorescent bulbs as universal waste. WB had a cardboard tube on-site to collect the bulbs once generated. No bulbs were in storage at the time of this site visit. WB has a contract with Chemtron Corporation to pick up the fluorescent bulbs for recycling.

With this information, this violation has been completely abated.

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."

WB had two 55-gallon drums of used oil located in the outside storage area that were not properly labeled.

WB properly labeled the two 55-gallon drums with the words "used oil" at the time of our investigation.

Therefore, this violation is considered abated.

Request for Information:

At the time of the inspection, you stated that you were planning to give your used oil to B&L Auto for them to burn in their on-site burner. OAC Rule 3745-279-24 states that generators shall ensure that their used oil is transported only by transporters who have obtained an EPA identification number. As a business, WB is not permitted to give your used oil to another business to burn at their facility. WB must notify Ohio EPA with how you plan to manage your used oil in the future and provide the applicable documentation for review.

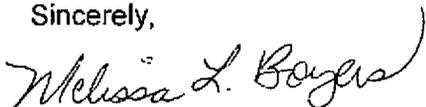
On October 14, 2008, I verified that WB has contracted with Chemtron Corporation to pick up the used oil for recycling.

WB has historically disposed of the spent paint booth filters as a solid waste. WB must provide Ohio EPA with the name of the company who collects your solid waste and the name of the landfill where the solid waste is taken for disposal.

On November 6, 2008, I spoke with Allied Waste who verified that they pick up the solid waste dumpster from your location and dispose of it at the Vienna Junction landfill located in Erie, Michigan.

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

Sincerely,



Melissa L. Boyers
Division of Hazardous Waste Management

//lr

pc: Cindy Lohrbach, DHWM, NWDO
Colleen Weaver, DHWM, NWDO
DHWM, NWDO Waterville Bodyworks File
ec: Melissa Boyers, DHWM, NWDO