



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

Re: Clarks Auto
OHR000175000
Hazardous Waste
Erie County
Complaint #3195
2nd Notice of Violation

February 4, 2013

Certified Mail

Mr. Paul Clark
Clark's Auto
14216 State Route 113
Wakeman, Ohio 44889

Dear Mr. Clark:

On October 17, 2012, I investigated a complaint at Clark's Auto located at 14216 State Route 113, Wakeman, Ohio. Based on this investigation, I sent you a Notice of Violation (NOV) dated November 5, 2012. A response was due into this office by mid-November of 2012. To date, I have not received a response. I called you on November 29, 2012, and you stated you had placed the waste paint cans into a container and that you would send me a picture documenting this. In addition you stated you had cleaned up the burn pile and you would also send a picture of this. You also stated that you had the Material Safety Data Sheets (MSDSs) as requested by myself and Miranda Garlock of the Division of Air Pollution Control (Ms. Garlock had conducted an investigation around the same time) and you would be working with Ron Nabors to address the issues for Ms. Garlock as well as to abate the violation cited in my November 5, 2012, NOV. You stated you would submit this information/pictures by December 20, 2012. You did not submit this information. Ms. Garlock contacted you on January 4, 2013, requesting a response. You responded on January 15, 2013, stating you would be submitting by the end of the week. You did not submit this information.

Clark's Auto remains in violation of the following hazardous waste rule. Clark's Auto needs to immediately take the necessary measures to return to compliance with Ohio's environmental laws. **Within 14 days of receipt of this letter**, Clark's Auto is requested to provide documentation to this office including the steps taken to abate the violation cited below. Documentation of steps taken to return to compliance includes written correspondence, updated policies, and photographs, as appropriate, and may be submitted via the postal service or electronically to amber.hicks@epa.ohio.gov.

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.

A. Clark's Auto has failed to evaluate the painting waste generated from your painting operations to determine if this material is a hazardous waste. To date you have not disposed of this waste. You have approximately 20-25 cans of paint which need to be evaluated in your paint mix room. Clarks Auto must immediately determine if the paint in the paint cans is still "good" or if this material is a waste which needs to be disposed. The waste paint must then be evaluated properly to determine the appropriate management and disposal of this material.

A waste evaluation can be conducted by applying adequate generator knowledge of the paint waste based on manufacturer MSDSs.

B. Clark's Auto has failed to evaluate the painting solvent waste generated from the cleaning of your paint guns. To date you have not disposed of this waste. On October 17, 2012, I printed a copy from the Internet of the MSDS for your solvent utilized to clean your paint guns. Based on this MSDS your spent solvent is a D001, F003, F005 hazardous waste.

- ***To abate this violation Clark's Auto must do the following: 1) Clarks Auto must submit the MSDSs for the solvent/paint waste generated at your shop to me. Your results must document if the waste is hazardous or not and 2) submit a description of what treatment, storage, or disposal facility you will send your hazardous waste to. Please consult the list of Ohio Commercial Facilities Accepting Hazardous Waste enclosed with the November 5, 2102, NOV.***
- *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.*

Please be advised that the violation cited above will continue until the violation has 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.

Mr. Paul Clark
February 4, 2013
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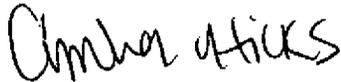
If circumstances delay the abatement of violations, Clark's Auto is requested to submit written correspondence of the steps that will be taken by date certain to attain compliance.

Clark's Auto shall note that failure to abate this violation as outlined in this letter could lead to an enforcement referral to Ohio EPA's Central Office.

If you need assistance in returning to compliance or should you have any questions, please feel free to call me at (419) 373-3082 or email me at amber.hicks@epa.state.oh.us.

You can find copies of the rules and other information on the division's web page at <http://epa.ohio.gov/dmwm/dmwmmrules.aspx>.

Sincerely,



Amber M. Hicks
Division of Materials and Waste Management

/cg

pc: Lisa Gifford, DMWM, NWDO
Colleen Weaver, DMWM, NWDO
Certified Mail Receipt Number 7011350000082042012

ec: Amber Hicks, DMWM, NWDO
Colleen Weaver, DMWM, NWDO
Miranda Garlock, DAPC, 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.