



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

Re: Elgin Service Center
Van Wert County
Hazardous Waste
Complaint #3168
2nd NOV - PRTC

March 11, 2013

Mr. Scott Klausing
Elgin Service Center
18018 State Route 81
Elgin, Ohio 45838

Dear Mr. Klausing:

On July 2, 2012, Ohio EPA's Division of Materials and Waste Management conducted a hazardous waste compliance evaluation inspection of your facility, Elgin Service Center (hereafter referenced as ESC). ESC was sent a Notice of Violation (NOV) letter dated July 12, 2012.

ESC's initial response was received at this office on August 13, 2012. In addition, on January 3, 2013, you submitted documentation including analytical and material safety data sheets (MSDS). Based on this information, ESC has one additional new violation as follows:

3. Unlawful Transportation, ORC § 3734.02(F):

No person shall transport or cause to be transported any waste identified or listed under the hazardous waste laws to a facility that is not a permitted hazardous waste facility.

On January 3, 2013, Ohio EPA received MSDS for the Elgin Red Paint and for the Xylol. The Xylol consists of xylene and ethylbenzene and is considered a listed hazardous waste (F003) when used for clean-up. Xylol is also ignitable which also makes it a characteristic hazardous waste (D001). Xylol is used as your paint gun clean up solvent. During our inspection, you stated that you purchase 3-5 gallons of solvent a year. You also stated that it may take over a month to generate a gallon of spent solvent.

During the inspection, you stated that this spent solvent was collected and taken off-site to be used as a fire accelerant to burn brush on family owned property in Meigs County. On January 17, 2013, Ohio EPA's Southeast District Office (SEDO) spoke on the telephone with your father, Dan Klausing and received the following information:

Spent solvent from ESC was taken to the Meigs County property which is 350 acres with a farmstead at 30286 Briar Ridge Road in Langsville, Ohio. Brush was burned at the property from 2005 to 2009, when land was cleared. The brush was in multiple piles in a field that is located 3 miles from the road and is accessible by foot or four wheeler and possibly to within ½ mile by a 4 x 4 truck.

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There are no visible remains of the burned brush piles, only a grassy field. Mr. Klausing is the only one that knows the exact location as he did the burning himself. During the time (2005-2009) it is estimated that a total of ten gallons of solvent was used – two 5-gallon buckets. Solvent was burned to save money, otherwise he would have had to have purchased 5 gallons of diesel fuel to start the fires. After the initial phone call with Ohio EPA's SEDO, Mr. Klausing called back as he had checked the amount of solvent waste in the painting area. He stated that ESC started collecting the spent solvent in July 2012, so from July 2012 to January 2013, they have accumulated two gallons of spent solvent.

SEDO may determine that it needs further information and may contact Mr. Klausing in the future.

On July 12, 2012, you stated that ESC would begin collecting the spent solvent and that it would be properly disposed of. I have enclosed a copy of "Selecting a Treatment/Storage/Disposal Facility (TSD) to Handle Your Hazardous Wastes, May 2007". As a conditionally exempt small quantity generator, ESC may accumulate up to four drums of spent solvent on site if needed prior to having it taken off-site to a TSD. If you have questions or need a list of local TSDs, please contact me.

The following violations of Ohio's hazardous waste laws were cited as a result of my July 2, 2012, inspection and are considered abated:

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

a) Paint Booth Filters:

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

At the time of the inspection, ESC did not have waste evaluation documentation for the spent paint booth filters. ESC changes out the three filters in the paint booth area approximately, 2-3 times per month, (or as painting needs require). ESC has historically disposed of the spent paint booth filters by burning them at an off-site residential location (Meigs/Galion County area). ESC must immediately cease burning of the waste paint filters. This is not an acceptable means of disposing of solid waste per ORC Section 3734.03.

Once the next paint booth filter becomes spent, ESC must obtain a representative sample of the spent paint booth filter waste 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). At the time of my investigation, I gave you a list of laboratories that may be able to conduct the analysis for you. You can also find reputable companies in your area by searching the yellow pages or asking your disposal company.

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To abate this violation, ESC must submit a copy of the analytical results to me. Once analytical results have been reviewed, I will advise you on proper disposal options as well as plans for the future management of this waste stream.

I will review the submitted waste evaluation information and determine if there is a change in ESC'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.

On January 3, 2013, you submitted a copy of the analytical results from Brookside Laboratories which showed that the spent paint booth filters are non-hazardous waste. These filters must be managed as a solid waste. This violation is considered abated.

b) Spent Solvent:

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

ESC uses a xylene solvent to soak the paint gun in so that it is clean. When the solvent is too dirty to clean, it is collected in a container. There was no container collecting spent solvent at the time of my investigation. You stated that you purchase about 15-20 gallons of solvent per year. You thought it took about 1.5 months to generate about a gallon of spent solvent. ESC has historically disposed of this spent solvent by burning it at an off-site location.

Because you are using xylene as a clean up solvent, it will most likely carry the hazardous waste code D001 and possibly others. ESC's solvent may be ignitable or have a flashpoint of less than 140 degrees. Additionally, the regulations are specific in regards to certain solvents being used and that any waste from the use of the certain solvents is considered hazardous. This information should be able to be determined by the Material Safety Data Sheet (MSDS). If it is not enough information, ESC may have to conduct analytical testing on the waste solvent.

ESC must immediately cease burning of all spent solvent. You must collect the spent solvent and manage it as a hazardous waste. ESC must submit a Material Safety Data Sheet for the product xylene. I will advise you on how to proceed once I receive this information.

On January 3, 2013, you submitted a MSDS for the waste solvent, Xylene, from Sherwin-Williams. Because Elgin is using this as a clean up solvent, it would be considered a listed hazardous waste (F003). Any spent solvent generated by gun clean up or cleaning (in general) must be managed as a hazardous waste. It must be properly transported and disposed of at a permitted hazardous waste treatment, storage, or disposal facility or recycling facility.

2. Spent Lamps, Universal 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.

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

Lamps and bulbs are considered "spent materials" and remain hazardous waste even when recycled. Hazardous waste lamp generators have the option of handling their lamps as hazardous waste or as universal waste. Managing hazardous waste lamps under the universal waste rules eases certain regulations imposed on generators of spent lamps.

Please be aware that incandescent, fluorescent, metal halide, neon, high-intensity discharge, high-pressure sodium and mercury-vapor lamps could be hazardous waste when discarded. Fluorescent lamps may contain up to 40 milligrams (mg) of mercury, depending on the brand and manufacturer. Lamps may also contain lead and cadmium. Many lamps exhibit a characteristic of toxicity for heavy metals when disposed. ESC has been historically disposing of waste lamps as solid waste.

Basically, you can run analytical to determine if the bulbs contain mercury, lead, or cadmium (if you would like to continue to dispose of them as solid waste) OR you can choose to handle them through the universal waste rules by recycling. When the lamps are recycled as a universal waste, they are not considered a hazardous waste. You must ensure that they are recycled within one year of being generated and that you keep documentation showing this. Also, you must label the box containing the burned out bulbs (prior to recycling) with the words "universal waste lamps".

I gave you a copy of Fluorescent Lamps: What You Should Know, a fact sheet with information on how to properly manage lamps in the future. I also gave you a list of recyclers. Your current waste hauler may also offer this service.

To abate this violation, ESC must provide me with a plan on how it will manage bulbs in the future.

In ESC's letter received on August 13, 2012, you stated that you will begin collecting spent fluorescent lamps in a box labeled "Universal Waste". You also stated that you will recycle utilizing a company listed on Ohio EPA's lamp recycler list. Please note you have a year from the date you generate a spent lamp to have it recycled. You can contact me if you have any questions.

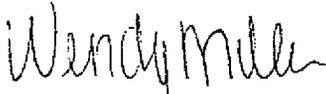
Therefore, this violation is considered abated.

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You can find copies of the rules and other information on the division's web page at <http://www.epa.ohio.gov/dhwm>. Ohio EPA also has helpful information about pollution prevention at the following web address: <http://www.epa.ohio.gov/opp>.

If you have any questions, please contact me by telephone at (419) 373-3114 or by e-mail at wendy.miller@epa.ohio.gov.

Sincerely,



Wendy Miller
Division of Materials and Waste Management

/cg

Enclosures

pc: Lisa Gifford, DMWM, NWDO
Colleen Weaver, DMWM, NWDO

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