



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

Re: Huss Equipment Corporation
OH0000705863
Wood County
Hazardous Waste
Return to Compliance

March 22, 2013

Mr. Brian Smith
Huss Equipment Corporation
17801 North Dixie Highway
P.O. Box 266
Bowling Green, Ohio 43402

Dear Mr. Smith:

Thank you for your January 29, 2013, response to Ohio EPA's September 6, 2012, Notice of Violation/Partial Return to Compliance (NOV/PRTC) letter. Huss Equipment Corporation (HEC) submitted waste evaluation documentation. My review of the documentation submitted reveals that HEC has adequately demonstrated abatement of all of the violations cited in the September 6, 2012, NOV/PRTC.

The following is a summary of the violations cited in the September 6, 2012, NOV/PRTC as a result of Ohio EPA's August 14, 2012, inspection and your compliance with respect to each:

1. 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, HEC did not have waste evaluation documentation for the spent paint booth filters. HEC has historically disposed of this spent material as a non-hazardous/solid waste via Republic Services. HEC must immediately cease disposing of the waste paint booth filters as non-hazardous waste until a proper waste evaluation has been completed.

On January 29, 2013, HEC submitted a copy of the analytical results, along with a copy of the chain of custody, for the spent paint booth filters. The submitted analytical results indicate that the spent paint booth filters are a non-hazardous waste. These filters may be managed as a solid waste.

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If HEC makes any changes to the painting process (i.e. new paint, different solvent), Ohio EPA recommends an updated waste evaluation be conducted on the spent paint booth filters.

With this information, this portion of the violation has been abated.

- b) In addition, HEC failed to have waste evaluation documentation or an established recycling plan in place for the fluorescent bulbs generated at the facility.

Hazardous 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.

This portion of the violation was previously abated on August 17, 2012.

As of January 29, 2013, this violation has been completely abated.

2. 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."

HEC had one 55-gallon black poly drum of used tramp oil that was not properly labeled "Used Oil".

This violation was previously abated on August 17, 2012.

Request for Information:

HEC has been purchasing paint, primer and drum wash thinner from 4 Star Service and Supply LLC located in Sylvania, Ohio. HEC needs to provide a copy of the material safety data sheets (MSDS) for the paint, primer and thinner used at your facility. Looking at the invoices that you provided on August 17, 2012, HEC uses a lot of different colors (i.e. pitthane ultra black, fast dry 35 neutral base, and PPG fast dry 2500 deep base alkyd industrial tan) and must submit the MSDS' for each of the colors used at your facility. In addition, the MSDS' for the primer (2.8 VOC gray primer), thinner (drum wash thinner), and other products used at your facility (i.e. Crown VM&P naphtha, and pitthane ultra catalyst) must be submitted for review.

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In addition, it would be helpful if HEC could outline your paint to thinner ratio when painting the equipment either with a spray gun or roller. How does your painter decide how much thinner to use for each gallon of paint when preparing it for use?

On October 15, 2012, and November 2, 2012, HEC provided copies of the MSDS' they obtained from 4 Star Service and Supply LLC. The drum wash thinner currently used by HEC contains 10-30% methyl alcohol and 10-30% toluene. Since Ohio EPA's inspection, HEC has done very little painting using the spray guns and has switched over to using brushes and rollers to apply the paint. You stated that in the past, the painter would put 1.5 inches of thinner into the paint pot and then add paint to obtain the right consistency for the spray guns. HEC reported that they also use the drum wash thinner to wipe down the raw steel parts prior to painting. HEC previously stated that shop towels are put in the on-site wood burner or burn barrel. By letter dated September 14, 2012, HEC was notified by the Ohio EPA's Division of Air Pollution Control that as a commercial business, you are not permitted to burn any material for disposal.

Since you currently generate solvent-contaminated rags or wipers and do not have them laundered, you will need to either begin laundering them or evaluate this waste stream to determine whether, for purposes of storage, transportation and disposal, they would be a characteristic hazardous waste.

Laundered rags are not regulated, provided they do not contain free liquids and are sent to a commercial laundry subject to regulation under the Clean Water Act or a dry cleaner for cleaning and reuse. Ohio EPA recommends that HEC look into having your shop towels sent off-site to be laundered to avoid a potential violation for improper management of this waste stream.

HEC must be able to account for the amount of drum wash thinner that is purchased for use in your facility. HEC must be able to show how the drum wash thinner is used and how much waste is generated from that process. HEC must collect the spent drum wash thinner that is generated as a result of your painting operations and manage this waste stream per the hazardous waste regulations.

HEC is currently operating as a conditionally exempt small quantity generator (CESQG) of hazardous waste. This means that HEC generates less than 100 kilograms (approximately 27 gallons) of hazardous waste in a given month. As a CESQG, the maximum total accumulation of hazardous waste allowed on-site at any given time is 1,000 kilograms (approximately 270 gallons). To avoid potential violations, HEC must properly dispose of the hazardous waste prior to reaching the maximum total accumulation limit.

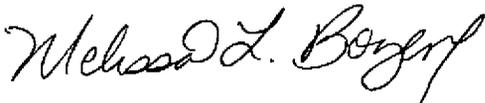
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Your compliance with Ohio's hazardous waste laws may be verified at any time by an unannounced hazardous waste compliance evaluation inspection.

Ohio EPA has helpful information about compliance assistance and pollution prevention at the following web address: <http://www.epa.ohio.gov/ocapp>. In addition, you can find copies of the rules and other information on the division's web page at: <http://www.epa.ohio.gov/dhwm/>.

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

Sincerely,



Melissa L. Boyers
Division of Materials and Waste Management

/cg

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

ec: Colleen Weaver, DMWM, NWDO (scanned e-copy)
Melissa Boyers, DMWM, NWDO

Notice:

Ohio's 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.