



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

Re: Brondes Ford Maumee  
OHD018172809  
Lucas County  
Return to Compliance

August 2, 2013

Mr. Phil Brondes Jr.  
Brondes Ford Maumee  
1511 Reynolds Road  
Maumee, Ohio 43537

Dear Mr. Brondes:

On April 25, 2013, the Ohio Environmental Protection Agency (Ohio EPA) conducted a compliance evaluation inspection at Brondes Ford Maumee (Brondes). The inspection resulted in a May 28, 2013, Notice of Violation (NOV). Mike Crawford responded to the May 28, NOV in a letter received June 17, 2013, and provided additional documentation in June 14, and July 11, 2013, emails. According to the June 17, letter Brondes switched from utilizing parts washers, which were serviced on a quarterly basis, generating a hazardous waste, to parts washers that when serviced generate a material that is used in a continued use program. Based on this change in operation Brondes generator status has changed from a Small Quantity Generator (SQG) to a Conditionally Exempt Small Quantity Generator (CESQG). Concurrent to the change Brondes shipped all waste off-site that was accumulated during the time period that they were an SQG.

Based on the above responses the following is the status of the violations cited in my May 28, 2013, NOV:

1. OAC Rule 3745-52-11

A person, who generates waste, as defined in OAC Rule 3745-51-02, must determine if that waste is a hazardous waste.

Brondes is in violation of OAC Rule 3745-52-11 for not determining if paint booth and other filters utilized as part of the painting/body shop are hazardous. Depending on the process, types of paints, design of the filtration system, and other factors, paint filters have the potential to be a hazardous waste. Brondes has an obligation to determine if any of the various filters related to the body shop are hazardous and manage them appropriately.

To abate this violation, Brondes must properly evaluate each type of filter utilized in the painting/body shop for Toxicity Characteristic Leaching Procedure (TCLP) (SW-846 Method 1311) Resource Conservation and Recovery Act (RCRA) metals (SW-846 Method 6010C) and volatile organics (SW-846 Method 8260B). Ohio EPA is requesting a response from Brondes providing sample results and how Brondes intends to manage the paint filters.

**Sampling data representing a sample of the paint booth filters taken on May 7, 2013, was provided in a June 14, 2013, email. Based on a review of this sampling data, the paint booth filters appear to be non-hazardous. Therefore this violation is considered abated on June 14, 2013.**

**2. OAC Rule 3745-52-11**

A person, who generates waste, as defined in OAC Rule 3745-51-02, must determine if that waste is a hazardous waste.

Brondes is in violation of OAC Rule 3745-52-11 for not properly evaluating waste paint related material (D001, F003, and F005). While the waste paint related material is managed as a hazardous waste, this waste must still be properly evaluated, specifically with regards to metals content.

To abate this violation, Brondes must properly evaluate the waste paint related material (D001, F003, and F005) for Toxicity Characteristic Leaching Procedure (TCLP) (SW-846 Method 1311) Resource Conservation and Recovery Act (RCRA) metals (SW-846 Method 6010C). Ohio EPA is requesting a response from Brondes providing sample results.

**Sampling data representing samples of the waste paint related material including the paint gun bags (managed as a non-hazardous waste) and paint solvent (managed as a D001, F003, and F005 hazardous waste) taken on June 17, 2013 was provided in a July 11, 2013 email. Based on a review of this sampling data, the paint gun bags appear to be non-hazardous and the paint solvent has been properly characterized. Therefore this violation is considered abated on July 11, 2013.**

**3. OAC Rule 3745-52-11**

A person, who generates waste, as defined in OAC Rule 3745-51-02, must determine if that waste is a hazardous waste.

Brondes is in violation of OAC Rule 3745-52-11 for not properly evaluating the parts washer solvent (D001). While the parts washer solvent is managed as a hazardous waste, this waste must still be properly evaluated, specifically with regards to metals content.

To abate this violation Brondes must properly evaluate the parts washer solvent (D001) for Toxicity Characteristic Leaching Procedure (TCLP) (SW-846 Method 1311) Resource Conservation and Recovery Act (RCRA) metals (SW-846 Method 6010C). Ohio EPA is requesting a response from Brondes providing sample results. Additionally, Ohio EPA is requesting documentation indicating that this waste is hazardous for flashpoint (D001) (i.e. MSDS or sampling data).

In order to address compliance issues related to generator status Brondes switched parts washer solvent from Vesco managed parts washers to Safety-Kleen continued use parts washers. The switch was made prior to the Vesco parts washer solvent being characterized. This violation is unresolvable, but is considered abated on June 17, 2013, due to the removal and management of the parts washer solvent.

4. OAC Rule 3745-52-11

A person, who generates waste, as defined in OAC Rule 3745-51-02, must determine if that waste is a hazardous waste.

Brondes is in violation, of OAC Rule 3745-52-11 for not determining if waste fluorescent lamps are hazardous. Waste fluorescent lamps are considered a universal hazardous waste in the state of Ohio and either must be managed as such, or must be proven to be a nonhazardous waste through sampling.

To abate this violation Brondes must properly evaluate or manage all waste lamps as a universal waste. Ohio EPA is requesting a response from Brondes, providing either sample results that indicate each waste stream is nonhazardous or a management plan demonstrating that Brondes understands all requirements for properly managing waste lamps as a universal waste, including specifics as to how they will be managed.

**The response received on June 17, 2013, indicated that waste lamps are now being managed by Green Light located in Maumee, Ohio and indicated that lamps are being properly stored prior to management. Therefore, this violation is considered abated.**

5. OAC Rule 3745-52-34(D)(5)(a): Emergency Coordinator:

A generator must ensure that at all times there is at least one employee either on the premises or on call (available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures. This employee is the emergency coordinator.

Brondes failed to have a designated emergency coordinator.

To abate this violation, Brondes must ensure that at least one emergency coordinator is available at all times. Brondes must submit a list of emergency coordinator(s) for the facility to Ohio EPA, NWDO.

**The response received on June 17, 2013, indicated that the parts washers are now being managed through Safety-Kleen's continued use program. Parts washer solvent that is managed through continued use does not constitute a waste and therefore changed Brondes generator status from a SQG to a CESQG. As a CESQG, this regulation is no longer applicable, therefore, this violation is considered abated.**

**6. OAC Rule 3745-52-34(D)(5)(b): Preparedness and Prevention:**

A generator must post the following information next to the telephone: the name and telephone number of the emergency coordinator; location of fire extinguishers and spill control equipment, and if present, fire alarms; and the telephone number of the fire department, unless the facility has a direct alarm.

Brondes failed to have the required information posted next to the telephone located nearest to the hazardous waste storage area.

To abate this violation, Brondes must post the required information next to the telephone and submit a copy of the posted list. Brondes must also submit photographic documentation to show that the list has been properly posted in this area.

**The response received on June 17, 2013, indicated that the parts washers are now being managed through Safety-Kleen's continued use program. Parts washer solvent that is managed through continued use does not constitute a waste and, therefore, changed Brondes generator status from a SQG to a CESQG. As a CESQG, this regulation is no longer applicable, therefore this violation is considered abated.**

**7. OAC Rule 3745-52-34(D)(5)(c):Emergency Procedures/Preparedness and Prevention:**

A generator must ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relevant to their responsibilities during normal facility operations and emergencies.

Brondes failed to properly train employees on proper waste handling and emergency procedures related to the wastes generated on-site.

To abate this violation, Brondes must immediately provide training to all employees that manage hazardous waste as to the proper management of the hazardous waste. A copy of the training outline must be submitted to me for review prior to conducting the training. In addition, once the training has been completed, a copy of the sign-in sheets used to document employee attendance must be submitted.

**The response received on June 17, 2013, indicated that the parts washers are now being managed through Safety-Kleen's continued use program. Parts washer solvent that is managed through continued use does not constitute a waste and therefore changed Brondes generator status from a SQG to a CESQG. As a CESQG, this regulation is no longer applicable, therefore this violation is considered abated.**

**8. OAC Rule 3745-52-34(D)(4)**

While being accumulated onsite the date which accumulation began must clearly be marked on each container, as required by paragraph (A)(2) of this rule. Additionally, each container must be labeled or clearly marked with the words "Hazardous Waste", as required by paragraph (A)(3) of this rule.

The two containers containing the waste paint related material (D001, F003, and F005) were not labeled "Hazardous Waste".

To abate this violation, Brondes must clearly label these drums "Hazardous Waste" and provide me with photographs documenting that such actions have been taken.

**The June 14, 2013, email provided photographs documenting the labeling of the drums containing the waste paint related material. Additionally, the response received on June 17, 2013, indicated that the parts washers are now being managed through Safety-Kleen's continued use program. Parts washer solvent that is managed through continued use does not constitute a waste and therefore changed Brondes generator status from a SQG to a CESQG. As a CESQG this regulation is no longer applicable and Brondes will not be required to label hazardous waste containers as long as it remains a CESQG, therefore this violation is considered abated on June 14, 2013. While not required, labeling drums to identify the contents is a good general management practice.**

**9. OAC Rule 3745-52-34(D)(4)**

While being accumulated onsite the date which accumulation began must clearly be marked on each container, as required by paragraph (A)(2) of this rule. Additionally, each container must be labeled or clearly marked with the words "Hazardous Waste", as required by paragraph (A)(3) of this rule.

The two containers containing the waste paint related material (D001, F003, and F005) did not contain the date that accumulation began.

To abate this violation Brondes must clearly mark the date in which accumulation began and provide me with photographs documenting that such actions have been taken.

**The June 14, 2013, email provided photographs documenting the labeling of the drums containing the waste paint related material. Additionally, the response received on June 17, 2013, indicated that the parts washers are now being managed through Safety-Kleen's continued use program. Parts washer solvent that is managed through continued use does not constitute a waste and therefore changed Brondes generator status from a SQG to a CESQG. As a CESQG, this regulation is no longer applicable and Brondes will not be required to label hazardous waste containers as long as it remains a CESQG, therefore this violation is considered abated on June 14, 2013. While not required, labeling drums to identify the contents is a good general management practice.**

**10. OAC Rule 3745-66-74**

A generator must inspect areas where containers are stored, at least once during the period from Sunday to Saturday, looking for leaks and for deterioration caused by corrosion or other factors. A generator must record inspections in an inspection log or summary.

Brondes was not completing weekly inspections of the hazardous waste storage area.

To abate this violation Brondes must begin completing inspections and provide me with two(2) weeks of completed weekly inspections.

**The response received on June 17, 2013, indicated that the parts washers are now being managed through Safety-Kleen's continued use program. Parts washer solvent that is managed through continued use does not constitute a waste and therefore changed Brondes generator status from a SQG to a CESQG. As a CESQG, this regulation is no longer applicable, therefore this violation is considered abated.**

**11. OAC Rule 3745-52-32(B)**

Before transporting hazardous wastes or offering hazardous wastes for transportation off-site, a generator must mark each container of one hundred nineteen gallons or less used in such transportation with the following words and information displayed in accordance with the requirements of 49 CFR 172.304: "Hazardous waste - Federal law prohibits improper disposal. If found, contact the nearest police or public safety authority, or the United States Environmental Protection Agency. Generator's name and address \_\_\_\_\_ Generator's U.S. EPA identification number \_\_\_\_\_ Manifest document number \_\_\_\_\_."

The two containers containing the waste paint related material (D001, F003, and F005) contained no form of labeling.

To abate this violation Brondes must clearly label these drums as indicated above and provide me with photographs documenting that such actions have been taken.

**The June 14, 2013 email provided photographs documenting the labeling of the drums containing the waste paint related material. Additionally, the response received on June 17, 2013, indicated that the parts washers are now being managed through Safety-Kleen's continued use program. Parts washer solvent that is managed through continued use does not constitute a waste and therefore changed Brondes generator status from a SQG to a CESQG. As a CESQG, this regulation is no longer applicable and Brondes will not be required to label hazardous waste containers as long as it remains a CESQG, therefore this violation is considered abated on June 14, 2013. While not required, labeling drums to identify the contents is a good general management practice.**

**12. OAC Rule 3745-52-34(C)(1)(a)**

Containers stored in a satellite accumulation area must remain closed when materials are not being added or removed.

Two 5-gallon containers used as satellite storage for waste paint related material (D001, F003, and F005) were observed in the paint mixing area. Neither of the containers were closed at the time of the inspection.

To abate this violation Brondes must close and provide me with photographs documenting that such actions have been taken.

**The response received on June 17, 2013 indicated that the parts washers are now being managed through Safety-Kleen's continued use program. Parts washer solvent that is managed through continued use does not constitute a waste and therefore changed Brondes generator status from a Small Quantity Generator (SQG) to a Conditionally Exempt Small Quantity Generator (CESQG). As a CESQG this regulation is no longer applicable, therefore this violation is considered abated.**

**13. OAC Rule 3745-52-34(C)(1)(b)**

Containers stored in a satellite accumulation area must be marked with the words "Hazardous Waste" or must contain a label clearly identifying the contents.

Two 5-gallon containers used as satellite storage for waste paint related material (D001, F003, and F005) were observed in the paint mixing area. Neither of the containers contained labels identifying their contents.

To abate this violation Brondes must clearly label these containers and provide me with photographs documenting that such actions have been taken.

**The June 14, 2013, email provided photographs documenting the labeling of the drums containing the containers located in the paint mixing area. Additionally, the response received on June 17, 2013 indicated that the parts washers are now being managed through Safety-Kleen's continued use program. Parts washer solvent that is managed through continued use does not constitute a waste and therefore changed Brondes generator status from a SQG to a CESQG. As a CESQG this regulation is no longer applicable, therefore this violation is considered abated on June 14, 2013.**

**14. OAC Rule 3745-270-07(A)(1)**

A generator must determine if hazardous waste must be treated to meet the land disposal restriction (LDR) standards prior to disposal

Brondes was not able to provide documentation of how the waste paint related materials (D001, F003, and F005) or the parts washer solvent (D001) meets LDR restrictions and were unaware of such a determination ever being made.

To abate this violation Brondes must provide copies of LDR forms for both of the above waste streams along with details of how the determination was made to Ohio EPA, NWDO.

**The response received on June 17, 2013, indicated that the parts washers are now being managed through Safety-Kleen's continued use program. Parts washer solvent that is managed through continued use does not constitute a waste and therefore changed Brondes generator status from a SQG to a CESQG. As a CESQG this regulation is no longer applicable, therefore this violation is considered abated.**

**15. OAC Rule 3745-270-07(A)(2)**

A generator must send a one-time LDR notification form with the first shipment to the TSD.

Brondes was not able to provide documentation of how the waste paint related materials (D001, F003, and F005) or the parts washer solvent (D001) meets LDR restrictions. Additionally, Brondes was not aware of having ever completed an LDR for or having sent such notification to Chemtron or Vesco Oil.

To abate this violation Brondes must either provide documentation that such notification has been made previously, or must make notification for the respective waste streams and provide documentation to Ohio EPA, NWDO that notification has been made.

**The response received on June 17, 2013, indicated that the parts washers are now being managed through Safety-Kleen's continued use program. Parts washer solvent that is managed through continued use does not constitute a waste and therefore, changed Brondes generator status from a SQG to a CESQG. As a CESQG this regulation is no longer applicable, therefore this violation is considered abated.**

**16. OAC Rule 3745-279-22(C)(1)**

Containers, above ground tanks, and fill pipes used for underground storage tanks shall be clearly labeled with the words "used oil".

None of the containers or ASTs containing used oil were properly labeled.

To abate this violation Brondes must properly label all containers that will contain used oil and provide me with photographs documenting that such actions have been taken.

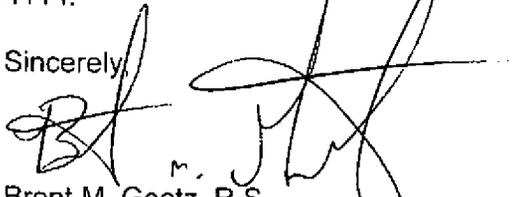
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**The June 14, 2013 email provided photographs documenting the labeling of the used oil ASTs and containers used to contain used oil, therefore this violation is considered abated.**

Brondes has abated many of the violations observed during the April 25, 2013, inspection through a change in generator status (SQG to CESQG). Be advised that as the generator Brondes is responsible for keeping track of waste generation each month as it relates to generator status. Should Brondes resume the generation of greater than 100kg of hazardous waste on any given month SQG regulations will be applicable.

Should you have any questions or if I can be of assistance, please contact me at (419) 373-4114.

Sincerely,



Brent M. Goetz, R.S.  
Division of Materials and Waste Management

/llr

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

ec: Colleen Weaver, 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.