



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

September 5, 2013

**TUSCARAWAS COUNTY
GENERAL FILE
(E.J.'S AUTO REFINISHING)
DMWM/SEDO
NON-NOTIFIER**

Mr. Ed Ditto
E.J.'s Auto Refinishing
3265 Yorkview Road SW
New Philadelphia, OH 44663

Dear Mr. Ditto:

On August 21, 2013 I investigated a complaint at your business, E.J.'s Auto Refinishing in New Philadelphia, Ohio. According to the complaint received by Ohio EPA, the complainant alleged that you were not properly managing paint waste and thinner, that you sweep body putty dust out the overhead door or rinse it down the floor drains with water, and that there was trash all over the property.

The purpose of my investigation was to determine your compliance with Ohio's hazardous waste laws as found in Chapter 3734 of the Ohio Revised Code (ORC) and Chapter 3745 of the Ohio Administrative Code (OAC). This letter will explain the validity of the complaint, the violation found, and what you need to do to correct the violation, other general concerns I have and what you need to do to respond to the general concerns.

To investigate the complaint, I spoke with you and looked at the painting operations in your garage and the conditions outside of the garage. My observations did not substantiate the allegations of body putty dust being swept out the door or rinsed down the floor drains. It appeared to me that body putty sanding dust was being swept up and put into the trash for disposal as a solid waste. Likewise, I did not observe trash on the ground at your business.

The complaint alleged that you do not properly manage your paint waste and thinner. I did identify the following violation of Ohio's hazardous waste laws for your paint waste and thinner. In order to correct this violation you must do the following and **send me the required information within 14 days of your receipt of this letter.**

- OAC Rule 3745-52-11, Hazardous Waste Determination:** Any person who generates a waste in the State of Ohio must evaluate the waste to determine if the waste is a hazardous waste in accordance with the criteria set forth in OAC 3745-51.

E.J.'s Auto Refinishing is generating spent lacquer thinner from the paint gun cleaning and waste automotive paint. When you clean your paint gun your practice

has been to spray lacquer thinner through the gun while aiming it into the exhaust fan. The exhaust fan does not have a filter on it, so the thinner is dispersed into the air. At the time of the inspection you were using Painters Choice Lacquer Thinner Fast. According to the Material Safety Data Sheet for this product, it has a flash point of 2 °F making it a D001 ignitable hazardous waste. This product also contains sufficient amounts of methanol, acetone, toluene, xylene, methyl isobutyl ketone, methyl ethyl ketone, and ethyl acetate to make it a F003/F005 listed hazardous waste.

E.J.'s Auto Refinishing uses Omni automotive paint products. You reported that you use disposable paint cup liners. You stated that when a painting job is complete, any mixed paint that remains in the paint cup liner is put in your trash. Your trash is collected by Kimble of Dover, Ohio. At the time of the inspection all containers and paint cup liners that I found in your trash can were empty.

You have failed to evaluate both the spent lacquer thinner and the waste paint you generate to determine if they are hazardous wastes.

In order to return to compliance with this rule, you must immediately evaluate both your waste lacquer thinner and your waste paint in accordance with the criteria set forth in OAC 3745-51. Enclosed is a fact sheet *Identifying Your Hazardous Wastes* to assist you in understanding the waste evaluation requirements. Demonstrate your compliance by providing a written response stating the outcome of your waste evaluation. Your response should also state how you intend to manage your waste lacquer thinner and waste paint based on your waste evaluation.

Comments

- A. During my visit to your business I provided you with a copy of Ohio EPA's *Environmental Compliance Guide for Auto Repair Shops*. I recommend that you review the information in this guide to assist you in increasing your awareness of the environmental regulations that apply to your business. In addition to the sections on hazardous waste generation, you should also note the information in the guide about open burning and scrap tires. As stated in the guide, under Ohio's air pollution control regulations, a business cannot burn trash or any other waste for the purpose of waste disposal. At time of my visit, I observed ashes in a fire circle where you said paper and cardboard had been burned. You must stop all burning of waste.
- B. You are using fluorescent bulbs for lighting in your building. As we discussed during the inspection, spent fluorescent bulbs often contain enough mercury, lead, and cadmium to make them a characteristic hazardous waste. Ohio EPA recommends that spent fluorescent bulbs be recycled. If you recycle your spent bulbs you do not need to manage them as a hazardous waste. However, if your business discards its spent fluorescent bulbs, you must determine if they exhibit any characteristics of a hazardous waste and manage them accordingly. I have enclosed a fact sheet on fluorescent bulbs and a list of bulb recyclers for your consideration.

- C. If you determine that any of the wastes you generate from your painting operations are a hazardous waste you will need to dispose of those wastes at a permitted hazardous waste facility. To assist you with making arrangements to properly dispose of your hazardous waste I have enclosed a list of Ohio commercial facilities that accept hazardous waste.

E.J.'s Auto Refinishing needs to immediately take the necessary measures to return to compliance with Ohio's environmental laws. Within 14 days of receipt of this letter, E.J.'s Auto Refinishing is requested to provide documentation to this office including the steps taken to abate the violations cited above. 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 elizabeth.herron@epa.ohio.gov.

Please be advised that violations cited above will continue until the violations have 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. If circumstances delay the abatement of violations, E.J.'s Auto Refinishing is requested to submit written correspondence of the steps that will be taken by date certain to attain compliance.

You can find Ohio's hazardous waste rules and other information on the division's web page at: <http://www.epa.ohio.gov/dhwm/>. If you have any questions, please contact me by telephone at (740) 380-5248 or by e-mail at elizabeth.herron@epa.ohio.gov.

Sincerely,



Elizabeth A. Herron
Environmental Specialist
Division of Materials and Waste Management

EH/mr

Enclosures

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.

Send to Central Office <input checked="" type="checkbox"/>	Ohio Environmental Protection Agency RCRA SUBTITLE C SITE IDENTIFICATION/VERIFICATION FORM	For Ohio EPA use only
---	---	-----------------------

Completed verification forms required to be submitted to CO should be e-mailed to RCRAInfoData@epa.ohio.gov

Site EPA ID No.	EPA ID Number: non-notifier	
Site Name	Name: E.J.'s Auto Refinishing	Website: (Optional)
Site Location Information	Street Address: 3265 Yorkview Road SW	
	City, Town, or Village: New Philadelphia	State: OH
	County Name: TUSCARAWAS	
Site Land Type (check only one)	Private <input checked="" type="checkbox"/> County <input type="checkbox"/> District <input type="checkbox"/> Federal <input type="checkbox"/> Indian <input type="checkbox"/> Municipal <input type="checkbox"/> State <input type="checkbox"/> Other <input type="checkbox"/>	Zip Code: 44663
NAICS code(s) www.census.gov/epcd/www/naics.html		

Facility Representative	First Name: Ed	MI:	Last Name: Ditto
Additional names can be recorded in number 12	Title: owner		
	Phone Number: 330 243 0447	Phone Number Extension:	
	E-Mail Address:		
Only provide address information if it is different than the site address	Fax Number:	Fax Number Extension:	
	Street or P.O. Box: 3265 Yorkview Road SW		
	City, Town or Village: New Philadelphia		Zip Code: 44663
	State: OH		

Legal Owner And Operator of the Site. List Additional Owners and/or Operators in the Comment Section or on another copy of this form page	Name of Site's Legal Owner: Ed Ditto		Date Became Owner (mm/dd/yyyy): 2003		
	Owner Type: <input checked="" type="checkbox"/> Private	<input type="checkbox"/> County	<input type="checkbox"/> District	<input type="checkbox"/> Federal	<input type="checkbox"/> Indian
	<input type="checkbox"/> Municipal	<input type="checkbox"/> State	<input type="checkbox"/> Other		
	Street or P.O. Box:				
	City, Town or Village:		Owner Phone #:		
	State:		Country:	Zip Code:	
	Name of Site's Operator:		Date Became Operator (mm/dd/yyyy):		
	Operator Type: <input type="checkbox"/> Private	<input type="checkbox"/> County	<input type="checkbox"/> District	<input type="checkbox"/> Federal	<input type="checkbox"/> Indian
	<input type="checkbox"/> Municipal	<input type="checkbox"/> State	<input type="checkbox"/> Other		
	Street or P.O. Box:				
	City, Town or Village:		Operator Phone #:		
	State:		Country:	Zip Code:	

VIOLATIONS CITED?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
--------------------------	---

TYPE OF HANDLER - MARK "X" AS APPROPRIATE

<input type="checkbox"/> Not a HW Generator	<input type="checkbox"/> UNKNOWN: Cited for violation of 3745-52-11 <input type="checkbox"/> Short-Term/Temporary Generator (generates from a short-term or one-time event and not from on-going processes). <i>Check the box for the applicable generator status and provide a comment.</i>	<input type="checkbox"/> Large Quantity Generator (LQG) <input type="checkbox"/> Small Quantity Generator (SQG) <input checked="" type="checkbox"/> Conditionally Exempt Small Quantity Generator <input type="checkbox"/> U.S. Importer of Hazardous Waste <input type="checkbox"/> Mixed Waste (Hazardous and Radioactive) Generator
---	---	--

TYPE OF REGULATED WASTE ACTIVITY (MARK "X" IN ALL OF THE APPROPRIATE BOXES)

- | | |
|---|--|
| <input type="checkbox"/> Hazardous Waste Transporter | <input type="checkbox"/> Exempt Boiler and/or Industrial Furnace |
| <input type="checkbox"/> Hazardous Waste Transfer Facility | <input type="checkbox"/> Small Quantity On-Site Burner Exemption |
| <input type="checkbox"/> Treater, Storer or Disposer of Hazardous Waste | <input type="checkbox"/> Smelting, Melting, Refining Furnace Exemption |
| <input type="checkbox"/> Recycler of Hazardous Waste | <input type="checkbox"/> Underground Injection Control Facility |
| <input type="checkbox"/> 72-Hour Recycler | <input type="checkbox"/> Receives Hazardous Waste from Off-site |

UNIVERSAL WASTE ACTIVITIES (INDICATE TYPES OF UNIVERSAL WASTE MANAGED

(CHECK ALL BOXES THAT APPLY)

- | | |
|---|---|
| <input type="checkbox"/> Small Quantity Handler of Universal Waste | <input type="checkbox"/> Destination Facility for Universal Waste |
| <input type="checkbox"/> Large Quantity Handler of Universal Waste
(accumulates 5,000 kg. or more) | |

CHECK ALL BOXES BELOW THAT APPLY FOR THE TYPES OF UNIVERSAL WASTE THE FACILITY MANAGES

- Batteries
- Pesticides
- Mercury containing equipment
- Lamps

USED OIL ACTIVITIES (INDICATE TYPE(S) OF ACTIVITY(S))

- Used Oil Generator
- Used Oil Transporter
- Used Oil Transfer Facility
- Used Oil Processor
- Used Oil Re-refiner
- Off-Specification Used Oil Burner
- Used Oil Fuel Marketer who directs shipment of Off-Spec Used Oil
- Used Oil Fuel Marketer who first claims the Used Oil meets the specifications

Eligible Academic Entities with Laboratories: Facility has previously notified that they are opting into managing laboratory hazardous waste pursuant to OAC rules 3745-52-200 through 3745-52-216. Check the box(es) below to indicate the laboratory type.

- College or University
- Teaching hospital that is owned by or has a formal written affiliation agreement with a college or university
- Non-profit Institute that is owned by or has a formal written affiliation agreement with a college or university

Waste Codes for Federally Regulated Hazardous Wastes. Please list the codes for the federally regulated hazardous waste handled at the site. List them in the order they are presented in the regulations (e.g., D001, D003, F007, U112). Use an additional page or list them in the comments if more space is needed. If the waste codes are the same as listed in the most recent RCRAInfo source record, you do not need to list them. Instead just indicate the date of the most recent source record.

COMMENTS: USE THIS AREA TO DESCRIBE WHETHER THE INSPECTION WAS ANNOUNCED, WHETHER THE WASTE IS STORED IN TANKS OR CONTAINERS, ETC.

Announced Yes No Additional Facility Representatives:
Tanks Yes No
Containers Yes No

Name of Inspector(s)
Elizabeth Herron

Name of Inspector(s)

Date of Inspection/Time
(mm/dd/yyyy) (hh:mm)
8/21/2013

Comments: