



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

September 12, 2013

RE: PAPP'S BODY SHOP  
NOTICE OF VIOLATION/NOV  
OHD047738711  
RCRA C - HAZARDOUS WASTE  
CUYAHOGA COUNTY

William Pappalardo  
Papp's Body Shop  
20980 St. Clair Ave.  
Euclid, OH 44117

Dear Mr. Pappalardo:

On August 16 and September 5, 2013, this writer, representing Ohio EPA, Division of Materials and Waste Management (DMWM), visited Papp's Body Shop located at 20980 St. Clair Avenue in Euclid, Ohio to conduct a compliance evaluation inspection. Dino Pappalardo and you were present for the inspection.

The purpose of the inspection was to determine your facility's 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). The inspection included a review of your facility's operations and a walkthrough of the property. Papp's Body Shop was inspected for the requirements of a conditionally exempt small quantity generator (CESQG) of hazardous waste.

Based on the inspection, Ohio EPA identified the following violations:

1. **ORC §3734.02(E)(F), Unlawful Storage of Hazardous Waste:** No person shall store, treat or dispose of hazardous waste identified or listed under this chapter and rules adopted under it or transport or cause to be transported any hazardous waste identified or listed under this chapter and rules adopted under ... except to a facility operating under a hazardous waste facility installation and operation permit.

Papp's Body Shop accepted and stored used lacquer thinner (spent solvent) that was generated by an off-site facility prior to placing into a solvent recycling (distillation) unit. The used lacquer thinner is characterized, at a minimum, as a D001/F005 hazardous waste. During the August 16, 2013 inspection, Ohio EPA observed approximately 21, 5-gallon containers of the used lacquer thinner inside a storage trailer located on the exterior, west side of the facility. In addition, Ohio EPA observed three, 5-gallon containers of the used lacquer thinner inside the facility. As a result of the aforementioned activities, Papp's Body Shop violated ORC §3734.02(E)&(F) through unlawfully storing hazardous waste that had been generated off-site without a hazardous waste facility installation and operation permit.

During the August 16, 2013 inspection, Ohio EPA observed four, 5-gallon containers of still bottoms. The still bottoms (sludge or "pucks") from the solvent recycling unit are, at a minimum, F005 listed hazardous waste since they have been recovered/derived from a F005 listed hazardous waste (used lacquer thinner).

Prior to the September 5, 2013 inspection, Papp's Body Shop consolidated the contents of the 5-gallon containers of used lacquer thinner into two, 55-gallon drums. Six, 5-gallon containers of used lacquer thinner were observed inside the facility and were to be consolidated into a third, 55-gallon drum. In addition, the still bottoms, from the solvent recycling unit, were placed into one, 30-gallon container. The consolidation was being conducted in preparation to ship the used lacquer thinner and still bottoms to an off-site permitted hazardous waste facility.

**To demonstrate efforts towards addressing this violation, Papp's Body Shop must cease accepting hazardous waste from off-site generator(s) and lawfully ship the used lacquer thinner and still bottoms to a permitted hazardous waste facility. Please submit a copy of the manifest for the lawful, off-site shipment of the used lacquer thinner and still bottoms, and identify the corrective actions that were implemented to address this violation.**

2. **ORC §3734.02(E)(F), Unlawful Disposal of Hazardous Waste:** No person shall store, treat or dispose of hazardous waste identified or listed under this chapter and rules adopted under it or transport or cause to be transported any hazardous waste identified or listed under this chapter and rules adopted under ... except to a facility operating under a hazardous waste facility installation and operation permit.

During the September 5, 2013 inspection, Ohio EPA observed hazardous waste still bottoms (sludge or "pucks") from the solvent recycling unit on the ground at the exterior, west side of the facility. In addition, paint sludge was observed in a nearby soil pile. The still bottoms, at a minimum, are F005 listed hazardous waste. Papp's Body Shop violated ORC §3734.02(E)&(F) through unlawfully disposing of the hazardous waste still bottoms onto the ground.

**To demonstrate efforts towards addressing this violation, Papp's Body Shop must immediately clean up and lawfully dispose of the hazardous waste still bottoms and paint sludge. Submit a description of the actions taken to clean up these wastes, as well as a copy of the manifest for the lawful, off-site shipment of these wastes.**

**In addition, Papp's Body Shop must demonstrate that hazardous waste has been delivered to an off-site permitted hazardous waste management facility. Please provide documentation concerning the historical off-site management of all hazardous waste (e.g., spent solvent, used lacquer thinner, waste paint and/or sludge from the recycling unit), including the name and address of the receiving facility(s), date(s) and amount(s).**

Due to the unlawful establishment and operation of a hazardous waste facility, you are subject to conducting closure at the facility, pursuant to OAC rules 3745-55-10 through 3745-55-20. Closure is the cleanup procedure for all areas where hazardous waste has been managed. Generally, closure activities entail the following: removal and management of all waste and residues, removing or decontaminating contaminated equipment and structures, remediating contaminated soils and groundwater if necessary, and managing all wastes generated from these activities in accordance with the hazardous waste laws.

Furthermore, the closure process requires the submittal and approval of a closure plan which ensures that the closure performance standards set forth in OAC rule 3745-55-11 are met. The closure performance standards require removal and remediation of any contamination in these areas to prevent it from posing a risk to human health and the environment. Currently, Ohio EPA is evaluating the aforementioned circumstances and will notify you concerning the submittal of a closure plan for the facility.

Since you have violated ORC § 3734.02(E)&(F), your facility is subject to all applicable general facility standards found in OAC Chapters 3745-54 and 3745-55. Additionally, at any time, Ohio EPA may assert its right to have you begin Facility-wide cleanup pursuant to the Corrective Action process under Ohio law.

3. **Waste Evaluation, OAC rule 3745-52-11:** Any person who generates a waste must evaluate that waste to determine if it is a hazardous waste in accordance with the criteria set forth in OAC Chapter 3745-51.

Papp's Body Shop must evaluate the following wastes:

- A. Spent spray booth filters from painting operations; and
- B. Used rags from painting operations.

**To address this violation, you must submit waste evaluation information, developed in accordance with OAC rule 3745-52-11, for each of the aforementioned wastes. In addition, please identify and submit documentation as how these wastes will be lawfully managed.**

4. **Universal Waste Management Standards for Small Quantity Handlers, OAC rule 3745-273-13(D)(1):** A small quantity handler of universal waste must contain any lamp in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

Papp's Body Shop failed to accumulate universal waste lamps in a closed container. During the September 5, 2013 inspection, the container of universal waste lamps was closed. **This violation has been adequately addressed. No further response is necessary.**

5. **Labeling/marking Standards for Small Quantity Handlers of Universal Waste, OAC rule 3745-273-14(E):** Universal waste lamps must be labeled/marked with one of the following phrases: "universal waste lamp(s)," or "waste lamp(s)" or "used lamp(s)."

Papp's Body Shop failed to label/mark universal waste lamps with the words required by this rule. During the September 5, 2013 inspection, the container of universal waste lamps was labeled as "used lamps." **This violation has been adequately addressed. No further response is necessary.**

Ohio EPA has the following comments:

1. Ohio EPA has created an electronic news service to provide facilities with quick and timely updates on news and events related to hazardous waste activities in Ohio. For more information, please refer to:  
<http://ohioepa.custhelp.com/ci/documents/detail/2/subscriptionpage>
2. Ohio EPA's Office of Compliance Assistance and Pollution Prevention (OCAPP) provides free compliance and pollution prevention assistance on environmental issues related to air, land and water. OCAPP may be contacted at (800) 329-7518 or via the internet at:  
<http://epa.ohio.gov/ocapp/contact.aspx>
3. During the inspection, you were provided with the following compliance assistance information: Environmental Compliance Guide for Auto Repair Shops, Guidance for Owners/Operators of Automotive Collision Repair Shops, Identifying Hazardous Waste, Universal Waste Rules for Handlers of Lamps, a list of universal waste recyclers in Ohio and an OCAPP brochure.

**You must immediately take the necessary measures to return to compliance with Ohio's environmental laws. Within 14 days of receipt of this letter, you are 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 [frank.zingales@epa.ohio.gov](mailto:frank.zingales@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 (or 3714 for C&DD) 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, you are requested to submit written correspondence of the steps that will be taken by date certain to attain compliance.

Should you have any questions, please contact me at (330) 963-1108.

Sincerely,



Frank A. Zingales  
Environmental Specialist  
Division of Materials and Waste Management

FAZ:ddw

Enclosure

ec: Natalie Oryshkewych, DMWM, NEDO  
Frank Popotnik, DMWM, NEDO  
Jeff Mayhugh, DMWM, CO  
cc: Marlene Kinney, DMWM, NEDO

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

Completed verification forms required to be submitted to CO should be e-mailed to [RCRAInfoData@epa.state.oh.us](mailto:RCRAInfoData@epa.state.oh.us).

<b>Site EPA ID No.</b>	EPA ID Number: <b>OHD047738711</b>							
<b>Site Name</b>	Name: <b>Papp's Body Shop</b>					Website: (Optional)		
<b>Site Location Information</b>	Street Address: <b>20980 St. Clair Ave.</b>							
	City, Town, or Village: <b>Euclid</b>					State: <b>OH</b>		
<b>Site Land Type</b> (check only one)	County Name: <b>Cuyahoga</b>		Zip Code:					
<b>NAICS code(s)</b> <a href="http://www.census.gov/epcd/www/naics.html">www.census.gov/epcd/www/naics.html</a>	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"/>
	<b>811121</b>							

<b>Facility Representative</b>	First Name: <b>William</b>		MI:	Last Name: <b>Pappalardo</b>				
Additional names can be recorded in number 12	Title:							
Only provide address information if it is different than the site address	Phone Number: <b>216-481-4333</b>					Phone Number Extension:		
	E-Mail Address: <b>pappsbodyshop@yahoo.com</b>							
	Fax Number: <b>216-481-1103</b>					Fax Number Extension:		
	Street or P.O. Box:							
	City, Town or Village:							
	State:				Zip Code:			

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

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

<b>TYPE OF HANDLER - MARK "X" AS APPROPRIATE</b>		
<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 checked="" 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<br>(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.

**D001 F005**

**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: **Dino Pappalardo**  
 Tanks  Yes  No  
 Containers  Yes  No

Name of Inspector(s)  
**Frank Zingales**

Name of Inspector(s)

Date of Inspection/Time  
 (mm/dd/yyyy) (hh:mm)  
**08/16/2013 1100**

**Comments:**

**CONDITIONALLY EXEMPT SMALL QUANTITY GENERATOR REQUIREMENTS  
COMPLETE AND ATTACH A PROCESS, WASTE, P2 SUMMARY SHEET**

CESQG: ≤100Kg. (Approximately 25-30 gallons) of waste in a calendar month or < 1 Kg. of acutely hazardous waste.  
 SQG: Between 100 and 1,000 Kg. (About 25 to under 300 gallons) of waste in a calendar month.  
 LQG: ≥ 1,000 Kg. (~300 gallons) of waste in a calendar month or ≥1 Kg. of acutely hazardous waste in a calendar month.  
 NOTE: To convert from gallons to pounds: *Amount in gallons x Specific Gravity x 8.345 = Amounts in pounds.*

Safety Equipment Used:

**WASTE EVALUATION**

1.	Have all wastes generated at the facility been adequately evaluated? [3745-52-11]	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
----	--	--

**GENERATOR CLASSIFICATION**

2.	Does the generator produce <100 kg. of hazardous waste per month? [conditionally exempt small quantity generator ("CESQG")]	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
----	--	--

NOTE: If quantities of hazardous waste accumulated on-site at any one time exceed 1,000 Kg. - or the generator produces between 100 and 1,000 Kg. of hazardous waste per month, it is operating as a Small Quantity Generator ("SQG"). If so, complete the Small Quantity Generator Requirements checklist.

**OFF-SITE SHIPMENT OF HAZARDOUS WASTE**

3.	Does the CESQG ensure delivery of hazardous waste(s) to an off-site permitted TSD? [3734.02(F)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
	Unlawful storage & disposal of hazardous waste in violation of ORC 3734.02(E)&(F).	

**TREATMENT OF HAZARDOUS WASTE**

4.	Does the generator treat hazardous waste in a:	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
a.	Container that meets 3745-66-70 to 3745-66-77?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
b.	Tank that meets 3745-66-90 to 3745-66-101 except 3745-66-97(C)?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
c.	Drip pads that meet 3745-69-40 to 3745-69-45?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
d.	Containment building that meets 3745-256-100 to 3745-256-102?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>

NOTE: Complete appropriate checklist for each unit.

NOTE: If the CESQG conducts treatment they are subject to the LQG requirements.

NOTE: If waste is treated to meet LDRs, use LDR checklist.

**MIX HAZARDOUS WASTE WITH USED OIL**

5.	Does the CESQG mix its hazardous waste with used oil for the purpose of burning for energy recovery? [3745-51-05(J)] If so:	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
a.	Does the CESQG manage the mixture in accordance with 3745-279-21?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>