



**Environmental
Protection Agency**

Ted Strickland, Governor
Lee Fisher, Lt. Governor
Chris Korteski, Director

RTCD 1 violation

June 17, 2010

Mr. Charles Thoerner
Montgomery Flooring Inc.
11591 Grooms Rd.
Cincinnati, Ohio 45242

Re: Return to Compliance, Montgomery Flooring Inc. Hamilton County

Dear Mr. Thoerner,

Ohio EPA is in receipt of Montgomery Flooring Inc.'s April 26, 2010 letter responding to Ohio EPA's April 12, 2010 Notice of Violation (NOV) letter. Your response provides a MSDS for wood stain and an explanation of how Montgomery Flooring Inc. proposes to treat and dispose of ignitable hazardous waste solvent rags.

On June 14, 2010 we had a phone conversation to discuss the NOV. During our phone conversation you stated that 95% of Montgomery Flooring Inc.'s work is conducted at residential sites. Ohio Administrative Code (OAC) 3745-51-04 (B)(1) states that any waste generated at residential sites, such as ignitable waste solvent rags, are excluded from regulation as a hazardous waste because these are considered to be household hazardous waste. Therefore, the waste solvent rags generated by Montgomery Flooring Inc. at residential sites and referred to in the April 12, 2010 NOV are not regulated as hazardous waste. However, since the waste solvent rags may present a fire hazard, we recommend taking appropriate measures to prevent a fire such as keeping these in fire safe containers, etc.

Our review of this matter reveals that the violation cited in Ohio EPA's April 12, 2010 NOV is abated.

The exclusion from being regulated as a hazardous waste is not allowed for waste generated at sites which are not residential. Attached is Ohio EPA's recommended approach for properly managing hazardous waste solvent rags generated at sites which are not residential. The approach Montgomery Flooring Inc. proposes in its April 26, 2010 letter for treating and disposing of hazardous waste solvent rags (putting in water and then placing in the trash) may be acceptable but would require compliance with additional hazardous waste regulations related to generator treatment, and would require approval by the local sanitary sewer authority in order to dispose of the waste water generated. This interpretation assumes the waste solvent rags are a hazardous waste due to ignitability.

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If you have further questions, please feel free to call me at (937)285-6082.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian Gitzinger", with a stylized flourish at the end.

Brian Gitzinger
District Representative
Division of Hazardous Waste Management

cc:

DHWM Data Entry/ Facility File

BG/mab

Ohio EPA's New Answer Place

by Pam Allen

In December 2005, Ohio EPA launched a frequently asked questions Web tool known as the Answer Place. The Answer Place provides quick, easy access to information and allows you to pose questions directly to Agency staff. The development of this site is one of the ways Ohio EPA is working toward achieving Director Koncelik's goal of improving the Agency's compliance assistance efforts.

You can access the Answer Place by clicking on the logo from Ohio EPA's main Web page. Once you arrive at the site, you will notice that there are many questions and answers already in the system, searchable by keyword. If you cannot find the information you are looking for in the existing data, you can use the "Ask a Question" feature to pose a question. When you submit your question, it is forwarded to the appropriate Ohio EPA staff for a response. Another feature of the Answer Place is the ability to create a personal login, which allows customers to track questions they've viewed or submitted and to get automatic e-mail updates if a particular question/issue of interest is updated.

Ohio EPA will keep updating the Answer Place with new information as we get frequent questions from our customers. If you have questions about environmental requirements, we encourage you to stop by the Answer Place.

Answer Place

Have questions?
Need help?
Click here to visit
the Answer Place.

Solvent Contaminated Rags and Wipers

by Harry Sarvis

Over the past several years, the Division of Hazardous Waste Management has had a written policy on the management of solvent-contaminated rags and wipers. In the policy, we indicated that rags or wipers that are contaminated with a solvent constituent that is a listed hazardous waste solvent (F001 through F005) must be regulated as a listed hazardous waste when disposed of regardless of how the solvent got on the rag or wiper.

As part of our periodic policy review as required by state law, we recently reviewed this policy and concluded that rags and wipers contaminated with a listed solvent constituent do not fall within the listing description for spent solvents. As a result, we have rescinded the policy. Solvent-contaminated rags and wipers which are contaminated with listed solvent constituents are not considered listed hazardous waste except in situations where the rag or wiper is used to clean up a spill of a used solvent that is a listed hazardous waste; those rags or wipers become a listed hazardous waste.

Even though the Division of Hazardous Waste Management no longer considers solvent-contaminated rags and wipers as being listed hazardous waste, if you generate solvent-contaminated rags or wipers, and do not have them laundered, you will still need to evaluate this waste stream to determine whether they would be a characteristic hazardous waste for purposes of storage, transportation, and disposal.

If you have the rags or wipers laundered, they would not be regulated. The rags or wipers cannot contain free liquids and they must be sent to a commercial laundry which is subject to regulation under the Clean Water Act or a dry cleaner for cleaning and reuse.

If you have any questions, please feel free to contact our staff in the regulatory services unit at (614) 644-2917.

