



**Environmental
Protection Agency**

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

March 28, 2011

**RE: AMISH LEGACIES, INC.
EPA ID NO.: OHR 000 020 412
WAYNE COUNTY
NOTICE OF VIOLATION (NOV)
CESQG**

Jerry Keim
Amish Legacies, Inc.
6701 South Kohler Road
Apple Creek, Ohio 44606

Dear Mr. Keim:

On March 10, 2011, I, as a representative of the Ohio EPA Division of Hazardous Waste Management, conducted an inspection of Amish Legacies, Inc. (Amish Legacies) located at 6701 South Kohler Road, Apple Creek, for compliance with Ohio's hazardous waste and used oil laws and regulations. You represented Amish Legacies during the inspection.

Amish Legacies moved into and began operating at this facility in about May 2010. This site was previously occupied by Coblenz Finishing Touch. Amish Legacies is partially owned by Gish Furniture which also occupies warehouse space in the same building that Amish Legacies is located in.

Amish Legacies is a manufacturer and finisher of wooden furniture. The facility applies stains and coatings to wooden furniture. Some furniture is painted with latex paint. Lacquer thinner is used as the equipment cleaning solvent.

The facility generates the following hazardous wastes:

- Spent lacquer thinner solvent from cleaning application equipment; and,
- Stains that are no longer useable and/or are no longer wanted.

The inspection included a review of the facility's operations, as well as waste management practices and documentation. Amish Legacies was inspected for the requirements of a conditionally exempt small quantity generator (CESQG) of hazardous waste because the facility apparently generates less than 220 pounds of hazardous waste in a calendar month.

As we discussed during the inspection, Amish Legacies is generating close to the 220 pounds of hazardous waste in a calendar month that divides a CESQG from a Small Quantity Generator (SQG). Should Amish Legacies ever generate more than 220 pounds of hazardous waste in a calendar month or accumulate more than 2,200 pounds of hazardous waste on site at any one time, it must comply with the SQG requirements. Guidance on this topic is attached for your reference along with a blank inspection checklist for SQGs.

Jerry Keim
Amish Legacies, Inc.
March 28, 2011
Page 2

This letter will explain the violations I found and steps you need to take to correct them. I found the following violation of Ohio's hazardous waste, used oil and universal waste laws and regulations:

1. **OAC Rule 3745-52-11 Waste Evaluation**

OAC Rule 3745-52-11 requires "Any person who generates a waste...[to] determine if that waste is a hazardous waste..."

Three 55-gallon drums were observed adjacent to the hazardous waste accumulation area which is located outdoors. You reported that these drums had been left by the previous business on this site and that you did not know the contents of the drums. As the drums now belong to Amish Legacies, Amish Legacies is now responsible for the management of these drums.

To return to compliance the facility must:

EITHER

-Obtain written documentation on company letterhead from a responsible official of the previous owner or operator stating what the materials are in each of these drums;

OR

-Obtain a representative sample of the drum contents.

-Have the sample evaluated using the TCLP test to determine if it exhibits any of TCLP characteristics. Submit the test results to this office within 30 days of receipt of this letter.

AND

-If the test results or the information provided by the previous owner indicate that any of the materials are hazardous wastes, develop a plan for management and disposal that is consistent with the hazardous waste rules.

-Submit the plan to this office within 30 days of receipt of this letter.

Please contact me if there are any questions in responding to this violation.

Submit the above requested response documentation to this office within 30 days of receipt of this letter. Response correspondence should be sent to:

Neil Wasilk
Northeast District Office
Ohio Environmental Protection Agency
2110 East Aurora Road
Twinsburg, OH 44087

Enclosed you will find a copy of the checklists completed during the inspection.

Jerry Keim
Amish Legacies, Inc.
March 28, 2011
Page 3

CONCERNS

Used rags are currently being stored in plastic bags outdoors near the hazardous waste accumulation area. The facility is encouraged to find a commercial laundry for these rags.

Storage of hazardous waste outdoors in a graveled area risks spills that could involve expensive cleanups. The facility is encouraged to find a storage site that poses less risk from weather and spills, while not posing a fire risk.

I contacted the Ohio EPA Division of Air Pollution Control to alert them to the operation of Amish Legacies so that they can determine whether an air permit is required for Amish Legacies.

Other Information

The division has created an electronic news service to provide you with updates related to hazardous waste activities in Ohio. You can find more information and sign up for this free service at the following Web link:

<http://ohioepa.custhelp.com/ci/documents/detail/2/subscriptionpage>.

You can find copies of the rules and other information on the division's web page at:
http://www.epa.ohio.gov/dhwm/laws_regs.aspx.

Should you have any questions regarding this letter, please contact me at (330) 963-1165.

Sincerely,



Neil J. Wasilk
Environmental Specialist
Division of Hazardous Waste Management

NJW:cl
Enclosure

ec: Natalie Oryshkewych, Ohio EPA, DHWM, NEDO
Nyall McKenna, Ohio EPA, DHWM, NEDO
Marlene Kinney, Ohio EPA, DHWM, NEDO
Harry Sarvis, Ohio EPA, DHWM, CO

NOTICE:

Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve your facility from its obligation 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 brad.hauser@epa.state.oh.us .			
Site EPA ID No. Site Name Site Location Information Site Land Type (check only one) NAICS code(s) www.census.gov/epcd/www/naics.html	EPA ID Number: OHR 000 020 412 Name: Amish Legacies, Inc. Website: (Optional) Street Address: 6701 South Kohler Road City, Town, or Village: Apple Creek State: OH County Name: WAYNE Zip Code: 44606 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"/>		
Facility Representative Additional names can be recorded in number 12 Only provide address information if it is different than the site address	First Name: Jerry MI: Last Name: Keim Title: Phone Number: 330-857-0270 Phone Number Extension: E-Mail Address: Fax Number: Fax Number Extension: Street or P.O. Box: City, Town or Village: State: Zip Code:		
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: Gish's Furniture 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:		
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). Check the box for the applicable generator status and provide a comment.	<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	
<input type="checkbox"/> Batteries	
<input type="checkbox"/> Pesticides	
<input type="checkbox"/> Mercury containing equipment	
<input type="checkbox"/> Lamps	
USED OIL ACTIVITIES (INDICATE TYPE(S) OF ACTIVITY(S)	
<input type="checkbox"/> Used Oil Generator	
<input type="checkbox"/> Used Oil Transporter	
<input type="checkbox"/> Used Oil Transfer Facility	
<input type="checkbox"/> Used Oil Processor	
<input type="checkbox"/> Used Oil Re-refiner	
<input type="checkbox"/> Off-Specification Used Oil Burner	
<input type="checkbox"/> Used Oil Fuel Marketer who directs shipment of Off-Spec Used Oil	
<input type="checkbox"/> 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.

<input type="checkbox"/> College or University
<input type="checkbox"/> Teaching hospital that is owned by or has a formal written affiliation agreement with a college or university
<input type="checkbox"/> 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	F003	F005	D035
COMMENTS: USE THIS AREA TO DESCRIBE WHETHER THE INSPECTION WAS ANNOUNCED, WHETHER THE WASTE IS STORED IN TANKS OR CONTAINERS, ETC.			
Announced	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Additional Facility Representatives:
Tanks	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
Containers	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
Name of Inspector(s) N. Wasilk	Name of Inspector(s)	Date of Inspection/Time (mm/dd/yyyy) (hh:mm) 03/10/2011 9:12 a.m.	
Comments: Initially visited this site on 3-3-11. Mr. Keim was not on-site, so I subsequently scheduled an announced visit. This site was previously occupied by Coblenz Finishing Touch.			

PROCESS DESCRIPTION

Facility:

EPA ID NO. OHR 000 020 412

Amish Legacies, Inc.

6701 South Kohler Road

Apple Creek, Ohio 44606

Amish Legacies started business in May 2010. This site was previously occupied by Coblenz Finishing Touch. Amish Legacies rents space from Gish Furniture. Amish Legacies is partially owned by Gish Furniture which also occupies warehouse space in the same building that Amish Legacies is located in.

Amish Legacies builds furniture for retailers. Amish Legacies activities include:

- Staining;
- Finishing with a catalyzed conversion varnish; and
- Painting of furniture.

Stain is spray applied in a spray booth.

Lacquer thinner is used to clean guns and parts. Lacquer thinner used is Grow Automotive H.E.T. 1501 Premium Wash Thinner which contains methyl acetate, methyl alcohol, toluene, ligroin, tetrahydrofuran and ethanol. Spent lacquer thinner solvent is accumulated in two 55 gallon drums. Non-useable stain also goes into a spent solvent drum.

Facility estimates that it takes about 3 months to get a drum full.

Five 55 gallon drums were on a graveled area in parking lot type area about 50 feet from the building:

- One 55 gallon drum open top had about 10 gallons of spent solvent.
- One 55 gallon drum full of spent solvent with open top led bolted down.
- Three 55 gallon drums of unknown contents. Drums closed and reportedly left by the previous business at this site.

One 55 gallon drum of spent solvent about 3/4 full was located next to the building.

Hazardous waste shipped to ESSROC Cement Corp. (IND 005 081 542). Had shipped one 55-gallon drum spent lacquer thinner (D001, D035, F003, F005) on manifest 006539979JJK since Amish Legacies started operating.

AMISH LEACIES

**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? Yes No N/A
[3745-52-11] *THREE DRUMS UNKNOWN CONTENTS FROM*

GENERATOR CLASSIFICATION *PREVIOUS BUSINESS*

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

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 No N/A

TREATMENT OF HAZARDOUS WASTE *NOT TREATING*

4. Does the generator treat hazardous waste in a:

a.	Container that meets 3745-66-70 to 3745-66-77?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" 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 checked="" 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 checked="" 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 *NO 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 No N/A

a. Does the CESQG manage the mixture in accordance with 3745-279-21? Yes No N/A