



**Environmental  
Protection Agency**

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

May 19, 2011

**RE: MMI SERVICES, INC.  
OHR 000 159 970  
4th NOTICE OF VIOLATION AND PTRC**

Michael D'Aquila  
MMI Services, Inc.  
4304 Maple St.  
Perry, OH 44081

Dear Mr. D'Aquila:

I sent you a letter dated February 16, 2011, which required a response from you. I have not received a response. At least some of the violations listed in that letter have been open violations since my June 2010 inspection of MMI Services located at 4304 Maple Street in Perry, Ohio. In addition, I have sent you numerous emails and phone messages, none of which have been returned.

This letter will outline the current status of the violations and concerns. A written response addressing each outstanding item is required within 15 days. If all of the issues cannot be dealt with in that amount of time, then send a letter describing what has been done.

Recently I called Nathan Turpin of Univar to ask him if he knew whether your drums of waste had been shipped. He said they had and got me in contact with T. R. Zahler of Clean Harbors. On May 17, 2011, Mr. Zahler emailed me a copy of a manifest showing the March 22, 2011 shipment of 13 drums (3600 pounds) of hazardous waste from MMI Services to Clean Harbors in El Dorado, Arizona.

The following will outline the current status of the violations and concerns:

1. Ohio Revised Code (ORC) 3734.02(F) – Causing hazardous waste to be transported to an unpermitted facility.

Your November 16, 2010 letter stated that you will now contain the spent xylene, and when needed, work with Univar to arrange proper disposal of this hazardous waste. On January 6, 2011, the container used to collect your hazardous waste xylene could not be found. Please respond with how this waste xylene will be accumulated and with an estimate of how much of this waste is now being accumulated at MMI Services.

2. OAC rule 3745-52-11 – Hazardous waste determination.
  - We also saw a container labeled “white lacquer primer” which we then labeled as # 14. This was a full 5-gallon container. Please respond as to whether this contains waste and, if so, what you plan to do with it.

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- MMI Services also violated this rule by disposing of waste lamps (including fluorescent lamps) with regular trash without determining whether they are a hazardous waste. Please send me a description of how you will now properly manage waste lamps.
- MMI Services also violated this rule by not determining whether its contaminated soil is a hazardous waste. We saw contaminated soil along the south side of your building. The sample results submitted indicate that this contaminated soil will not be a hazardous waste when removed. All contamination resulting from hazardous waste accumulation and used oil accumulation must be removed. In addition to this, we suggest that all visually contaminated soil be removed. Please inform me as to when this soil will be removed so that I have the opportunity to be present during the removal.

3. OAC rule 3745-270-03(A) – Dilution prohibited as a substitute for treatment.

This rule states that no one is allowed to dilute a land disposal restricted waste as a substitute for adequate treatment to achieve compliance with land disposal restriction treatment standards.

As long as you can show that any waste xylene generated is being stored separate from any other waste (see violation number 1 above), then MMI Services has corrected this violation.

4. Ohio Revised Code (ORC) 3734.02(E) and (F) – Treatment of hazardous waste without a permit.

ORC 3734.02 (E) and (F) state that no person shall establish or operate a hazardous waste facility without a permit and that no person shall store, treat, or dispose of hazardous waste except at a facility with a hazardous waste permit.

Any waste xylene generated should be stored separate from any other waste (see violation number 1 above).

5. Ohio Revised Code (ORC) 3734.02(E) and (F) – Accumulation beyond 180 days.

ORC 3734.02 (E) and (F) state that no person shall establish or operate a hazardous waste facility without a permit and that no person shall store, treat, or dispose of hazardous waste except at a facility with a hazardous waste permit.

I have received a copy of a manifest showing the March 22, 2011 shipment of 13 drums (3600 pounds) of hazardous waste from MMI Services to Clean Harbors in El Dorado, Arizona. I assume this shipment included all hazardous waste that was at MMI Services at that time except for any waste being accumulated in satellite accumulation areas.

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6. OAC rule 3745-52-34(D)(4) – Hazardous waste labels.

You corrected this violation by shipping the waste. If MMI Services generates less than 220 pounds of hazardous waste in a calendar month (called a Conditionally Exempt Small Quantity Generator), then you are not subject to this rule. However, I suggest you label any hazardous waste containers with the words hazardous waste because it will help to avoid the violations I saw during my June 2010 inspection.

7. OAC rule 3745-52-34(D)(4) – Accumulation start dates.

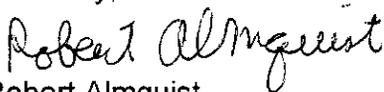
You corrected this violation by shipping the waste. If MMI Services generates less than 220 pounds of hazardous waste in a calendar month (called a Conditionally Exempt Small Quantity Generator), then you are not subject to this rule. However, I suggest you label any full hazardous waste containers with the accumulation start date because it will help to avoid the violations I saw during my June 2010 inspection. If the container is a 55-gallon drum or smaller container that qualifies as a satellite container, then this date is the date the drum is full.

8. OAC rule 3745-66-74 – Inspections of container storage areas.

You corrected this violation by shipping the waste. If MMI Services generates less than 220 pounds of hazardous waste in a calendar month (called a Conditionally Exempt Small Quantity Generator), then you are not subject to this rule.

I look forward to reading your response to this letter. If you have any questions, please contact me at (330) 963-1217, or [robert.almquist@epa.state.oh.us](mailto:robert.almquist@epa.state.oh.us).

Sincerely,



Robert Almquist  
Division of Materials and Waste Management

RA:cl

ec: Frank Popotnik, DMWM, NEDO  
Natalie Oryshkewych, DMWM, NEDO  
Jeff Mayhugh, DMWM, CO  
Nathan Turpin, Univar USA, Inc.

cc: Marlene Kinney, DMWM, NEDO  
Theresa Householder, MMI Services

*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.*