

**Environmental
Protection Agency**

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

February 16, 2011

**RE: MMI SERVICES, INC.
OHR 000 159 970
3rd NOTICE OF VIOLATION**

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

Dear Mr. D'Aquila:

Thank you for your letter of November 16, 2010. This was in response to my July 19, 2010 letter which dealt with a June 2010 Ohio EPA Division of Hazardous Waste Management inspection of MMI Services located at 4304 Maple Street in Perry, Ohio. Frank Popotnik and I conducted a follow-up inspection on January 6, 2011. This letter will list the status of the violations that have been cited and cite new violations. The main issue you need to deal with now is the proper shipment of your drums of waste. Please notify me when this shipment has been scheduled and send me a copy of the land disposal restriction notification form before the waste is shipped.

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 has been generated during the last five months.

2. OAC rule 3745-52-11 – Hazardous waste determination.
 - MMI Services violated this rule by not determining whether its containers of waste are hazardous waste. You have corrected this violation.
 - 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.
 - 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. I have not received any response to

Michael D'Aquila
MMI Services, Inc.
February 16, 2011
Page 2

this yet. 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 document that any waste xylene generated is being saved separately (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.

MMI Services violated ORC) 3734.02(E) and (F) by treating its hazardous waste xylene without a permit. It is true that a CESQG is allowed to treat its hazardous waste without a permit but only if they follow OAC 3745-52-34. You did not follow that rule because of the dilution violation mentioned above.

MMI Services appears to normally generate less than 220 pounds of hazardous waste in a calendar month and, as such, is a Conditionally Exempt Small Quantity Generator (CESQG). As discussed in my last letter, when you mixed your hazardous waste xylene with floor sweepings (or anything else) you treated the hazardous waste. The only way a CESQG is allowed to do such treatment is if they follow the rules listed in OAC 3745-52-34 which subjects you to many

hazardous waste rules. Because of this and because you have not yet properly shipped the drums of waste, you are in violation of the following:

1. 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.

MMI Services violated ORC 3734.02(E) and (F) by storing its hazardous waste beyond 180 days. This waste has been in accumulation since at least June 16, 2010. Therefore, this facility has been an illegal storage facility since at least December 16, 2010. You must now provide for the proper shipment of its hazardous waste.

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

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

This rule requires that each container of hazardous waste be labeled with the words "Hazardous Waste".

MMI Services violated this rule on January 6, 2011, by having drums of hazardous waste stored outside that were not labeled as hazardous waste. Please label these drums as hazardous waste and send me a photo documenting this.

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

This rule requires that each container of hazardous waste be labeled with the accumulation start date. If the container is a 55-gallon drum that qualifies as a satellite container, then this date is the date the drum is full.

MMI Services violated this rule on January 6, 2011, by having drums of hazardous waste stored outside that were not labeled with the accumulation start date.

Michael D'Aquila
MMI Services, Inc.
February 16, 2011
Page 4

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

This rule requires that the owner or operator must inspect areas where containers of hazardous waste are stored, at least weekly, looking for leaks and for deterioration caused by corrosion or other factors. The owner or operator must also record inspections in an inspection log or summary. An example log is enclosed and can be found at:

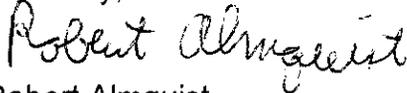
[SQG Container Inspection Log - OAC Rule 3745-66-74](http://epa.ohio.gov/portals/32/pdf/ssglog.PDF)
<http://epa.ohio.gov/portals/32/pdf/ssglog.PDF>

MMI Services violated this rule because the snow seen at the base of these drums on January 6, 2011, would prevent MMI Services from seeing any leaks or deterioration of the containers. It is suggested that these drums be moved inside if they cannot be shipped immediately.

You can find copies of the regulations and other information on the Division of Hazardous Waste Management web page at <http://epa.ohio.gov/dhwm>.

If you have any questions, please contact me at (330) 963-1217, or robert.almquist@epa.state.oh.us.

Sincerely,



Robert Almquist
Division of Hazardous Waste Management

RA:cl
Enclosure

ec: Frank Popotnik, DHWM, NEDO
Natalie Oryshkewych, DHWM, NEDO
Ron Shadrach, DHWM, NEDO
John Palmer, DHWM, NEDO
Harry Sarvis, DHWM, CO
Nathan Turpin, Univar USA Inc.

cc: Marlene Kinney, DHWM, NEDO

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.