

**Environmental  
Protection Agency**

Gov. John Kasich, Governor  
Gov. Pauline D'Amico, Lt. Governor  
Dan Meyer, Director

July 19, 2010

**RE: MMI SERVICES, INC.  
COMPLAINT # 7340  
NOTICE OF VIOLATION**

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

Dear Mr. D'Aquila:

On June 22 and 23, 2010, Ron Shadrach and I of the Ohio EPA Division of Hazardous Waste Management conducted an inspection of MMI Services located at 4304 Maple Street in Perry, Ohio. The purpose of this was to investigate a complaint and to determine if MMI Services was in compliance with Ohio's hazardous waste and used oil laws as found in Chapter 3734 of the Ohio Revised Code (ORC) and Chapter 3745 of the Ohio Administrative Code (OAC). Please see the enclosed Process and Waste Summary chart for my understanding of this facility's operations.

The complaint alleged that drums of waste paint and solvents have been stored on the south side of the building for a long time. We met with you on June 16, 2010, to investigate this complaint. You denied us access to do the inspection. On June 17, 2010, photographs were taken from the railroad tracks to the south of the building that showed about 33 drums stored along the south side of the building. We conducted the inspection on June 22 and 23, 2010. At that time about 13 drums remained in this area. We were told the rest had been empty and now have either been put into use to ship metal parts or have been shipped to a scrap metal recycler. The 13 drums contain waste and you are now in the process of characterizing them in preparation for shipment. Based on the inspection, it appears at least some of these drums contain hazardous waste.

The complaint also alleged that some drums had been buried on the west side of the building. You said that no drums have been buried. There is an area of fill to the west of the building that is used for storage but no indication of something being buried there was seen. You said that Perry Township had filled that area.

MMI Services uses xylene to clean its painting equipment. When no longer usable, this waste xylene is a hazardous waste with the waste code of F003 as per OAC 3745-51-31. It appears that MMI Services normally generates less than 220 pounds of this waste in a calendar month. As such, you are classified as a Conditionally Exempt Small Quantity Generator (CESQG) at least during most months. If other wastes are mixed with this hazardous waste, then the whole mixture can become subject to regulation as a hazardous waste and this may change your CESQG classification. Your classification would also change if you have more than 2,200 pounds of hazardous waste at your site.

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The hazardous waste rules that your company is subject to depends on which classification it is in during that month.

This letter will document any violations and concerns found and outline what you need to do to correct them. A written response to these issues is required within 30 days.

OAC 3745-51-05 states that in order for hazardous waste generated by a CESQG to be excluded from full regulation, the generator must comply with certain requirements including ensuring the delivery of the hazardous waste to a permitted storage, treatment, or disposal facility. You have not ensured this because your hazardous waste has gone to Autozone and to Perry Township waste collection days. Because of this you have violated the following:

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

ORC 3734.02(F) states that no person shall cause hazardous waste to be transported except to (in general) a facility operating under a hazardous waste permit.

MMI Services violated ORC 3734.02(F) by causing the transportation of hazardous waste to Autozone and to Perry Township waste collection days. Your hazardous waste xylene must now be kept in a closed and labeled container. I suggest that at least the container that is currently being filled be stored inside your building. When an appropriate amount of this hazardous waste has been accumulated (remember the 2,200 pound limit), it must be shipped to a permitted hazardous waste treatment, storage, or disposal facility. Some of these companies are included on the following list which was given to you: Waste Disposal and Recycling Companies in Northeast Ohio, 2009.

Please send me a photograph of the container you are now using to collect your hazardous waste. Please also send me a statement that this waste will be shipped to a permitted hazardous waste treatment, storage, or disposal facility.

2. OAC rule 3745-52-11 – Hazardous waste determination.  
This rule requires that any person who generates a waste must determine if that waste is a hazardous waste. The following documents were given to you during the inspection:

Identifying Your Hazardous Waste, 2006

<http://www.epa.ohio.gov/portals/41/sb/publications/identifyingwaste.pdf>

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OAC 3745-51-21 to 24 characteristic hazardous waste  
OAC 3745-51-31 listed hazardous waste  
[http://www.epa.ohio.gov/dhwm/laws\\_regs.aspx](http://www.epa.ohio.gov/dhwm/laws_regs.aspx)

The following additional document is enclosed:

[Use of Generator Knowledge in Complying with OAC 3745-52-11, 2005](http://epa.ohio.gov/portals/32/pdf/GeneratorKnowledge6.pdf)  
<http://epa.ohio.gov/portals/32/pdf/GeneratorKnowledge6.pdf>

MMI Services violated this rule by not determining whether its containers of waste are hazardous waste. MMI Services must now write down whether each container of waste is a hazardous waste. This must include, at a minimum, the containers on the enclosed list. Please also include what information was used to make these determinations and a copy of any analytical data used to make the determinations.

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. Fluorescent and some other types of lamps contain mercury and may contain other hazardous metals. When burned out they may be a hazardous waste. As an alternative to determining whether your particular waste lamps are hazardous waste, you may wish to manage them as universal waste. In general, this would involve saving the waste lamps in a properly labeled and closed container (such as a cardboard box) and having them picked up by a lamp recycler.

The following document was given to you during the inspection:

[Ohio's Universal Waste Rules: Are You Handling Used Lamps Correctly?, 2008](http://www.epa.ohio.gov/portals/41/sb/publications/Lampcompliancechecklist.pdf)  
<http://www.epa.ohio.gov/portals/41/sb/publications/Lampcompliancechecklist.pdf>

Also local lamp recycling companies are listed in the following document which was given to you during the inspection:

[Waste Disposal and Recycling Companies in Northeast Ohio, 2009](#)

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. You will need to remove and properly dispose, at a minimum, all visually contaminated soil. I do not think you can properly make the determination that this contaminated soil is a nonhazardous waste without

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analyzing it. The analysis should include volatile organic constituents (VOCs) by Method 8260B and RCRA metals by total and/or TCLP analysis. Please inform me before soil samples are taken and before contaminated soil is removed.

The following additional documents were given to you during the inspection:

Onsite Pollution Prevention Assistance

<http://epa.ohio.gov/portals/41/p2/P2OnsiteBrochure.pdf>

E4S Sustainable Business to Business Directory

[http://www.e4s.org/content/resource\\_energy\\_efficiency.asp](http://www.e4s.org/content/resource_energy_efficiency.asp)

Midwest Combined Heat and Power Application Center

<http://www.chpcentermw.org/home.html>

Hazardous Waste Generator Categories and Episodic Generation 2007

[http://epa.ohio.gov/portals/32/pdf/Episodic\\_Generation.pdf](http://epa.ohio.gov/portals/32/pdf/Episodic_Generation.pdf)

Overview for Ohio Businesses Who Generate Used Oil, 2006

<http://www.epa.ohio.gov/LinkClick.aspx?fileticket=XEg%2fu%2bpZGaM%3d&tabid=392>

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Registered Used Oil Transporters in Northeast Ohio, 2008

Pollution Prevention Opportunities, 2003

<http://epa.ohio.gov/portals/32/pdf/P2OppsGeneral.pdf>

Pollution Prevention (P2) Opportunities: Easy to Implement P2, 2009

<http://epaintra.epa.state.oh.us/dhwm/p2/EasytoImplementP28242006.pdf>

Sustainable/Green Business Toolkit

<http://epa.ohio.gov/LinkClick.aspx?fileticket=6PhtW3qaSyk%3d&tabid=2668>

Other information and suggestions:

- Ohio EPA's Office of Compliance Assistance and Pollution Prevention (OCAPP) provides compliance and pollution prevention assistance on environmental issues (including sources of funding) related to air, land, and water. They can be contacted at (800) 329-7518, or <http://www.epa.ohio.gov/Default.aspx?alias=www.epa.ohio.gov/ocapp>.
- Entrepreneurs for Sustainability is a group that seeks to "build a sustainable regional economy in Northeast Ohio that will create prosperity and total community health." They offer workshops, conferences, a business to business directory and more. Their website is <http://www.e4s.org/content/index.asp>.
- ENERGY STAR is a government-backed program helping businesses and individuals protect the environment through superior energy efficiency. Their website is <http://www.energystar.gov/>.

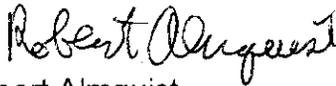
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- The Clean Air Resource Center offers help in understanding EPA air quality requirements. In addition, if your business is required to purchase new equipment, they can offer better-cost financing with special tax incentives. Their phone number is (800) 225-5051 and website is <http://www.ohioairquality.org/>.
- Ohio Bureau of Workers' Compensation has an OSHA On-Site Consultation service which includes free on-site safety inspections and consultation, safety program assistance, and safety and hygiene training or seminars. More information can be found at: <http://www.ohiobwc.com/employer/programs/safety/SandHOSHAOnSite.asp>.

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](mailto:robert.almquist@epa.state.oh.us).

Sincerely,



Robert Almquist  
Division of Hazardous Waste Management

RA:cl  
Enclosures

ec: Frank Popotnik, DHWM, NEDO  
Natalie Oryshkewych, DHWM, NEDO  
Ron Shadrach, DHWM, NEDO  
Harry Sarvis, DHWM, CO

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.

Send to Central Office

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 [kristina.durnell@epa.state.oh.us](mailto:kristina.durnell@epa.state.oh.us).

<b>Site EPA ID No.</b> <b>Site Name</b>	EPA ID Number:		Website: (Optional)					
	Name: <b>MMI Services</b>							
<b>Site Location Information</b>	Street Address: <b>4304 Maple St.</b>		State: <b>OH</b>					
	City, Town, or Village: <b>Perry</b>		Zip Code:					
<b>Site Land Type</b> (check only one) <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"/>
	County Name: <b>Lake</b>							

<b>Facility Representative</b>  Additional names can be recorded in number 12  Only provide address information if it is different than the site address	First Name: <b>Michael</b>		MI:	Last Name: <b>D'Aquila</b>	
	Title: <b>owner</b>				
	Phone Number: <b>440-259-4985</b>		Phone Number Extension:		
	E-Mail Address: <b>mminc@windstream.net</b>				
	Fax Number: <b>440-259-2393</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: <b>Tri Pointe Properties</b>		Date Became Owner (mm/dd/yyyy):						
	Owner Type:	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"/>
	Street or P.O. Box: <b>3235 Elizabeth Dr., Unit 34</b>								
	City, Town or Village: <b>Perry</b>		Owner Phone #: <b>440-259-2939</b>						
	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
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<b>TYPE OF HANDLER - MARK "X" AS APPROPRIATE</b>		
<input type="checkbox"/> Not a HW Generator	<input checked="" type="checkbox"/> UNKNOWN: Cited for violation of 3745-52-11	<input type="checkbox"/> Large Quantity Generator (LQG)
	<input type="checkbox"/> Short-Term 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"/> Small Quantity Generator (SQG)
		<input 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"/> 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. Oil  
 Used Oil Fuel Marketer to Off-Specification Used Oil Burner

**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.

**F003**

**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:	<b>Nick D'Aquila, Ed Irvin</b>
Tanks	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No		
Containers	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No		

Name of Inspector(s)  
**Robert Almquist**

Name of Inspector(s)  
**Ron Shadrach**

Date of Inspection/Time  
(mm/dd/yyyy) (hh:mm)  
**06-22-2010**

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"/>
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**GENERATOR CLASSIFICATION**

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

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 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 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 type="checkbox"/>

Process and Waste Summary for:

MMI Services, 6-22-10 inspection

#	Process generating the waste	Waste details	On-site management	Off-site management
1	Cleaning of painting equipment using xylene	Waste xylene, F003	Stored in containers	Taken to Autozone or Perry Township collection days
2	Floor sweepings	Weld rod slag, paint overspray, Shavings, cuttings.	Stored in empty paint drums	Shipped as regular trash (solid waste)
3		Scrap metal	Outside rolloff box	Shipped for metal recycling
4	Changing truck oil	Used oil	Stored in a drum	
5		Truck batteries		Traded in when buy new batteries
6	Lighting	Waste fluorescent lamps		Shipped out as regular trash (solid waste)