



State of Ohio Environmental Protection Agency

Northwest District Office

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Bowling Green, OH 43402-9398

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Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

Re: Jeffery Allen Industries
Crawford County
Hazardous Waste
Inspection/Complaint #2598
Notice of Violation / PRTC

OH 000 139 519

November 8, 2007

Mr. Jeffery Benton, Owner
Jeffery Allen Industries
340 Dawsett Avenue
Galion, Ohio 44833

Dear Mr. Benton:

On January 31, 2007, Christopher Maslo, Kara Reynolds and I visited Jeffery Allen Industries during the Ohio Environmental Protection Agency's (Ohio EPA's) hazardous waste complaint investigation of Jeffery Allen Industries (JAI) located in Galion, Ohio, at the address stated above. This site visit was also a follow-up to a previous complaint investigation (#2543) conducted by Ohio EPA on May 10, 2006. During the visit we spoke with Mr. Manco who called you on the phone and asked for permission for us to conduct our investigation. Mr. Manco stated he was planning to purchase the business from you.

JAI manufactures standard and custom cabinetry. JAI utilizes lacquer and varnish finishes. JAI operates two paint booths where finishes to the cabinets are applied. JAI generates spent solvent/paint related hazardous waste (D001), and the following non-hazardous waste streams: booth filters, solvent contaminated rags, and spent light bulbs. At the time of this visit, it appeared that JAI was still operating as a conditionally exempt small quantity generator of hazardous waste.

During our investigation on January 31, 2007, we observed a 55-gallon drum being used to collect the spent paint related hazardous waste (D001). At the time of this inspection the drum was less than 1/3 full. Mr. Manco stated that since our visit in May 2006, you have not generated enough spent solvent to require its disposal. Mr. Manco added that solvent rags are being managed also as hazardous waste (D001); however, spent paint filters used in the paint booth are currently being disposed of in your trash.

In reference to the Notice of Violation I sent you on June 30, 2006, you stated in your response letter dated July 26, 2006, that you were going to start collecting the spent solvent in a 55-gallon drum and manage it as hazardous waste (D001). During the inspection on May 10, 2006, I observed that spent solvent was being allowed to evaporate in open 5-gallon containers in the back of the paint booth. You stated that you have been doing this for approximately three years. In addition, you stated in the letter that you were going to treat the solvent contaminated rags and paint booth filters as hazardous waste. The status of your compliance with the violation cited as a result of my May 10, 2006, investigation is as follows:

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

Any person who generates a waste as defined in Rule 3745-51-02 of the administrative code, must determine if that waste is a hazardous waste.

- a. At the time of this investigation, JAI had not properly evaluated the paint booth filters to determine if the filters are considered a hazardous waste. In the response letter, you stated that you are planning to manage the paint filters from now on as hazardous waste (D001) and they will be properly disposed of by K&D of Ohio, Inc. ***This violation was abated on July 26, 2006.***
- b. JAI had not properly evaluated the solvent contaminated rags to determine if the rags are considered a hazardous waste. In the response letter, you stated that you are planning to manage the rags from now on as hazardous waste (D001) and they will be properly disposed of by K&D of Ohio, Inc. ***This violation was abated on July 26, 2006.***
- c. JAI had not properly evaluated their spent lacquer thinner used to clean the spray guns and paint waste. In the response letter, you stated that you are planning to manage the spent lacquer thinner from now on as hazardous waste (D001) and it will be properly contained and disposed of by K&D of Ohio, Inc. ***This violation was abated on July 26, 2006.***
- d. JAI had failed to have waste evaluation documentation for the fluorescent bulbs generated at the facility. In the response letter, you stated that you are planning to manage the spent bulbs as universal waste. ***This violation was abated on July 26, 2006.***

2. **Illegal Disposal and Treatment to the Air**

Ohio Revised Code (ORC) Section 3734.02 (E) & (F) states in part that no person shall store, treat, or dispose of hazardous waste identified or listed under this chapter and the rules adopted under it, regardless of whether generated on or off the premises where the waste is stored, treated, or disposed of, or transport or cause to be transported any hazardous waste identified or listed under this chapter and the rules adopted under it to any other premises, except at:

- (1) A hazardous waste facility operating under a permit issued in accordance with this chapter.

JAI treats and disposes of its hazardous spent solvent (D001) used in the cleaning of the paint gun(s) in its wood finishing booth by leaving containers open and allowing the spent solvent to evaporate to the air. This action is performed in violation of ORC Section 3734.02 (E) & (F). This spent solvent is considered hazardous waste and has been determined to be characteristically hazardous (D001). JAI has already ceased this activity and is now collecting the spent solvent in a closed 55-gallon drum.

Further review of the material safety data sheets for the lacquers, stains, and paints typically used at your facility indicates that as long as used filters are dry, they would not exhibit the ignitability characteristic (flashpoint less than 140° F). Although you stated in your response letter dated July 26, 2006, that you were going to dispose of the spent filters as hazardous waste (D001). At the time of this inspection, you were managing the filters as solid waste. Keep in mind that this reasoning may be applied to the management of your solvent/paint contaminated rags also.

During this investigation, I did find some validity to the claim made in the complaint.

Mr. Jeffery Benton
November 8, 2007
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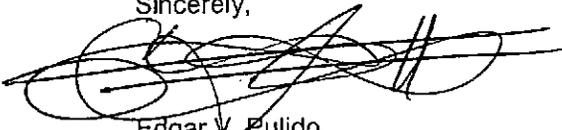
The Division of Hazardous Waste Management has created an electronic news service to provide you with quick and timely updates on events and news related to hazardous waste activities in Ohio. If you haven't already, we encourage you to sign up for this free service. You can find more information at www.epa.state.oh.us/dhwm/listserv.html. Please feel free to share this information with your colleagues.

You may be able to reduce the waste your company generates. If you find ways to recycle, reduce or altogether eliminate the amount of waste that your company generates, you may be able to reduce your treatment and disposal costs. This may include the substitution of your raw products in order to reduce or eliminate the generation of hazardous waste. Thus, you may possibly reduce your regulatory requirements. Ohio EPA has helpful information about pollution prevention at the following web address: www.epa.state.oh.us/pic/ocapp/ocapp.html.

Please contact me if you have any questions pertaining to this information. You can find copies of the rules and other information on the division's web page at www.epa.state.oh.us/dhwm.

Should you have any questions or if I can be of assistance, please contact me at (419)373-3015.

Sincerely,



Edgar V. Pulido
Division of Hazardous Waste Management

/cs

pc: Cindy Lohrbach, DHWM, NWDO
Colleen Weaver, DHWM, NWDO
← DHWM, NWDO File: Jeffery Allen Industries

ec: Ed Pulido, DHWM, NWDO

<p>NOTICE: Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve your company from having to comply with all applicable regulations.</p>
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