



State of Ohio Environmental Protection Agency

Southeast District Office

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Logan, Ohio 43138

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www.epa.state.oh.us

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

March 5, 2008

**ROSS COUNTY
GENERAL FILE
(M&M FABRICATION)
DHWM/SEDO
NON NOTIFIER**

Mr. Gary M. Timmons, Jr.
M&M Fabrication
18828 State Route 50 West
Chillicothe, Ohio 45601

Dear Mr. Timmons:

On February 21, 2008, Ohio EPA inspected M&M Fabrication's ("M&M") facility in Chillicothe, to determine M&M's compliance with Ohio's hazardous waste laws as found in Chapter 3734. of the Ohio Revised Code (ORC) and Chapter 3745. of the Ohio Administrative Code (OAC).

I found the following violations of Ohio's hazardous waste laws. In order to correct these violations, you must do the following and send me the required information **within thirty days** of the date of this letter:

- (1) **OAC Rule 3745-52-11, Waste Evaluation:** Any person who generates a waste in the state of Ohio must evaluate the waste to determine if it is a hazardous waste.

M&M failed to determine if spent mineral spirits and waste primer were a hazardous waste. Based on MSDS information provided, it has now been determined that spent mineral spirits is a D001 hazardous waste. Waste primer overspray, when dry, is a solid waste. This violation has now been abated.

- (2) **Ohio Revised Code (ORC 3734.02(E)(F)), Prohibitions.** No person shall store, treat, or dispose of hazardous waste, or transport or cause to be transported any hazardous waste except to or at a permitted hazardous waste facility.

In addition, M&M failed to ensure delivery of hazardous waste spent mineral spirits (D001) to a permitted treatment, storage or disposal facility. According to information provided by you during the inspection, you routinely take home limited quantities of hazardous waste D001 spent mineral spirits generated by your company each month and use it to burn brush. You must immediately cease this practice and instead, containerize all D001 hazardous waste spent mineral spirits on-site in a closed container and when full, send the waste offsite to a permitted hazardous

waste treatment, storage or disposal (TSD) facility. Should you have any spent mineral spirits stored in containers at your home, you must immediately return the stored waste to your shop and manage it in the above-described manner. In order to document a return to compliance, please submit to this office a photograph of containerized spent mineral spirits and a description of steps you have taken to contact a TSD for eventual removal. A list of TSDs and information on how to choose a TSD may be found at the following links:

<http://www.epa.state.oh.us/ocapp/sb/publications/selectingtstd.pdf>

<http://www.epa.state.oh.us/dhwm/pdf/accepting.pdf>

GENERAL COMMENTS

- (a) M&M has disposed of paint primer on the ground. Primer overspray lands on the ground during painting operations, which occur outdoors when metal objects are placed on a rack and painted with a paint gun. M&M Fabrication must immediately cease painting outdoors unless it can ensure that overspray is prevented from landing on the ground. M&M should either move painting operations inside the building or use a drop cloth or other means of capturing and properly disposing of overspray before it lands on the ground. In addition, M&M must excavate and dispose of all primer-contaminated soils. All soils visibly contaminated with primer must be excavated. Soils containing dried primer overspray should be disposed of as a solid waste in your trash dumpster. Please provide photographs and a description of your paint process which shows how you will prevent overspray from being disposed on the ground. In addition, provide photographs of areas where primer was excavated before backfilling these areas.

Further evaluation of your paint process will be conducted by Ohio EPA's Division of Air Pollution Control, who will contact you to determine if controls are needed for your air emissions.

- (b) Wood pallets are routinely burned onsite in a brush pile. Burning of solid waste is not allowed by Ohio law. Note that pallets can be recycled or given to employees for use as fuel in wood stoves. A list of pallet recyclers can be found at: <http://www.epa.state.oh.us/opp/recyc/pallets.html>
- (c) New rules are being developed by Ohio EPA concerning outdoor wood-fired boilers. During the inspection, you mentioned that you were in the process of installing one and were interested in the draft rules. Information on the draft rules and rule making process is attached.

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Should you have any questions, please feel free to call me at (740) 380-5293. You can find copies of the rules and other information on the division's web page at <http://www.epa.state.oh.us/dhwm>.

Sincerely,

Donna Goodman

Donna Goodman
District Representative
Division of Hazardous Waste Management

DG/mlm

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.

**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 No N/A

GENERATOR CLASSIFICATION

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

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

4. Does the generator treat hazardous waste in a:

a. Container that meets 3745-66-70 to 3745-66-77? Yes No N/A

b. Tank that meets 3745-66-90 to 3745-66-101 except 3745-66-97(C)? Yes No N/A

c. Drip pads that meet 3745-69-40 to 3745-69-45? Yes No N/A

d. Containment building that meets 3745-256-100 to 3745-256-102? Yes No N/A

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.

REMARKS

Generator had failed to evaluate spent mineral spirits used to clean paint guns and paint overspray. Generator was using spent mineral spirits to burn brush at his home. Paint overspray was landing on the ground during outdoor painting operations.

PROCESS, WASTE, P2 SUMMARY SHEET

Facility Name: M&M Fabrication Facility Type: LQG SQG CESQG TSD Date of Inspection: 221/08 EPA ID#: non notifier

Waste Generated			On- or Off-Site Management		P2 Activities	
Process/Activity Generating Waste <small>(e.g. plating bath, machining, baghouse, painting, general maintenance; etc)</small>	Waste Description <small>(e.g. sludge, solvent, ash, used oil, spent lamps, etc.) and EPA Waste Code, if applic.</small>	QTY Generated per Month, Type of Accumulation (container, tank, etc) and location of waste accumulation area	Type of On-Site Treatment <small>(recycle, wwt, etc)</small>	Name, state, and type of activity occurring at the off-site facility.	Current P2 Activities	P2 Opportunities
1. painting	mineral spirits mixed with paint waste	5 gallons per month		owner takes it home and burns it with brush.	NA	
2. metal fabrication	scrap steel	varies		recycled to RLS Recycling, Chillicothe, OH	recycled	
3. painting	primer overspray D001 when wet	varies	overspray lands on ground and is left there.			
4.						
5.						
6.						
7.						

8							
9							

REMARKS-GENERAL INFORMATION

General Process Information:

M&m Fabrication bends and welds metal into objects such as railings, stairways and tanks based on customer orders. These are then painted outside the fabrication building in good weather and inside the building in bad weather. There is no paint booth or other way to contain or capture paint (primer) overspray. Spent mineral spirits used to clean paint guns is taken home by the owner and used to burn brush. Wood pallets are burned on-site.

Regulatory/Enforcement History (if applicable):

NA

Additional P2 remarks and information:

Would this facility be interested in a P2 assessment? Yes* No *If yes, refer promptly to your district P2 coordinator.
 Office of Compliance Assistance and Pollution Prevention - 1-800-329-7518 or p2mail@epa.state.oh.us or www.epa.state.oh.us/ocapp/ocapp.html

Other:

Ohio Environmental Protection Agency
**RCRA SUBTITLE C SITE
 IDENTIFICATION/VERIFICATION FORM**

For Ohio EPA use only

E-mail this completed form to
tammy.mcconnell@epa.state.oh.us or mail it to Tammy
 McConnell, Central Office

2. Site EPA ID No.	EPA ID Number: Non notifier								
3. Site Name	Name: M&M Fabrication						Website: (Optional)		
4. Site Location Information	Street Address: 18828 State Route 50 West								
	City, Town, or Village: Chillicothe						State: OH		
	County Name:						Zip Code: 45601		
5. Site Land Type (check only one)	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"/>	
6. NAICS code(s) www.census.gov/epcd/www/naics.html	332323								
7. Facility Representative Additional names can be recorded in number 12 Only provide address information if it is different than the site address	First Name: Gary			MI:	Last Name: Timmons				
	Phone Number:				Phone Number Extension:				
	E-Mail Address:								
	Fax Number:				Fax Number Extension:				
	Street or P.O. Box:								
	City, Town or Village:								
	State:			Country:			Zip Code:		
8. 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: Gary Timmons				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:								
	City, Town or Village:				Owner Phone #:				
	State:				Country:			Zip Code:	
	Name of Site's Operator: M&M Fabrication				Date Became Operator (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:								
	City, Town or Village:				Operator Phone #:				
	State:				Country:			Zip Code:	
9. Violations Cited?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No								
10A. Type of Regulated Waste Activity (Mark "X" in all of the appropriate boxes)									
<input type="checkbox"/> Not Regulated					<input checked="" type="checkbox"/> Conditionally Exempt Small Quantity Generator				
<input type="checkbox"/> UNKNOWN: Cited for violation of 3745-52-11					<input type="checkbox"/> United States Importer of Hazardous Waste				
<input type="checkbox"/> Large Quantity Generator (LQG)					<input type="checkbox"/> Mixed Waste (Hazardous and Radioactive) Generator				
<input type="checkbox"/> Small Quantity Generator (SQG)									
<input type="checkbox"/> Hazardous Waste Transporter					<input type="checkbox"/> Exempt Boiler and/or Industrial Furnace				
<input type="checkbox"/> Treater, Storer or Disposer of Hazardous Waste					<input type="checkbox"/> Small Quantity On-Site Burner Exemption				
<input type="checkbox"/> Recycler of Hazardous Waste					<input type="checkbox"/> Smelting, Melting, Refining Furnace Exemption				
<input type="checkbox"/> Underground Injection Control Facility									

10B. 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"/> Large Quantity Handler of Universal Waste (accumulates 5,000 kg. or more)	
<input type="checkbox"/> Destination Facility for Universal Waste			
Check all boxes below that apply for each of the three types of facilities above		10C. Used Oil Activities (Indicate Type(s) of Activity(ies))	
	Managed	<input type="checkbox"/> Used Oil Generator	<input type="checkbox"/> Off-Specification Used Oil Burner
Batteries	<input type="checkbox"/>	<input type="checkbox"/> Used Oil Transporter	<input type="checkbox"/> Used Oil Fuel Marketer Who Directs Shipment of Off-Spec. Oil
Pesticides	<input type="checkbox"/>	<input type="checkbox"/> Used Oil Transfer Facility	<input type="checkbox"/> Used Oil Fuel Marketer to Off-Specification Used Oil Burner
Mercury containing equipment	<input type="checkbox"/>	<input type="checkbox"/> Used Oil Processor	
Lamps	<input type="checkbox"/>	<input type="checkbox"/> Used Oil Re-refiner	
11. 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 if more space is needed. If there are more than 7 waste codes and they are the same as listed in the most recent RCRAInfo source record, you do not need to list them all. Instead just indicate the date of the most recent source record.			
D001			
12. Comments: Use this area to describe whether the inspection was announced, whether the waste is stored in tanks or containers, etc.			
Announced	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Additional Facility Representatives:
Tanks	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Other Comments:
Containers	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
13. Name of Inspector(s)		Name of Inspector(s)	Date of Inspection/Time (mm/dd/yyyy) (hh:mm)
Donna Goodman			2/21/2008 11:00 AM
14. OPTIONAL CERTIFICATION. I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.			
Signature of Owner, Operator, or an Authorized Representative		Name and Title (Print)	Date (mm/dd/yyyy)