



**Environmental
Protection Agency**

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

July 22, 2011

**TUSCARAWAS COUNTY
GENERAL FILE
(LAKEVIEW WOODWORKING)
DMWM/SEDO
NON-NOTIFIER**

Sherry & Stan Burkhart
Lakeview Woodworking
8848 Cutler Road NE
Sherrodsville, Ohio 44675

Dear Mr. and Mrs. Burkhart:

On June 23, 2011, I inspected Lakeview Woodworking's (Lakeview) facility in Sherrodsville, Ohio to determine Lakeview'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). Kimbra Reinbold, Ohio EPA Division of Air Pollution Control, was also with me during the inspection. This letter will explain the violations I found and what you need to do to correct the violations.

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 30 days** of your receipt of this letter:

- (1) **OAC Rule 3745-52-11, Waste Evaluation:** Any person who generates a waste must evaluate the waste to determine if the waste is a hazardous waste in accordance with the criteria set forth in OAC chapter 3745-51.

Lakeview generates waste lacquer thinner from cleaning their topcoat spray lines and spray guns. The waste lacquer thinner is evaporated and residual material in the waste lacquer thinner container is wiped with a rag. The rag is then air dried and disposed in the trash. Lakeview has failed to determine if their waste lacquer thinner and waste rags are a hazardous waste.

During the inspection, I reviewed a material safety data sheet for the lacquer thinner you use (Sherwin Williams R7K119 Lacquer Thinner, product number K119-SW). Because the lacquer thinner has a flash point of 1°F, it is an ignitable hazardous waste with a waste code of D001. In addition, because the lacquer thinner contains 21% Acetone and 33% Toluene, it is also a F003 and F005 listed hazardous waste.

I have enclosed a fact sheet with this letter titled *Identifying Your Hazardous Waste*. This fact sheet provides an explanation of how to evaluate wastes to determine whether or not they are a hazardous waste.

In order to demonstrate compliance with this rule, Lakeview must provide a response stating that you agree that the lacquer thinner and associated rags are a D001, F003, and F005 hazardous waste. Alternately, if you disagree with this evaluation, provide documentation to this office of your waste evaluation and the supporting information that was used to make your determination.

(2) ORC § 3734.02 (E) and (F), Prohibitions: (E) No person shall establish or operate a hazardous waste facility, or use a solid waste facility for the storage, treatment, or disposal of any hazardous waste, without a hazardous waste facility installation and operation permit issued in accordance with section 3734.05 of the Ohio Revised Code.

(F) 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.

As described in violation (1) above, Lakeview generates a D001, F003, and F005 waste lacquer thinner and rags. Lakeview established an illegal hazardous waste treatment and disposal facility by evaporating their waste lacquer thinner to the air. Lakeview also illegally disposed of hazardous waste by placing rags used to wipe out lacquer thinner containers in a dumpster. The dumpster's contents are disposed in a solid waste landfill.

Lakeview must immediately cease their practice of evaporating waste lacquer thinner, both in containers and on rags. All waste lacquer thinner and rags used for lacquer thinner cleanup must be collected in containers and properly disposed of with a permitted treatment, storage and disposal facility. Enclosed with this letter is a list of commercial facilities in Ohio that accept hazardous waste for disposal.

In order to return to compliance with this violation, submit documentation that you are collecting your hazardous waste for future disposal and have made preliminary arrangements with a commercial facility to dispose of your hazardous waste at a permitted hazardous waste facility.

Since Lakeview violated ORC §3734.02(E) and (F), Lakeview 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 Lakeview begin facility-wide cleanup pursuant to the Corrective Action process under Ohio law.

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Enclosed you will find a copy of the checklist that was completed during the inspection. Should you have any questions, please feel free to call me at (740) 380-5248. You can find copies of the OAC and ORC and other information on the division's web page at <http://www.epa.state.oh.us/dhwm/>. Ohio EPA also has helpful information about pollution prevention at the following web address: <http://www.epa.ohio.gov/ocapp>.

Sincerely,



Elizabeth A. Herron
Environmental Specialist
Division of Materials and Waste Management

EAH/mlm

Enclosures

cc: Kimbra Reinbold, DAPC-SEDO

Send to Central Office <input type="checkbox"/>	Ohio Environmental Protection Agency RCRA SUBTITLE C SITE IDENTIFICATION/VERIFICATION FORM	For Ohio EPA use only
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Completed verification forms required to be submitted to CO should be e-mailed to brad.hauser@epa.state.oh.us.

Site EPA ID No.	EPA ID Number: non-notifier	
Site Name	Name: Lakeview Woodworking	Website: (Optional)
Site Location Information	Street Address: 8848 Cutler Road, N.E.	
	City, Town, or Village: Sherrodsville,	State: OH
	County Name: Tuscarawas	
Site Land Type (check only one)	Private <input checked="" type="checkbox"/>	County <input type="checkbox"/>
NAICS code(s) www.census.gov/epcd/www/naics.html	District <input type="checkbox"/>	Federal <input type="checkbox"/>
	Indian <input type="checkbox"/>	Municipal <input type="checkbox"/>
	State <input type="checkbox"/>	Other <input type="checkbox"/>

Facility Representative	First Name: Sherry	MI:	Last Name: Burkhart
Additional names can be recorded in number 12	Title:		
Only provide address information if it is different than the site address	Phone Number: 330 343 1643		Phone Number Extension:
	E-Mail Address:		
	Fax Number:		Fax Number Extension:
	Street or P.O. Box:		
	City, Town or Village:		
	State:	Zip Code:	

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:		Date Became Owner (mm/dd/yyyy):	
	Owner Type: <input type="checkbox"/>	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:		Owner Phone #:	
	State:	Country:	Zip Code:	
	Name of Site's Operator:		Date Became Operator (mm/dd/yyyy):	
	Operator Type: <input type="checkbox"/>	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:	

VIOLATIONS CITED?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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TYPE OF HANDLER - MARK "X" AS APPROPRIATE		
<input type="checkbox"/> Not a HW Generator	<input type="checkbox"/> UNKNOWN: Cited for violation of 3745-52-11 <input type="checkbox"/> Short-Term/Temporary 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"/> Large Quantity Generator (LQG) <input type="checkbox"/> Small Quantity Generator (SQG) <input checked="" 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"/> 72-Hour Recycler	<input type="checkbox"/> Receives Hazardous Waste from Off-site

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"/> Destination Facility for Universal Waste
<input type="checkbox"/> Large Quantity Handler of Universal Waste (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 Used Oil
 Used Oil Fuel Marketer who first claims the Used Oil meets the specifications

Eligible Academic Entities with Laboratories: Facility has previously notified that they are opting into managing laboratory hazardous waste pursuant to OAC rules 3745-52-200 through 3745-52-216. Check the box(es) below to indicate the laboratory type.

College or University
 Teaching hospital that is owned by or has a formal written affiliation agreement with a college or university
 Non-profit Institute that is owned by or has a formal written affiliation agreement with a college or university

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.

D001	F003	F005	
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: Stan Burkhart	
Tanks	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Containers	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Name of Inspector(s) Elizabeth Herron	Name of Inspector(s) Kimbra Reinbold	Date of Inspection/Time (mm/dd/yyyy) (hh:mm) 06/23/2011 10:15 AM - 1:00 PM	
Comments:			

PROCESS DESCRIPTION SECTION

Lakeview Woodworking is a small family business operated without employees by its owners, Stan and Sherry Burkhart. They stain and finish wood furniture brought to them by furniture manufactures. Their facility has 2 spray booths, one for staining and one for applying a lacquer topcoat. The furniture finishing process starts with spraying the work piece with stain. The stain is wiped with a rag until dry. A topcoat is sprayed on, allowed to dry, sanded, and sprayed again with topcoat.

WASTE ACTIVITIES

Lacquer thinner is used to clean the topcoat spray lines and spray gun tips. Spent lacquer thinner is collected in a container and allowed to evaporate. When a container of lacquer thinner is finished being evaporated any residue in the container is wiped with a rag. The rag is air dried and disposed of in Lakeview's dumpster (L & M Refuse Inc. of Magnolia, Ohio). Lakeview reported that they purchase about 5 gallons of lacquer thinner every three months.

Lakeview uses the following Sherwin Williams and Minwax products:

Product Name	Product Number
Sherwin Williams Sher-Wood Pre Catalyzed Lacquer Topcoat	T77F37
Sherwin Williams R7K119 Lacquer Thinner (contains by % weight 33% Toluene, 21% Acetone; flash point 1 F)	K119-SW
Minwax Wood Finish Ebony	2718
Wood Classics Interior Oil Stain-250 Clear Base	A49T804
Minwax Wood Finish 250 VOC Compliant Fruitwood	241A
Minwax Wood Finish Golden Pecan	245
Minwax Wood Finish Jacobean	2750
Sher-Wood wiping Stain, Golden Hickory	S64N13
Minwax Wood Finish Provincial	211
Sher-Wood Wiping Stain, Fruitwood	S64N3
Minwax Wood Finish 250 VOC compliant Special Walnut	224A
Minwax Wood Finish English Chestnut	233

REGULATORY/ENFORCEMENT HISTORY (if applicable):

This is Lakeview's first hazardous waste inspection. The Ohio EPA Division of Air Pollution Control took enforcement action on Lakeview in the late 1990's.

**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.

WASTE EVALUATION

1. Have all wastes generated at the facility been adequately evaluated? [3745-52-11] Yes No N/A

The following wastes have not been evaluated: waste lacquer thinner, and rags used with lacquer thinner.

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

Hazardous waste lacquer thinner D001, F003, F005 and hazardous waste rags used with the lacquer thinner are evaporated on-site and then disposed of in a solid waste dumpster.

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.

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 No N/A

a. Does the CESQG manage the mixture in accordance with 3745-279-21? Yes No N/A