



State of Ohio Environmental Protection Agency

Southeast District Office

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

August 22, 2008

**WASHINGTON COUNTY
GENERAL FILE
(AMERICAN STAR SPECIALTY
COATINGS CO.)
DHWM/SEDO
OHR000139345**

Mr. Pete Saliba
Sales Manager
American Star Specialty Coatings Co.
201 Mitchells Lane
Marietta, OH 45750

Dear Mr. Saliba:

On July 17, 2008, Ohio EPA conducted a compliance evaluation inspection at American Star Specialty Coatings Co. in Marietta to determine compliance with Ohio's hazardous waste laws and regulations as found in the Ohio Revised Code (ORC) and the Ohio Administrative Code (OAC). During a follow-up meeting at American Star on August 12, 2008, Randy Ohlemacher and I discussed with you American Star's hazardous waste generation, management, and disposal practices. During this meeting, we discussed a shipment of hazardous waste sent from American Star to BBU Services on December 20, 2007.

Based on information provided during the inspection, and information gained during our August 12th meeting, American Star violated the following hazardous waste laws:

(1) ORC Section 3734.02(F), Prohibitions:

(F) No person shall store, treat, or dispose of hazardous waste identified or listed under this chapter and 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 rules adopted under it.

On December 20, 2007, American Star illegally sent 6 fifty-five gallon drums of D001 paint waste to BBU Services Inc., Lancaster, Ohio, on manifest no. 002814665, in violation of this law. As we explained, the D001 designation indicates the paint waste was an ignitable hazardous waste (i.e., low flash point). BBU Services is not a permitted treatment, storage, and disposal (TSD) facility; therefore, they cannot accept hazardous waste. American Star must inform Ohio EPA, in writing, how this situation will be prevented in the future by sending hazardous waste to a permitted TSD facility, in compliance with this law.

(2) OAC Rule 3745-52-11, Hazardous Waste Determination:

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.

On December 20, 2007, American Star sent 6 fifty-five gallon drums of paint related waste to BBU Services Inc., Lancaster, Ohio. The manifest listed the waste as D001, due to the low flash point of the paint waste. Based on MSDS' and other information you provided, the waste contained thinners and/or cleaning solvents generated while cleaning American Star's rig equipment. You explained that two rigs were cleaned and each rig had 300 feet of hose that had to be flushed. As a result, 6 drums of hazardous waste were generated in the process. American Star failed to adequately evaluate the waste, in violation of this rule. American Star must inform Ohio EPA, in writing, how waste evaluations will be performed in the future, in compliance with this rule.

(3) OAC Rule 3745-52-42(B), Exception Report:

(B) A generator of greater than one hundred kilograms but less than one thousand kilograms of hazardous waste in a calendar month who does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within sixty days of the date the waste was accepted by the initial transporter must submit a legible copy of the manifest, with some indication that the generator has not received confirmation of delivery, to Ohio EPA.

On December 20, 2007, American Star sent 6 fifty-five gallon drums of paint related waste to BBU Services Inc., Lancaster, Ohio under manifest no. 002814665. A copy of the manifest was provided during the inspection, however, it did not have the handwritten signature of the owner or operator of the designated facility (i.e. BBU). American Star did not notify Ohio EPA, in violation of this rule. American Star must inform Ohio EPA, in writing, that should this situation occur in the future, American Star will file an exception report with Ohio EPA, in compliance with this rule.

GENERAL COMMENTS

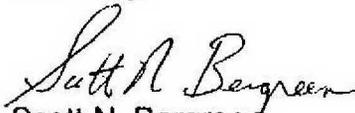
- (a) During our August 12th meeting, we discussed the issue of solvent contaminated rags. You indicated that American Star uses solvent rags to clean spray guns and other equipment and when you are finished with them, they are disposed of in the trash as a solid waste. The rags may be considered a hazardous waste depending on the solvents being used and the use of the rags (i.e., cleaning purposes or spill cleanup). American Star will need to evaluate their rags to determine if they are a characteristic hazardous waste. For more information please see Ohio EPA's policy on solvent contaminated rags and wipers (copy attached).

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- (b) The December 20, 2007 waste shipment from American Star also included 2 drums of used oil to be burned at BBU in their used oil space heater. As a generator of used oil, American Star is subject to the generator requirements in OAC 3745-279. Also, sending used oil to another business to burn in a space heater makes American Star a marketer of used oil, and subject to the marketer used oil regulations, which includes testing/analysis, recordkeeping, and other requirements.

Should you have any questions, please feel free to contact me at (740) 380-5288. 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,



Scott N. Bergreen
Environmental Specialist
Division of Hazardous Waste Management

SNB/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.