



State of Ohio Environmental Protection Agency

**Northwest District Office**

347 North Dunbridge Rd.  
Bowling Green, OH 43402-9398

TELE: (419) 352-8461 FAX: (419) 352-8468  
www.epa.ohio.gov

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

Re: M & K General Contracting  
Hazardous Waste  
Complaint # 2969  
Marion County  
NOV

July 2, 2010

Mr. Harry Knott  
1179 North Main Street  
Marion, Ohio 43302

Dear Mr. Knott:

On June 14, 2010, Kara Reynolds and I investigated a complaint at M & K General Contracting (M&K) located at 1179 N. Main Street, Marion, Ohio. The complaint was received by the Division of Hazardous Waste Management on April 20, 2010. The complainant stated that there were large piles of tires, paint cans and other waste piled behind and inside of the building and that some of these containers were leaking. This letter will explain the validity of the complaint, the violation I found, and what you need to do to correct this violation.

Upon arriving at your facility I discussed the complaint with you, and I proceeded to conduct a full compliance evaluation inspection (CEI) to determine your compliance with Ohio's hazardous waste laws as found in Chapter 3734. of the Ohio Revised Code (ORC), and Ohio's hazardous waste regulations as adopted under Chapter 3745. of the Ohio Administrative Code (OAC).

M&K conducts clean-outs of re-possessed homes. During the CEI, you stated the following: you only do work at private residences; you do not clean-out businesses; you do not take any hazardous materials or weapons; the only paint you will take is usable water-based paint which you give away for use; if you do collect car oil from these residences you sell it to a company in Columbus; you used to give away all household items to Goodwill but now you sell at the same location from your store front: Granny's Bargain Shop which is a consignment retailer. You sell everything you are able including appliances. Any metal and/or appliances that you are not able to sell you take for recycling at Sim's Brothers.

We walked around the property. We did observe some small tire piles. You stated that you take tires when you are able to Logan's for \$2 a piece.

You generally try to take 50-100 tires at a time. You stated that you also ensure to spray mosquito spray when you are storing tires. We did observe some paint cans in the building but we did not observe any evidence indicating a release.

Mr. Harry Knott  
July 2, 2010  
Page 2

As stated in OAC Rule 3745-51-04(B)(1), the following wastes are not hazardous waste: household waste that has been collected, transported, stored, treated, disposed, recovered, or re-used. "Household waste" means any waste material derived from households including single and multiple residences. Thus, DHWM does not regulate the material generated from the clean-out of repossessed residential homes. However, we discussed how this material is regulated under the Division of Solid and Infectious Waste and the proper management and disposal of this material.

During the inspection, I gave you the following information: the fact sheets Universal Waste Rules for Handlers of Lamps; Fluorescent Lamps: What you Should Know and a list of computer, fluorescent lamp and ballast recyclers.

I found the following violation of Ohio's hazardous waste laws. In order to correct this violation you must do the following and send me the required information ***within 30 days*** of your receipt of this letter:

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

Any person who generates a waste must determine if that waste is a hazardous waste in accordance with the criteria for hazardous waste as set forth in Chapter 3745-51 of the Administrative Code.

You failed to have waste evaluation documentation for the fluorescent bulbs or an established recycling plan in place for bulbs generated at your business.

You stated that you have only been in this building a year and have only removed two bulbs but that these were thrown in the trash.

You stated that you would check to see if Sim's would take your bulbs for recycling.

- **To abate this violation, please submit to me your waste evaluation of your lamps or an outline of your universal waste management plan (indicating how you will manage, label, send off-site within one year, where lamps will be recycled, etc.) I have enclosed a sample universal waste management plan which you may find useful.**

If you find additional ways to recycle, reduce, or altogether eliminate the amount of waste that your company generates you may be able to reduce treatment and disposal costs. Furthermore, you may possibly reduce your regulatory requirements.

You can find helpful information about pollution prevention at the following web address: <http://www.epa.state.oh.us/ocapp/ocapp.html>.

Ohio EPA will issue an EPA ID number to track our investigation activity at the property in question. You cannot use this number for manifesting hazardous waste shipments.

Mr. Harry Knott  
July 2, 2010  
Page 3

If you want to use an EPA ID number for manifesting and other hazardous waste, used oil or universal waste activities, you must complete and submit a Notification of Regulated Waste Activity form (*EPA Form 9029 (Rev. 11/2002)*) to Ohio EPA. This form is available on our Web page at <http://www.epa.state.oh.us/dhwm/notiform.html> or you can call me or the Division of Hazardous Waste Management, Central Office, RIS at (614) 644-2977 and we will mail you a copy.

The Division of Hazardous Waste Management (DHWM) 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 the following Web link <http://www.epa.state.oh.us/dhwm/listserv.html>. Please feel free to share this information with your colleagues.

Please address all correspondence to Amber Hicks, Ohio EPA, 347 N. Dunbridge Road, Bowling Green, Ohio 43402. Should you have any questions, please feel free to call me at (419) 373-3082.

You can find copies of the rules and other information on the division's web page at <http://www.epa.state.oh.us/dhwm>. Ohio EPA has helpful information about pollution prevention at the following web address: <http://www.epa.state.oh.us/ocapp/ocapp.html>.

Sincerely,



Amber M. Hicks  
Division of Hazardous Waste Management

/llr

Enclosures

pc: Colleen Weaver, DHWM, NWDO  
Cindy Lohrbach, DHWM, NWDO  
DHWM, NWDO File: Marion County General

ec: Amber Hicks, DHWM, NWDO

**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.

Send to Central Office <input checked="" type="checkbox"/>	<b>Ohio Environmental Protection Agency</b> <b>RCRA SUBTITLE C SITE</b> <b>IDENTIFICATION/VERIFICATION FORM</b>	For Ohio EPA use only
---	---	-----------------------

Completed verification forms required to be submitted to CO should be e-mailed to [paula.canter@epa.state.oh.us](mailto:paula.canter@epa.state.oh.us).

<b>Site EPA ID No.</b> <b>Site Name</b> <b>Site Location Information</b>  <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>	EPA ID Number: NA Name: <b>M &amp; K General Contracting/Granny's Bargain Shop</b>   Website: (Optional) Street Address: <b>1179 N. Main Street</b> City, Town, or Village: <b>Marion</b>   State: OH County Name: <b>Marion</b>   Zip Code: <b>43302</b> <table style="width:100%; border: none;"> <tr> <td style="border: none;">Private</td> <td style="border: none;">County</td> <td style="border: none;">District</td> <td style="border: none;">Federal</td> <td style="border: none;">Indian</td> <td style="border: none;">Municipal</td> <td style="border: none;">State</td> <td style="border: none;">Other</td> </tr> <tr> <td style="border: none;"><input checked="" type="checkbox"/></td> <td style="border: none;"><input type="checkbox"/></td> </tr> </table>	Private	County	District	Federal	Indian	Municipal	State	Other	<input checked="" type="checkbox"/>	<input type="checkbox"/>						
Private	County	District	Federal	Indian	Municipal	State	Other										
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>										

<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>Harry</b>   MI:   Last Name: <b>Knott</b> Title: Phone Number: <b>740-396-0907</b>   Phone Number Extension: E-Mail Address: Fax Number:   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: <table style="width:100%; border: none;"> <tr> <td style="border: none;">Owner Type:</td> <td style="border: none;">Private</td> <td style="border: none;">County</td> <td style="border: none;">District</td> <td style="border: none;">Federal</td> <td style="border: none;">Indian</td> <td style="border: none;">Municipal</td> <td style="border: none;">State</td> <td style="border: none;">Other</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/></td> </tr> </table> Date Became Owner (mm/dd/yyyy): Street or P.O. Box: City, Town or Village: State:   Owner Phone #: Country:   Zip Code:	Owner Type:	Private	County	District	Federal	Indian	Municipal	State	Other	<input type="checkbox"/>								
Owner Type:	Private	County	District	Federal	Indian	Municipal	State	Other											
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>											
Name of Site's Operator: <table style="width:100%; border: none;"> <tr> <td style="border: none;">Operator Type:</td> <td style="border: none;">Private</td> <td style="border: none;">County</td> <td style="border: none;">District</td> <td style="border: none;">Federal</td> <td style="border: none;">Indian</td> <td style="border: none;">Municipal</td> <td style="border: none;">State</td> <td style="border: none;">Other</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/></td> </tr> </table> Date Became Operator (mm/dd/yyyy): Street or P.O. Box: City, Town or Village: State:   Operator Phone #: Country:   Zip Code:	Operator Type:	Private	County	District	Federal	Indian	Municipal	State	Other	<input type="checkbox"/>									
Operator Type:	Private	County	District	Federal	Indian	Municipal	State	Other											
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>											

<b>VIOLATIONS CITED?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
--------------------------	---

**TYPE OF HANDLER - MARK "X" AS APPROPRIATE**

<input checked="" type="checkbox"/> Not a HW Generator	<input type="checkbox"/> UNKNOWN: Cited for violation of 3745-52-11 <input type="checkbox"/> Short-Term Generator (generates from a short-term or one-time event and not from on-going processes). <i>Check the box for the applicable generator status and provide a comment.</i>	<input type="checkbox"/> Large Quantity Generator (LQG) <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 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
<input type="checkbox"/> Batteries
<input type="checkbox"/> Pesticides
<input type="checkbox"/> Mercury containing equipment
<input type="checkbox"/> Lamps

USED OIL ACTIVITIES (INDICATE TYPE(S) OF ACTIVITY(S))
<input type="checkbox"/> Used Oil Generator
<input type="checkbox"/> Used Oil Transporter
<input type="checkbox"/> Used Oil Transfer Facility
<input type="checkbox"/> Used Oil Processor
<input type="checkbox"/> Used Oil Re-refiner
<input type="checkbox"/> Off-Specification Used Oil Burner
<input type="checkbox"/> Used Oil Fuel Marketer Who Directs Shipment of Off-Spec. Oil
<input type="checkbox"/> 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.

**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:	Marlena Sue Stolz - Owner
Tanks	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No		
Containers	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No		
Name of Inspector(s)	Name of Inspector(s)	Date of Inspection/Time		
Amber Hicks	Kara Reynolds	(mm/dd/yyyy) (hh:mm)	6-14-10 11:22	

**Comments:**  
M&K Contracting cleans out repossessed residential homes (all wastes generated from clean-outs are not regulated under RCRA). They bring material to this address and sell in the front of the building at Granny's Bargain Shop (a consignment retailer). All in same building. Facility is a non-generator of hazardous waste. Building contains bulbs so could be a SQHUW in the future.

## PROCESS, WASTE, P2 SUMMARY SHEET

**Facility Name:** M&K General Contracting/Granny's Bargain Shop **Facility Type:**  LQG  SQG  CESQG  TSD **Date of Inspection:** 6-14-10 **EPA ID#:** NA

Waste Generated			On- or Off-Site Management		P2 Activities	
Process/Activity Generating Waste (e.g. plating bath, machining, baghouse, painting, general maintenance, etc)	Waste Description (e.g. sludge, solvent, ash, used oil, spent lamps, etc.) and EPA Waste Code, if applic.	QTY Generated per Month, Type of Accumulation (container, tank, etc) and location of waste accumulation area	Type of On-Site Treatment (recycle, wwt, etc)	Name, state, and type of activity occurring at the off-site facility.	Current P2 Activities	P2 Opportunities
1	Lighting	Fluorescent bulbs	Unknown	Only have replaced 2 bulbs but were thrown in trash. *		Needs to find a recycler.
2						
3						
4						
5						
6						
7						

8						
9						

**REMARKS-GENERAL INFORMATION**

**General Process Information:**

\* Facility cited for 52-11.

**Regulatory/Enforcement History** (if applicable):

**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](mailto:p2mail@epa.state.oh.us) or [www.epa.state.oh.us/ocapp/ocapp.html](http://www.epa.state.oh.us/ocapp/ocapp.html)

**Other:**