



**Environmental
Protection Agency**

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

December 20, 2011

**ATHENS COUNTY
GEM COATINGS
DMWM/SEDO
OHR000139790**

Mr. Karry Gemmell
Gem Coatings
5840 Industrial Drive
Athens, Ohio 45701

Dear Mr. Gemmell:

Ohio EPA is in receipt of Paul Peterson's November 29, 2011 and December 13, 2011 faxes, as well as e-mails dated October 21, 2011, October 26, 2011, November 29, 2011, and December 14, 2011 responding to Ohio EPA's November 1, 2011 and November 23, 2011 Notice of Violation letters. Documentation submitted included: written responses, waste manifests, and digital photos.

My review of this documentation reveals that Gem Coatings has adequately demonstrated abatement of the following violations discovered during the October 18, 2011 inspection:

- ***OAC Rule 3745-52-11, Waste Evaluation***
- ***OAC Rule 3745-279-22(C), Used Oil Storage Requirements for Generators:***
- ***OAC Rule 3745-273-13(D)(1), Waste Management - Standards for Small Quantity Handlers of Universal Waste***
- ***OAC Rule 3745-273-14(E), Labeling/Marking - Standards for Small Quantity Handlers of Universal Waste***
- ***OAC Rule 3745-273-16, Employee Training for Small Quantity Handlers of Universal Waste***

The following small quantity generator violations discovered during the October 18, 2011 inspection were abated when Gem Coatings returned to conditionally exempt small quantity generator status with the November 2, 2011 disposal of 13 drums of hazardous waste. This waste exceeded the storage quantity limits for a conditionally exempt small quantity generator, making Gem Coatings subject to the small quantity generator requirements.

- ***OAC Rule 3745-52-34(D)(5)(b), Accumulation Time of Hazardous Waste***
- ***OAC Rule 3745-52-34(D)(5)(c), Accumulation Time of Hazardous Waste***
- ***OAC Rule 3745-65-31, Maintenance and Operation of Facility***

- **OAC Rule 3745-65-32(C), Required Equipment**
- **OAC Rule 3745-65-33, Testing and Maintenance of Equipment**
- **OAC Rule 3745-52-34(D)(4), Accumulation Time of Hazardous Wastes**
- **OAC Rule 3745-66-73(A), Management of Containers**
- **OAC Rule 3745-66-74, Inspections**

During the October 18, 2011 inspection, Gem Coatings was also found to be in violation of **Ohio Revised Code §3734.02(E) and (F), Prohibitions**. Gem Coatings will remain in violation of Prohibitions until addressed through Ohio EPA's enforcement process.

If you should have any questions, please feel free to call me at (740) 380-5248.

Sincerely,



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

EAH/dh

cc: Paul Peterson, Gem Coatings
Michael Hollingsworth, Shostak & Hollingsworth
James Carr, Ohio Attorney General's Office
Mitch Mathews, CO, DMWM

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.