Ohio Environmental Protection Agency
John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

April 2, 2012

RE: MMI SERVICES, INC.
OHR 000 159 970
LAKE COUNTY
5th NOTICE OF VIOLATION AND PRTC

Michael D'Aquila
MMI Services, Inc.
4304 Maple St.
Perry, OH 44081

Tri Point Properties, Inc.
4304 Maple St.
Perry, OH 44081

Tri Point Properties, Inc.
3235 Elizabeth Dr., Unit 34
Perry, OH 44081

Dear Sirs:

On January 27, 2012, Ed D'Amato and I met with Michael D'Aquila at MMI Services located at 4304 Maple Street in Perry, Ohio. This inspection was needed because violations found during my June 2010 inspection have still not been corrected. Mr. D'Aquila said that MMI Services will be closing on March 31, 2012. The closing of MMI Services will not relieve MMI Services from the responsibility to correct these violations. It may, however, necessitate the involvement of the property owner, as hazardous waste rules are applicable to both the owner and the operator.

The following outlines the current status of the violations and concerns:

1. Ohio Revised Code (ORC) 3734.02(F) – Causing hazardous waste to be transported to an unpermitted facility.

   Mr. D'Aquila showed us the open pan where the paint gun was soaking in xylene and said no waste is generated from this. He said it just dries up. This pan should be kept closed to avoid evaporation of the xylene, exposure to workers to the xylene, and the fire hazard associated with xylene. Any waste xylene or sludge generated from the use and/or evaporation of the xylene would be a hazardous waste and must be managed and disposed of properly.

2. OAC rule 3745-52-11 – Hazardous waste determination.

   - Container labeled "white lacquer primer" which was then labeled as # 14: On January 27, 2012, Mr. D'Aquila said he believes this container was taken when the rest of the waste was taken.

- Waste lamps: On January 27, 2012, Mr. D'Aquila said any waste fluorescent lamps would be taken by SFI Electrical Contractors Co. I confirmed this with Steve of SFI Electrical Contractors Co. When waste lamps are taken off site for recycling, the receipt should be kept that shows the date and how many waste lamps were taken.

- MMI Services also violated this rule by not determining whether its contaminated soil is a hazardous waste. We saw contaminated soil along the south side of your building. A printout of photos taken showing this contamination is enclosed. All contamination resulting from hazardous waste accumulation and used oil accumulation must be removed. In addition to this, we suggest that all visually contaminated soil be removed. Please inform me as to when this soil will be removed so that I have the opportunity to be present during the removal. On January 27, 2012, Mr. D'Aquila said they have not removed any soil from the area where the drums had been stored. Since it was snow covered that day, we did not look at the area. This soil contamination will need to be properly removed by MMI Services and/or Tri Point Properties Inc. Please respond within 14 days with your plans to address this.

3. OAC rule 3745-270-03(A) – Dilution prohibited as a substitute for treatment.

   See violation number 1 above.

4. Ohio Revised Code (ORC) 3734.02(E) and (F) – Treatment of hazardous waste without a permit.

   See violation number 1 above.

5. Ohio Revised Code (ORC) 3734.02(E) and (F) – Accumulation beyond 180 days.

   This was addressed in my May 19, 2011 letter.

6. OAC rule 3745-52-34(D)(4) – Hazardous waste labels.

   Previously corrected.

7. OAC rule 3745-52-34(D)(4) – Accumulation start dates.

   Previously corrected.

8. OAC rule 3745-66-74 – Inspections of container storage areas.

   Previously corrected.

You need to immediately take the necessary measures to return to compliance with Ohio's environmental laws. Within 14 days of receipt of this letter, you are requested to provide documentation to me, including the steps taken to abate the violations cited above. Such documentation may include written correspondence, updated policies, and photographs, as appropriate.

Please be advised that violations cited above will continue until the violations have been properly abated. Failure to comply with Chapter 3734 (or 3714 for C&DD) of the Ohio Revised Code and rules promulgated thereunder may result in a civil penalty of up to $10,000 per day for each violation. If circumstances delay the abatement of violations, you are requested to submit written correspondence of the steps that will be taken by date certain to attain compliance.

If you have any questions, please contact me at (330) 963-1217, or robert.almquist@epa.state.oh.us. I look forward to your prompt, written response.

Sincerely,

Robert Almquist

Robert Almquist
Division of Materials and Waste Management

RA:cl

ec: Jeff Mayhugh, DMWM, CO
Frank Popotnik, DMWM, NEDO
Natalie Oryshkewych, DMWM, NEDO
John Palmer, DERR, NEDO
Marlene Kinney, DMWM, NEDO
Ed D'Amato, DMWM, NEDO