



**Environmental
Protection Agency**

John R. Kasich, Governor

Mary Taylor, Lt. Governor

Scott J. Nally, Director

April 18, 2012

**MORGAN COUNTY
GENERAL FILE
(MALTA WINDOWS & DOORS)
DMWM/SEDO
OHR000155440**

Mr. Wade Benjamin
Malta Windows & Doors
P.O. Box 369
Malta, OH 43758

Dear Mr. Benjamin:

On April 4, 2012 I investigated a complaint and inspected Malta Windows & Doors' (Malta) facility in Malta, Ohio, to determine 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). According to the complaint received by Ohio EPA, the complainant alleged that waste chemicals were being dumped on the ground via an indoor sink that flows outside in a hose to the rear of the property. This letter will explain the investigation of the complaint, the violations identified by the inspection, and the additional information you must provide to allow Ohio EPA to complete our evaluation of Malta's compliance.

To investigate the complaint I discussed facility operations with you and Ken Miller. I then toured the facility both inside and out with Ken Miller. I did not identify any waste chemical dumping during my review of the facility operations.

The following violations of Ohio's hazardous waste laws were found. In order to correct these violations you must do the following and **send me the required information within 14 days of your receipt of this letter.**

1. ***OAC Rule 3745-52-11, Hazardous Waste Determination:*** Any person who generates waste in the State of Ohio shall determine if that waste is a hazardous waste using the following method: He shall first determine if the waste is excluded from regulation under OAC Rule 3745-51-04, then determine if the waste is listed as a hazardous waste in OAC Rule 3745-51-30 through -35, and then determine if the waste is identified in OAC Rule 3745-51-20 through -24 by testing the waste according to the methods set forth in OAC Rule 3745-51-20 to 3745-51-24 or by applying knowledge of the hazardous characteristics of the waste in light of the materials or the processes used.

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At the time of the inspection Malta had the following wastes on-site that had not been evaluated:

- In the building with the wooden roof Malta had waste fluorescent lamps stacked on the floor, some of the lamps were broken. The lamps had not been evaluated to determine if they were a hazardous waste. Malta had been previously advised of the proper management of fluorescent lamps in a letter dated March 19, 2009 from Ohio EPA's Scott Bergreen. The two fact sheets *Fluorescent Lamps: What You Should Know* and *Universal Waste Rules for Handlers of Lamps* are included again with this letter.
- Malta generates wastewater from their phosphate cleaning process. At the time of the inspection Malta provided a receipt dated 11-17-11 – 11-23-11 for the pickup of this waste stream by Zemba Brothers but was unable to provide documentation to demonstrate how the waste determination was made.
- In Malta's painting area I observed a drum of waste rags, a paint booth with filters, and a drum labeled liquid waste (which a worker stated was for paint waste). At the time of the inspection Ken Miller could not provide waste determination information on whether or not the rags, filters, and liquid waste were hazardous wastes or solid wastes.
- During the walk through of the facility's rear buildings I observed the following drums and containers pictured below. Because these materials have been stored in an unheated building it is understood that they would no longer be useable as products and would therefore be a waste that must be evaluated.



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In order to return to compliance with this rule, Malta must make a waste determination for their waste fluorescent lamps, phosphate wastewater, used rags, paint booth filters, drum labeled "Liquid Waste" and the drums and containers pictured above. To demonstrate your compliance, provide a written response stating your determination for each waste and your reasoning or analytical data that supports your determination. Once these wastes have been evaluated all hazardous waste must be properly disposed of at a permitted hazardous waste facility. Please submit copies of the hazardous waste manifests to this office to document proper disposal. As I discussed with Ken Miller during the inspection I am enclosing a list of *Ohio Commercial Facilities Accepting Hazardous Waste* and a list of *Lamp Recyclers in Ohio*.

Additional Information Needed

- A. In the painting area at Malta's facility I observed a container of used rags, a paint booth with filters, and drum labeled "Liquid Waste," which a worker stated was for waste paint. Ken Miller was unable to tell me how the rags, paint booth filters, and liquid waste are managed at the facility. For each of these items please provide a written response stating the amount generated each month, how and where the waste is disposed, and receipts or manifests to document disposal for the past three years.

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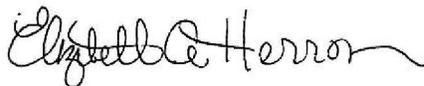
- B. For the drums and containers pictured above please provide a written response stating how long they have been unusable to Malta.

Malta needs to immediately take the necessary measures to return to compliance with Ohio's environmental laws. Within 14 days of receipt of this letter, Malta is requested to provide documentation to this office including the steps taken to abate the violations cited above. Documentation of steps taken to return to compliance includes written correspondence, updated policies, and photographs, as appropriate, and may be submitted via the postal service or electronically to Elizabeth.Herron@epa.ohio.gov.

Please be advised that violations cited above will continue until the violations have been properly abated. Failure to comply with Chapter 3734. 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. It is imperative that you return to compliance. If circumstances delay the abatement of violations, Malta is requested to submit written correspondence of the steps that will be taken by date certain to attain compliance.

Enclosed is a copy of the checklists completed as a result of the inspection. You can find Ohio's hazardous waste rules and other information on the division's web page at: <http://www.epa.ohio.gov/dhwm/>. If you have any questions, please contact me by telephone at (740) 380-5248 or by e-mail at Elizabeth.Herron@epa.ohio.gov.

Sincerely,



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

Enclosures

EH/sb

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"/>	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: OHR000155440	
Site Name	Name: Malta Windows & Doors	Website: www.maltawindowsanddoors.com (Optional)
Site Location Information	Street Address: 244 13th Street	
	City, Town, or Village: Malta	State: OH
	County Name: Morgan	Zip Code: 43758
Site Land Type (check only one)	Private <input checked="" 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"/>	
NAICS code(s) www.census.gov/epcd/www/naics.html		

Facility Representative	First Name: Wade	MI:	Last Name: Benjamin
	Title: President / CEO		
Additional names can be recorded in number 12	Phone Number: 740 962 3350	Phone Number Extension: 102	
	E-Mail Address:		
Only provide address information if it is different than the site address	Fax Number:	Fax Number Extension:	
	Street or P.O. Box: P.O. Box 369		
	City, Town or Village: Malta		Zip Code: 43758
	State: OH		

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: ABC Manufacturing		Date Became Owner (mm/dd/yyyy):	
	Owner Type: <input checked="" type="checkbox"/> Private	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: P.O. Box 369			
	City, Town or Village: Malta		Owner Phone #: 740 962 3350	
	State: OH		Country: USA Zip Code: 43758	
	Name of Site's Operator:		Date Became Operator (mm/dd/yyyy):	
	Operator Type: <input type="checkbox"/> Private	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 checked="" 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). <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
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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.

COMMENTS: USE THIS AREA TO DESCRIBE WHETHER THE INSPECTION WAS ANNOUNCED, WHETHER THE WASTE IS STORED IN TANKS OR CONTAINERS, ETC.

Announced Yes No Additional Facility Representatives: **Ken Miller**
 Tanks Yes No
 Containers Yes No

Name of Inspector(s) **Elizabeth Herron** Name of Inspector(s) _____ Date of Inspection/Time
 (mm/dd/yyyy) (hh:mm) **04/04/12 12:30 PM - 4:00 PM**

Comments:

WASTE ACTIVITIES SUMMARY

Facility Name: Malta Windows & Doors

Facility Type: not yet determined

EPA ID #: OHR000155440

Description of Waste				On-Site Management			Off-Site Management	
Process Generating Waste	Waste Generated	EPA Waste Code	QTY Generated per Month	Type of Accumulation/ Storage	Type of On-Site Treatment	Waste Location	Name, state, and type of activity	
1	Phosphate based metal cleaning	Wastewater	Unknown	Varies with production demand 4,000 gallons every 2-3 months	Totes, drums and 15 gallon containers	NA	Next to powder coating line	Zemba Brothers Zanesville, OH transports to Waste Management for wastewater disposal
2	Spray gun cleaning for window painting	Spent solvent	unknown	Unknown	none	Sprayed into paint booth filters	Paint booth	Unknown
3	Window painting	Spent paint booth filters	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown
4	Window painting	Waste paint	Unknown	Unknown	55 gallon drum	Unknown	Behind paint booth	Unknown
5	Lighting	Spent fluorescent lamps	Unknown	Varies	On the floor – no container	Unknown	Building with the wood roof	Unknown

**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 <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
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Malta Window & Doors has not evaluated the following wastes: fluorescent lamps, wastewater from phosphate cleaning process, waste rags, paint booth filters, waste paint (drum labeled "Liquid Waste."), and drums and containers of material stored in the facility's rear buildings (see photographs in inspection letter).

GENERATOR CLASSIFICATION

2.	Does the generator produce <100 kg. of hazardous waste per month? [conditionally exempt small quantity generator ("CESQG")]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
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Not yet determined.

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 <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
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Not yet determined.

TREATMENT OF HAZARDOUS WASTE

4.	Does the generator treat hazardous waste in a:	
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a.	Container that meets 3745-66-70 to 3745-66-77?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
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b.	Tank that meets 3745-66-90 to 3745-66-101 except 3745-66-97(C)?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
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c.	Drip pads that meet 3745-69-40 to 3745-69-45?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
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d.	Containment building that meets 3745-256-100 to 3745-256-102?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
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Not yet determined.

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 <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
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a.	Does the CESQG manage the mixture in accordance with 3745-279-21?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
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