



State of Ohio Environmental Protection Agency

Southeast District Office

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

June 8, 2007

**ATHENS COUNTY
GEM COATINGS
DHWM/SEDO
OHR000139790
CERTIFIED MAIL 70022030000298638352**

Mr. Kevin Howes
Gem Coatings
5840 Industrial Drive
Athens, Ohio 45701

Dear Mr. Howes:

I received your response to Ohio EPA's March 29, 2007 Notice of Violation letter on April 30, 2007. The documentation you submitted included: Waste profile and manifests for waste transported off-site on April 10, 2007 by Veolia; Material Safety Data Sheets; RCRA Notification Report; building diagram marking location of fire extinguishers, spill equipment, phone/PA, and hazardous waste management areas; Emergency Evacuation Plan and emergency numbers; photographs of emergency equipment; employee training documentation; hazardous storage inspection logs; emergency equipment inspection logs; letter from Athens County Sheriff's Office documenting an April 18, 2007 visit to Gem Coatings; and photographs of hazardous waste storage.

On May 16, 2007, I met with you to discuss your response letter and view changes in facility operations. Patrick Hudnall, of the Division of Surface Water, was also present. My review of the documentation you submitted and my observations on May 16, 2007, reveals that Gem Coatings has adequately demonstrated abatement of the following violations discovered during the February 8 and 15, 2007, inspections and the April 11, 2007 site visit.

**OAC Rule 3745-52-11, Waste Evaluation
OAC Rule 3745-52-12 (A) and (B), Generator Identification Numbers
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, Design and Operation of Facility
OAC Rule 3745-65-32(B) and(C), Required Equipment
OAC Rule 3745-65-33, Testing and Maintenance of Equipment
OAC Rule 3745-65-34(A), Access to Communications or Alarm System
OAC Rule 3745-65-35, Required Aisle Space
OAC Rule 3745-65-37 (A), Arrangements with Local Authorities
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**

Violations:

Gem Coatings remains in violation of the following:

1. **Ohio Revised Code §3734.02(E) and (F), Prohibitions:** No person shall establish or operate a hazardous waste facility, or use a solid waste facility for the storage, treatment, or disposal of any hazardous waste, without a hazardous waste facility installation and operation permit issued in accordance with section 3734.05 of the Ohio Revised Code.

No person shall store, treat, or dispose of hazardous waste identified or listed under this chapter and the 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 to an unpermitted facility.

Gem Coatings disposed of characteristic and listed hazardous waste by evaporating paint waste and spent solvent wastes and by burning paint waste and spent solvent wastes in an on-site burn-off oven. In addition, Gem Coatings put containers of burned paint waste and spent solvent wastes in their dumpster, causing characteristic and listed hazardous waste to be transported to a solid waste landfill. The dumpster's contents were disposed of at the Athens-Hocking Reclamation facility.

As we discussed previously, Gem Coatings will remain in violation of Prohibitions until addressed through Ohio EPA's enforcement process.

Comments:

- A. **Within 15 days of your receipt of this letter**, please provide answers to following questions:

1. On what date did Gem Coatings move to their current location on Industrial Drive?
2. On what date(s) did powder coating, painting, sand/media blasting, and the phosphate cleaning process start at the Industrial Drive location?
3. During the inspection, Ohio EPA was told that Gem Coatings started using paint from Henson at first but because of problems a switch was made to Sherwin-Williams paint. On what dates did Gem Coatings start and stop using Henson paint?
4. What type(s) of Henson paint was used?
5. On what dates did Gem Coatings start and stop using Sherwin-Williams water dispersible/ waterborne paints?
6. On what date did Gem Coatings start using the Sherwin-Williams Type I Urethane Thinner and Type I Coating paint products, which are currently used at the facility?
7. On what date did Gem Coatings start using Crossfire Lacquer Thinner?
8. What is/was the specific use in your process of the Crossfire Lacquer Thinner?
9. On what date did Gem Coatings start using MEK?
10. On what date did Gem Coatings move from using MEK to MAK?

- B. Gem Coatings' manifesting of hazardous waste off-site using the proper waste codes has demonstrated a return to compliance with OAC Rule 3745-52-11, Waste Evaluation. Gem Coatings should remain mindful of the requirements in OAC rule 3745-52-11 to evaluate all waste to determine if it is a hazardous waste. Waste evaluation is required

regardless of how small the volume of waste or how infrequently the waste is generated. A waste can be classified as hazardous waste if it exhibits any of the characteristics identified in OAC Rules 3745-51-20 to 3745-51-24, or if it is listed in OAC Rules 3745-51-30 to 3745-51-35. Gem Coatings must evaluate their waste frequently enough to ensure that all hazardous wastes are managed properly.

OAC Rule 3745-52-40(C) requires that you maintain records to document a waste evaluation for three years from the date you send the waste off-site. The evaluation requirement can be fulfilled by either using knowledge of the waste stream or appropriate analytical procedures. If using analytical procedures, you must test a representative sample of the waste stream and use the test methods specified in OAC Rule 3745-52-11.

- C. Gem Coatings is now accumulating their hazardous waste in a satellite area and in a less than 180 day accumulation area. As a follow up to our May 16, 2007 discussions on container dating, I have enclosed a copy of the guidance Satellite Accumulation Under Ohio's Hazardous Waste Rules with this letter. This guidance document provides information about the requirements for managing hazardous waste in a satellite accumulation area.

If you have any questions regarding this letter, feel free to contact me at (740) 380-5248.

Sincerely,



Elizabeth A. Herron
Environmental Specialist
Division of Hazardous Waste Management

EH/dh

cc: Patrick Hudnall, DSW
Dan Canter, DAPC
Joe Holland, SEDO-DSIWM
Mike Cooper, Athens Health Department

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.

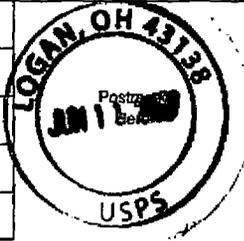
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Sent To
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PS Form 3800, June 2002

See Reverse for Instructions