



State of Ohio Environmental Protection Agency

Southeast District Office

2195 Front Street
Logan, Ohio 43138

TELE: (740) 385-8501 FAX: (740) 385-6490
www.epa.state.oh.us

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

CERTIFIED MAIL: 7006 3450 0001 9054 5515

April 25, 2007

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

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

Dear Mr. Howes:

On April 11, 2007, Melody Stewart and I met with you and Karry Gemmell at Gem Coatings' facility on Industrial Drive, Athens County, Ohio. This meeting was held at your request for the purpose of going over Ohio EPA's Notice of Violation to Gem Coatings dated March 29, 2007. During our meeting, an additional waste evaluation violation was identified while reviewing the manifest for Gem Coatings' April 10, 2007 hazardous waste shipment. The purpose of this letter is to document the violation and to provide you with other information you have requested.

VIOLATION

Ohio EPA identified 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) **OAC Rule 3745-52-11, Waste Evaluation:** Any person who generates a waste must evaluate the waste to determine if the waste is a hazardous waste in accordance with the criteria set forth in OAC Chapter 3745-51.

On April 10, 2007, Gem Coatings manifested 9 drums* of hazardous waste to Veolia ES Technical Solutions as a D001 ignitable waste. Gem Coatings failed to evaluate these drums of hazardous waste in accordance with the criteria set forth in OAC Chapter 3745-51. The waste evaluation, as reflected in the waste codes identified on the manifest, failed to include the metals, and volatile organic compounds known to exist in the paint waste.

Gem Coatings will be returned to compliance for this violation when Ohio EPA receives the corrected manifest which includes the characteristic and listed hazardous waste codes that apply for the metals and volatile organic compounds identified in the paint waste.

(*NOTE: The original manifest was for 9 drums, however when Veolia ES Technical Solutions received the waste shipment at their Poca, West Virginia facility, they found 10 containers in the shipment so they corrected number of drums on the original manifest.)

In addition to the above violation, Gem Coatings remains in violation of the following rules cited in Ohio EPA's March 29, 2007 Notice of Violation:

- (1) Ohio Revised Code §3734.02(E) and (F), Prohibitions;
- (2) OAC Rule 3745-52-11, Waste Evaluation;
- (3) OAC Rule 3745-52-12 (A) and (B), Generator Identification Numbers;
- (4) OAC Rule 3745-52-34(D)(5)(b), Accumulation Time of Hazardous Waste;
- (5) OAC Rule 3745-52-34(D)(5)(c), Accumulation Time of Hazardous Waste;
- (6) OAC Rule 3745-65-31, Design and Operation of Facility;
- (7) OAC Rule 3745-65-32(B) and(C), Required Equipment;
- (8) OAC Rule 3745-65-33, Testing and Maintenance of Equipment;
- (9) OAC Rule 3745-65-34(A), Access to Communications or Alarm System;
- (10) OAC Rule 3745-65-35, Required Aisle Space;
- (11) OAC Rule 3745-65-37 (A), Arrangements with Local Authorities;
- (12) OAC Rule 3745-52-34(D)(4), Accumulation Time of Hazardous Wastes;
- (13) OAC Rule 3745-66-73(A), Management of Containers; and
- (14) OAC Rule 3745-66-74, Inspections.

GENERAL COMMENTS

- (a) During our April 11, 2007 meeting, we briefly discussed proper management of solvent contaminated rags. I have enclosed the spring 2006 edition of the *Notifier* newsletter, which has an article on page 8 with additional information about this topic.
- (b) I have enclosed a copy of Ohio EPA's *Hazardous Waste Generator Handbook*, which I recommended as a resource to Gem Coatings in Ohio EPA's March 29, 2007 letter.
- (c) I have enclosed a copy of Ohio Administrative Code Chapter 3745-51, which deals with hazardous waste identification and includes the list of codes that apply to various wastes which you asked me about. I have tagged the sections in which you were most interested, specifically, the sections on ignitable, corrosive, reactive and toxicity characteristic waste and the list of F listed hazardous wastes.

Mr. Kevin Howes
Gem Coatings
April 25, 2007
Page 3

Should you have any questions, please feel free to call me at (740) 380-5248. 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 also has helpful information about pollution prevention at the following web address: <http://www.epa.state.oh.us/opp>.

Sincerely,



Elizabeth A. Herron
Environmental Specialist
Division of Hazardous Waste Management

EH/mlm

Enclosures

cc: without enclosures
Patrick Hudnall, SEDO-DSW
Dan Canter, SEDO-DAPC
Joe Holland, SEDO-DSIWM
Mike Cooper, Athens County 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.

7006 3450 0001 9054 5515

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)
 For delivery information visit our website at www.usps.com

Postage	\$ 4.20
Certified Fee	2.40
Return Receipt Fee (Endorsement Required)	1.85
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 8.45



Sent to Kevin Howes, Gem Coatings
 Street, Apt. No. or PO Box No. 5840 Industrial Dr.
 City, State, ZIP+4 Athens OH 45701

PS Form 3800, August 2006 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
 Mr. Kevin Howes
 Gem Coatings
 5840 Industrial Dr.
 Athens, OH 45701

2. Article Number 7006 3450 0001 9054 5515
(Transfer from service label)

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent Addressee
Robin Rutter

B. Received by (Printed Name) Robin Rutter C. Date of Delivery 4/24/06

D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below:

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes