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## Working as a Painting Contractor? Know Your Ohio EPA Regulations...

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### Introduction

If you are a painting contractor, it is important for you to know the Ohio EPA regulations that may apply to your business. Ohio EPA's air pollution control requirements may apply to you. If your business will generate wastewater, Ohio's regulations require that this wastewater be properly managed. In addition, you may be required to notify Ohio EPA that you generate hazardous waste or submit other reports. Complying with some regulations, such as getting an air or water permit for example, may take some time. So, the earlier you look into your responsibilities under the rules, the better.

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***It's important that you know the regulations and comply with them, because there can be violations or penalties if you are found to be out of compliance.***

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This fact sheet highlights some of the major Ohio EPA requirements that could apply to your painting business. It may not cover every requirement, but will provide you with a starting point in identifying where you might be subject to regulation. You will also need to contact other agencies such as the Occupational Safety and Health Administration (OSHA) to find out what additional requirements apply to your business.

### Air Pollution Sources

Under Ohio EPA's air pollution control regulations, your painting and coating operations may need air pollution control permits, particularly if you are operating a spray booth. The required permits include a permit-to-install (PTI) and permit-to-operate (PTO). The permits usually include conditions related to acceptable air emissions, operating conditions and record keeping requirements for the company.

Painting operations are regulated because the paints used often contain volatile organic compounds (VOCs) and hazardous air pollutants (HAPs). VOCs contribute to the formation of photochemical smog. HAPs are chemicals that are harmful to human health and many are suspected carcinogens.

Because of some specific exemptions in the regulations, some painting operations may not need a permit. There are some exemptions from permitting for smaller air pollution sources (called "de minimis sources"). Some painting operations may be de minimis. This usually depends on factors such as the size of the operation and the types of coatings

used (e.g., low VOC coatings). Your business may also be exempt from permitting if you move from site to site. However, you may still need to take precautions to ensure that your painting, if done outdoors, is not considered a nuisance. This may include controlling over spray and fumes from painting operations.

In addition, if you will be sandblasting paint off homes, buildings or equipment, this activity is also subject to Ohio EPA's air pollution control regulations. Sandblast material, dust and paint chips that become airborne can create a nuisance and possible health hazard. Companies that are involved in sandblasting must take some specific steps to ensure that airborne particulates are controlled. Depending on the type and location of sandblasting done, your business also may need to get a permit for this activity.

*Contact your local Ohio EPA district office, Division of Air Pollution Control or Small Business Assistance Program at (614) 644-4830 for more information on the air permitting requirements or exemptions.*

### Managing Hazardous Wastes

**\*\* NOTE \*\***

If you are working on residential job sites, the hazardous waste you generate may fall under Ohio's household hazardous waste exemption. For wastes that meet the definition of household hazardous waste, you are not required to comply with the hazardous waste rules. However, it is strongly recommended that you properly manage and dispose of these wastes.

Options for managing the waste include working with the homeowner to ensure that wastes get delivered to a household hazardous waste collection site. You can also take the waste to an industrial or hazardous waste facility for disposal. You should note that your local solid waste landfill will be unable to accept any liquid wastes (such as liquid paints, solvents or wastewater). You **SHOULD NOT** put household hazardous wastes down a septic system or on the ground.

*To find out more about Ohio's household hazardous waste exemption, contact the Division of Hazardous Waste Management, Technical Support Unit at (614) 644-2917.*

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Under Ohio EPA's regulations, all wastes generated by a business must be evaluated to see if the wastes are hazardous (see note). Ohio EPA has specific regulations on how hazardous waste needs to be handled and disposed.

These regulations include properly managing your hazardous waste and keeping certain records. Hazardous waste must be sent to a permitted hazardous waste facility for treatment or disposal and CANNOT be disposed in your trash dumpster. In addition, if your company generates more than 100 kilograms (or 220 pounds) of hazardous waste in a month, you must obtain a generator identification number from Ohio EPA. A permit is not required to generate hazardous waste.

**Most painting contractors are hazardous waste generators. Common hazardous wastes include:**

- spent solvents;
- solvent contaminated rags/wipers;
- spray booth filters;
- old paint that can't be used;
- spent sandblast media, paint chips or residue from paint removal operations containing lead, cadmium, chromium or other heavy metals.

There are two ways in which your waste can be classified as a hazardous waste:

**Listed hazardous wastes:** If your waste appears on any one of the lists published in Ohio's hazardous waste regulations, it is a hazardous waste. These hazardous waste lists are published in the Ohio Administrative Code (OAC), rules 3745-51-31 through 3745-51-33. There are four different types of listed wastes. Each waste on the list is assigned a hazardous waste code.

**Characteristic hazardous wastes:** If you find that your waste does not appear on the lists in Ohio EPA's regulations, your waste may still be regulated if it possesses a hazardous characteristic. There are four characteristics that could cause a waste to be regulated as hazardous. A description of each characteristic is included in OAC rules 3745-51-21 through 3745-51-24. Two characteristics that are common for painting related wastes include:

**Ignitability:** The waste has a flash point of less than 140 degrees F (60 degrees C) or could catch fire under certain circumstances. Examples include: solvents, mineral spirits and waste paint.

**Toxicity:** The waste has specific toxic contaminants present in high enough concentrations to be harmful to humans or the environment. The toxic contaminants and their threshold levels are included in Ohio's hazardous waste regulations (OAC rule 3745-51-24). Examples include wastes that contain heavy metals (e.g., lead, chromium, mercury, cadmium) or certain chemicals (e.g., benzene, MEK, pesticides).

Contact your local Ohio EPA district office, Division of Hazardous Waste Management for more information on the hazardous waste generator requirements.

## Lead-Based Paint Abatement

If your business involves lead-based paint removal as a lead abatement measure, there are several different regulations that could apply to these activities. Under Ohio EPA's regulations, wastes (such as paint chips, scrapings and dust) generated from lead-based paint abatement must be evaluated to determine if they are hazardous and properly managed.

In addition, the Ohio Department of Health regulates and certifies contractors that perform lead abatement activities. It is also important to be aware of any OSHA requirements that could apply to protect workers' health and safety.

Contact Ohio EPA, Ohio Department of Health (800-554-7447) and your local OSHA office (800-282-1425) for more information on lead-based paint.

## Water Pollution Control

### Industrial Wastewater

Even wastewater from cleaning up equipment contaminated with latex paints only would still be classified as industrial wastewater.

Industrial wastewater from painting can be generated from cleaning brushes, sprayers and other equipment or from operating a spray booth. It is NOT permissible to discharge industrial wastewater onto the ground, into storm sewers or into on-site septic systems.

Under Ohio EPA's regulations, options for handling industrial wastewater include obtaining a permit to discharge directly into a surface water or discharging to a public wastewater treatment plant. Another option is to install a wastewater holding tank and have the wastewater hauled to an industrial waste disposal company.

### Industrial Wastewater: Direct Discharges

Any discharge of industrial wastewater to "waters of the state" will require a discharge permit (called an NPDES permit) from Ohio EPA. Examples of waters of the state include streams, rivers, lakes, ponds, marshes, watercourses, waterways and springs. Wastewater discharges entering a conveyance system (like a ditch or storm sewer) that leads to a waterway also require an NPDES permit. You cannot discharge industrial wastewater from your painting business to any waters of the state unless you have received a permit from Ohio EPA.

## ***Industrial Wastewater: Indirect Discharges***

If your business is connected to a public wastewater treatment plant (called a POTW), you may be able to discharge wastewater directly to the plant. However, wastewater treatment plants are not generally designed to handle wastes like metals, solvents or other chemicals. They are designed to handle sewage related wastes and wastewater. Because of this, the treatment plant can require that you conduct "pretreatment" (e.g., removal of chemicals, solids, etc.) before discharging your wastewater to them. If you want to discharge industrial wastewater to a local treatment plant, you need to discuss these activities with the treatment plant directly. Permission to discharge to the POTW and/or obtaining a permit may be necessary.

If you are going to be working at different job sites and will be generating wastewater from cleaning your painting equipment, it is important to talk with the POTW **BEFORE** you begin the job. You must get permission from the POTW to discharge wastewater to them.

## ***Constructing a Wastewater Holding Tank***

If you do not have a permit to discharge wastewater directly or permission to discharge to a POTW, you must find another way to manage your wastewater. As mentioned, you cannot discharge wastewater directly onto the ground, down a septic system or into a storm sewer.

Another option for handling industrial wastewater that is generated at your business location is to collect it in a holding tank and have it hauled to a disposal facility. If you construct a wastewater holding tank, this activity requires a permit-to-install from Ohio EPA's Division of Surface Water.

### **\*\* IMPORTANT NOTE \*\***

It is important to know that Ohio EPA's regulations DO NOT allow companies to discharge industrial wastewater or chemicals into an on-site sewage treatment system, like a septic tank and leach field. Paint solids can easily clog up a septic system. Discharging chemicals into an on-site septic system also kill the helpful bacteria that break down sewage wastes. In addition, chemicals can leach from the system into nearby groundwater. If you want to run a shop from your home or from a business location that is connected to an on-site sewage treatment system, contact Ohio EPA to discuss options for managing your wastewater.

*You can contact your local Ohio EPA district office, Division of Surface Water for more information on the wastewater discharge and permitting requirements. If you are unsure of who your local POTW contact is, you can also call the Division of Surface Water for assistance.*

## **Keeping Chemicals On-Site**

### ***Emergency Planning and Community Right-to-Know (EPCRA)***

If your company has chemicals on-site, you may be required to complete reports under the EPCRA regulations.

The EPCRA reporting requirements apply to a company that has more than:

- 10,000 pounds of a *hazardous chemical* or;
- more than the reportable quantity of an *extremely hazardous substance* on-site.

A *hazardous chemical* is any chemical required to have a Material Safety Data Sheet (MSDS) under OSHA. Almost all chemicals fall in this category. An *extremely hazardous substance* is any of 360 chemicals on a specific list in EPA's regulations.

A painting contractor does not usually have chemicals on-site that would be classified as extremely hazardous substances. However, paints, solvents or other chemicals you have on-site would likely be classified as hazardous chemicals. If you have a total of over 10,000 pounds of any of these chemicals on-site at any time, the EPCRA reporting requirements would apply to your business.

*Contact Ohio EPA, Right-to-Know Office at (888) 644-2260 for more information on the EPCRA reporting requirements.*

## **Pollution Prevention**

You can probably save money and reduce your regulatory burdens if you explore ways of preventing pollution. This can include reducing waste streams, emissions or recycling.

### ***Pollution prevention options for painters can include:***

- using high-efficiency spray equipment;
- using non-hazardous solvents and cleaning materials;
- choosing coatings that have low VOCs (volatile organic compounds);
- good housekeeping practices to minimize spills, leaks, etc.;
- recycling materials such as used solvents;
- keeping a good inventory of material and using up all products before they become outdated.

*Contact Ohio EPA's Office of Pollution Prevention at (614) 644-6439 for more information on pollution prevention opportunities for your business.*

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## Need Additional Help?

If you have additional questions about Ohio EPA's regulations, please contact the Ohio EPA, Small Business Assistance Office for FREE and CONFIDENTIAL help at (800) 329-7518 or (614) 728-8573. You can also contact your local Ohio EPA district office for assistance. See map for the district office which covers the county your business is located in.

**Central District Office (CDO)**  
3232 Alum Creek Drive  
Columbus, Ohio 43207  
tel: (614) 728-3778

**Southeast District Office (SEDO)**  
2195 Front Street  
Logan, Ohio 43138  
tel: (740) 385-8501

**Southwest District Office (SWDO)**  
401 East 5<sup>th</sup> Street  
Dayton, Ohio 45402  
tel: (937) 285-6357

**Northeast District Office (NEDO)**  
2110 E. Aurora Road  
Twinsburg, Ohio 44087  
tel: (330) 963-1200

**Northwest District Office (NWDO)**  
347 N. Dunbridge Road  
Bowling Green, Ohio 43402  
tel: (419) 352-8461



# Publications for Paint Contractors

## May 2000

Ohio EPA  
Small Business Assistance Office  
3232 Alum Creek Drive  
Columbus, Ohio 43207-3417  
800-329-7518 or 614-728-8573

The following publications may be helpful to you in understanding the environmental regulations that apply to your paint contracting business. To get your FREE copies, complete this form and return it to the Small Business Assistance Office.

- Ohio EPA Resource Guide**  
Learn more about the Ohio EPA and resources available to you. Ohio EPA, Small Business Assistance Office, April 1999.
- Small Business Environmental Compliance Self-Assessment Guide (booklet)**  
Do a self-check of your compliance with Ohio EPA's regulations. Ohio EPA, Small Business Assistance Office, March 1998.
- Getting Copies of Ohio EPA's Regulations (fact sheet)**  
Need to get a copy of the regulations? This fact sheet will explain how. Ohio EPA, Small Business Assistance Office, February 2000.
- Pollution Prevention, Getting Started (fact sheet)**  
Learn how to reduce waste at your business. Ohio EPA, Office of Pollution Prevention, January 1996.
- Pollution Prevention in Painting and Coating Operations (fact sheet)**  
Ohio EPA, Office of Pollution Prevention, September 1994.
- Environmental Laws (fact sheet)**  
An overview of environmental regulations. Ohio EPA, Small Business Assistance Office, September 1998
- How Your Small Business Can Get in Touch With EPA Air Requirements (brochure)**  
Ohio EPA, Small Business Assistance Program, Division of Air Pollution Control.
- Air Pollution Requirements for the Painting Industry (fact sheet)**  
Ohio EPA, Small Business Assistance Program, Division of Air Pollution Control, February 1997.
- Does Your Facility Generate Industrial Wastewaters? (fact sheet)**  
U.S. EPA #EPA905-F-94-002/September 1994.
- Identifying Your Hazardous Waste (fact sheet)**  
Ohio EPA, Small Business Assistance Office, February, 2000.

- Selecting a TSD Facility to Handle Your Hazardous Wastes (fact sheet)**  
Ohio EPA, Small Business Assistance Office, March, 1997.
- Guidance on the Management of Solvent-Contaminated Rags and Wipers**  
Ohio EPA, Division of Hazardous Waste Management, March 1994.
- Understanding the Hazardous Waste Rules - A Handbook for Small Business - 1996 Update**  
U.S. EPA Solid Waste & Emergency Response, EPA 530-K-95-001 June 1996.
- Management of Lead-bearing Paint Waste from Lead Paint Abatement**  
Ohio EPA, Division of Hazardous Waste Management, July 1994.

To Order Call: 800-329-7518  
Fax: 614-728-8579

OR Fold and Mail to: Ohio EPA, SBAO  
3232 Alum Creek Drive  
Columbus, Ohio 43207

Name \_\_\_\_\_

Company \_\_\_\_\_

Address \_\_\_\_\_

City, State, Zip \_\_\_\_\_