

Working as a painting contractor? Know Your Ohio EPA Regulations

If you are a painting contractor, it is important for you to know the Ohio EPA rules 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 rules require that it 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 requirements, for example, getting an air or water permit, may take some time. The earlier you look into your responsibilities under the rules, the better.

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

This fact sheet highlights some of the major Ohio EPA requirements that could apply to your painting business. 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 rules, your painting and coating operations may need a *permit-to-install and operate*, particularly if you are operating a spray booth. This permit usually includes conditions related to acceptable air emissions, operating conditions and record-keeping requirements.

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 rules, some painting operations may not need a permit. There are some exemptions from permitting for smaller air pollution sources (called "deminimis sources"). Some painting operations may be deminimis. 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 rules.

Sandblast material, dust and paint chips that become airborne can create a nuisance and possible health hazard. Companies that are involved in sand-blasting must take some specific steps to ensure that airborne particulates are controlled. Depending on the type and location of sandblasting, your business also may need to get a permit for this activity.

Contact your local *Ohio EPA district office, Division of Air Pollution Control* (DAPC) or the *Office of Compliance Assistance and Pollution Prevention* (OCAPP) at (800) 329-7518 for more information on the air permitting requirements or exemptions.



Sandblasting may require an air permit

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Managing Hazardous Wastes

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

These rules 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 220 pounds (roughly half of a 55-gallon drum) of hazardous waste in a month, you must obtain a U.S. EPA identification number from Ohio EPA. A permit is not required to generate hazardous waste.

**** NOTE ****

If you are working on residential job sites, the hazardous waste you generate may fall under Ohio's household hazardous waste exclusion. 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 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 exclusion, contact the Division of Materials and Waste Management, Hazardous Waste Compliance and Inspection Support at (614) 644-2621.

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

- spent solvents;
- spray booth filters;
- old paint that can't be used; and
- 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 rules***, 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 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 rules, 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 to the environment. The toxic contaminants and their threshold levels are included in Ohio's hazardous waste rules (***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 Materials and Waste Management*** (DMWM) at (614) 644-2621 for more information about your 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 rules that could apply to these activities. Under Ohio EPA's rules, 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.

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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 at (877) 668-5323/(614) 466-1450 and/or your local OSHA office at (800) 321-6742 for more information on lead-based paint.

Water Pollution Control

[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.

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

Under Ohio EPA's rules, options for handling industrial wastewater include obtaining a permit to discharge directly into 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, water courses, waterways and springs.

Wastewater discharges entering a conveyance system (such as 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 such as 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 must discuss these activities with the treatment plant directly. Permission to discharge to the POTW and/or obtaining a permit may be necessary.

It is important to know that Ohio EPA's rules 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.

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 \(DSW\)](#).

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You can contact the DSW staff at your local [Ohio EPA district office](#) for more information on the wastewater discharge and permitting requirements. If you are unsure who your [local POTW contact](#) is, you can also call the DSW for assistance at (614) 644-2001.

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 Safety Data Sheet (SDS) under OSHA. Almost all chemicals fall in this category. An extremely hazardous substance is any of 360 chemicals on a specific list in U.S. EPA's rules.

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 more than 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 Program](#) at (614) 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:

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



Contact Ohio EPA's OCAPP at (800) 329-7518 for more information about pollution prevention opportunities for your business.

Need More Help?

If you have additional questions about Ohio EPA's rules, please contact Ohio EPA's OCAPP for FREE help at (800)329-7518 or (614) 644-3469. You can also contact your local [Ohio EPA district office](#) for assistance. See map for the district office which covers the county where your business is located.

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District Offices



Central Office

Lazarus Government Center
50 W. Town St., Suite 700
P.O. Box 1049
Columbus, OH 43215
(614) 644-3020

Northwest District Office

347 N. Dunbridge Rd.
Bowling Green, OH 43402
(419) 352-8461
(800) 686-6930

Northeast District Office

2110 E. Aurora Rd.
Twinsburg, OH 44087
(330) 963-1200
(800) 686-6330

Central District Office

Lazarus Government Center
50 W. Town St., Suite 700
Columbus, OH 43215
(614) 728-3778
(800) 686-2330

Southeast District Office

2195 Front Street
Logan, OH 43138
(740) 385-8501
(800) 686-7330

Southwest District Office

401 E. Fifth St.
Dayton, OH 45402
(937) 285-6357
(800) 686-8930

*Toll-free numbers are for citizens with questions or concerns about environmental issues.
The regulated community should use the business line for routine business.
Spills and emergencies should be reported to (800) 282-9378.*