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COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Central Regional Office, 627 Main Street, Worcester, MA 01608



MITT ROMNEY
Governor

ELLEN ROY HERZFELDER
Secretary

KERRY HEALEY
Lieutenant Governor

ROBERT W. GOLLEDGE, Jr.
Commissioner

Thoughtforms Corp.
#3 Spruce Street
West Acton, MA 01720

Re: BWP - Acton
COMPLIANCE LETTER

Attention: David Hipsky

FMF #392533

Dear Mr. Hipsky:

On March 25, 2004, the Department of Environmental Protection conducted an inspection of your facility located at 543 Massachusetts Avenue in West Acton, Massachusetts. Department personnel observed that activity occurred at the facility were in noncompliance with the Massachusetts Hazardous Waste Management Regulations, which are enforced by the Department.

As a result of the inspection, a Notice of Noncompliance, NON-CE-04-9016-2 was issued by the Central Regional Office on April 13, 2004.

On April 29, 2004 the Department received a correspondence from your facility (i.e. pictures) that documented actions taken to achieve compliance. It is the opinion of the Department that your company has complied with the requirements of the Notice of Noncompliance. The Department would like to thank you for your timely and appropriate actions.

Very truly yours,

John F. Kronopolus
Section Chief
Bureau of Waste Prevention

6/16/04
Date

JFK/ KRA
enclosure

cc: Acton Board of Health
OEPA, Boston

ecc: William McGowan, MA Office of Technical Assistance

MEMORANDUM

TO: John Kronopolus
FROM: Keith R. Anderson *224*
DATE: June 14, 2004
SUBJECT: Compliance Documentation at Thoughtforms Corp. in West Acton, MA

FMF ID #392533

On April 29, 2004 the Department received a correspondence from Thoughtforms Corp located at 543 Massachusetts Avenue in West Acton, MA documenting (i.e. pictures) documenting action taken to respond to the Notice. The Company has complied with the Notice of Noncompliance, NON-CE-04-9016-2, dated April 13, 2004.

RESOLUTIONS:

1. The Company has registered with the Department.
2. The Company has labeled its containers.
3. The Company has marked its Hazardous Waste Accumulation area.
4. The Company has posted its Hazardous Waste accumulation area.
5. The Company now has an impervious surface for its Hazardous Waste accumulation container(s).
6. The Company now has a secondary containment system.
7. The Company has properly characterized its waste.

No further action by the Bureau of Waste Prevention is required at this time.



TOWN OF ACTON
Health Department
472 Main Street
Acton, Massachusetts, 01720
Telephone (978) 264-9634
Fax (978) 264-9630

April 13, 2004

COPY

Thoughtforms Corporation
543 Massachusetts Avenue
Acton, MA 01720
Attn. David B. Hipsky

Re: Hazardous Materials Control Permit Requirement

Dear Mr. Hipsky,

Recently, the Health Department received a copy of a Notice of Non-Compliance that was issued to your establishment by the Department of Environmental Protection. After reading this letter, it became apparent to the Department that your facility falls within the requirements of the Hazardous Materials Control Bylaw. This Bylaw, adopted in 1981, requires all facilities in Town that store or generate over 25 gallons or 25 pounds of hazardous materials/wastes within a 24 hour period have a license with the Board of Health.

Enclosed you will find a copy of the Hazardous Materials Control Bylaw and an application. Please review these documents and contact me within fourteen (14) days of receipt of this letter to begin the application process. I look forward to working with your establishment to become in compliance with the Bylaw in the Town of Acton.

Please contact me at 978-264-9634 or at the address listed above to discuss this matter.

Regards,

Heather Marceau, Agent
Acton Board of Health
HMarceau@town.acton.ma.us

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Thoughtforms Corp.
543 Massachusetts Ave.
Acton, MA 01720

Re: BWP - Acton
Noncompliance with M.G.L. Chapters
21C and 310 CMR 30.000

Attention: David B. Hipsky

NON-CE-04-9016-2

FMF # TBD
MAD# Non-Notifier

NOTICE OF NONCOMPLIANCE

THIS IS AN IMPORTANT NOTICE. FAILURE TO TAKE ADEQUATE ACTION
IN RESPONSE TO THE NOTICE COULD RESULT IN SERIOUS LEGAL
CONSEQUENCES.

Dear Mr. Hipsky :

Department personnel have observed that on March 25, 2004 activity occurred at your facility located on 543 Massachusetts Avenue in West Acton, Massachusetts, in noncompliance with one or more laws, regulations, orders, licenses, permits, or approvals enforced by the Department. Specifically, Department personnel observed activities in noncompliance with applicable Hazardous Waste Management regulations.

Attached is a written description of (1) each activity referred to above, (2) the requirements violated, (3) the action the Department now wants you to take, and (4) the deadline for taking such action. An administrative penalty may be assessed for every day from now on that you are in non-compliance with the requirements described in this Notice of Noncompliance.

Notwithstanding this Notice of Noncompliance, the Department reserves the right to exercise the full extent of its legal authority in order to obtain full compliance with all applicable requirements, including but not limited to, criminal prosecution, civil action including court-imposed civil penalties, or administrative penalties assessed by the Department.

This information is available in alternate format. Call Debra Doherty, ADA Coordinator at 617-292-5565.

<http://www.mass.gov/dep> • Phone (508) 792-7650 • Fax (508) 792-7621 • TDD # (508) 767-2788

Thoughtforms Corp.
NOTICE OF NONCOMPLIANCE

Page 2

SOURCE REDUCTION OPPORTUNITIES

You may be able to reduce environmentally driven costs and possibly reduce the regulatory requirements and fees applied to your firm if you eliminate or reduce the use of toxic materials or other inputs, or the generation of wastes through decreased chemical use or increased process efficiency. As a result, you may save money and improve quality and productivity.

For further information on source reduction of toxic and other waste you may contact:

- The Office of Technical Assistance at 617-626-1060 or at their website at www.mass.gov/ota for **FREE, CONFIDENTIAL** technical assistance including on-site assessments, financial evaluations, the handbook "The Practical Guide to Toxics Use Reduction", and other resources.
- The Toxics Use Reduction Institute (978-934-3275) for courses for certified "Toxics Use Reduction Planners".
- DEP's Toxics Use Reduction Implementation Team (617-292-5982) for guidance material on the Toxics Use Reduction Act requirements.

If you have any questions regarding this matter, please contact Keith R. Anderson of this office at (508) 792-7692, Ext. 2751.

Very truly yours,

DATE: 4/13/04


John F. Kronopolus
Section Chief
Bureau of Waste Prevention

JFK/
enclosure

cc: Acton Board of Health
Acton Hazardous Waste Coordinator
OEPA, Boston
ecc: William McGowan, MA Office of Technical Assistance

Thoughtforms Corp.
NONCOMPLIANCE SUMMARY

NOTICE OF NONCOMPLIANCE
NONCOMPLIANCE SUMMARY

NAME OF ENTITY IN NONCOMPLIANCE: Thoughtforms Corp.

LOCATION WHERE NONCOMPLIANCE OCCURRED OR WAS OBSERVED:

543 Massachusetts Avenue

DATE WHEN NONCOMPLIANCE OCCURRED OR WAS OBSERVED:

March 25, 2004

DESCRIPTION OF NONCOMPLIANCE AND OF THE REQUIREMENT (S) NOT COMPLIED WITH:

- (1) The Company is conducting Hazardous Waste activity without proper notification to the Department, in violation of 310 CMR 30.353(5).
- (2) The Company's Hazardous Waste accumulation containers are not properly labelled, in violation of 310 CMR 30.353(6)(g) and 310 CMR 30.682.
- (3) The Company has not marked its Hazardous Waste accumulation area, in violation of 310 CMR 30.353(6)(h) and 310 CMR 30.341(5).
- (4) The Company has not posted a sign at its Hazardous Waste accumulation area, in violation of 310 CMR 30.353(6)(h) and 310 CMR 30.341(4).
- (5) The Company does not have an impervious surface underlying its Hazardous Waste accumulation tank and/or containers, in violation of 310 CMR 30.353(6)(h) and 310 CMR 30.342(1)(e)1.
- (6) The Company's Hazardous Waste above-ground accumulation tank and/or containers do not have a secondary containment system, in violation of 310 CMR 30.353(6)(h) and 310 CMR 30.342(1)(e)2.
- (7) The Company failed to properly characterize its hazardous waste shipment offered for off-site disposal, in violation of 310 CMR 30.302.

ACTION TO BE TAKEN AND THE DEADLINE FOR TAKING SUCH ACTION:

- (1) Effective immediately, your Company must complete and submit the enclosed "Commonwealth of Massachusetts Department of Environmental Protection Generator Registration" form per the instructions given, in compliance with 310 CMR 30.353(5).
- (2) Effective immediately, comply with 310 CMR 30.353(6)(g) and 310 CMR 30.682 with respect to labelling throughout the period of storage. The side of each container of Hazardous Waste shall be clearly labelled and marked in a manner which identifies, in words, the Hazardous Waste(s) being stored in the container (e.g., acetone, toluene) and the hazards associated with the waste (e.g., ignitable, toxic, dangerous when wet). Each container shall also be marked with the words "Hazardous Waste".
- (3) Effective immediately, comply with 310 CMR 30.353(6)(h) and 310 CMR 30.341(5) with respect to clearly marking all areas where wastes are accumulated (e.g., by a clearly visible line or piece of tape on the floor, or by a gate or fence, or by a sign at the boundary of a clearly distinguishable area).
- (4) Effective immediately, comply with 310 CMR 30.353(6)(h) and 310 CMR 30.341(4) with respect to posting a sign with the words "Hazardous Waste" in capital letters at least one inch high, at all areas where wastes are accumulated.
- (5) Effective immediately, comply with 310 CMR 30.353(6)(h) and 310 CMR 30.342(1)(e)1. with respect to underlying all tanks and/or containers with a surface which is sufficiently impervious to contain leaks and spills.
- (6) Effective immediately, comply with 310 CMR 30.353(6)(h) and 310 CMR 30.342(1)(e)2 with respect to providing a secondary containment system for the Hazardous Waste accumulation area. The containment system must be designed and operated so that it has the capacity to contain either 10% of the total possible contained volume of the containers, or 110% of the volume of the largest container, whichever is greater.
- (7) Effective immediately, comply with 310 CMR 30.302 with respect to properly characterizing waste streams prior to off-site disposal.

Thoughtforms Corp.

NONCOMPLIANCE SUMMARY

Page 3

(8) Within 21 calendar days from the date of this Notice of Noncompliance, this Regional Office of the Department shall receive written confirmation that your Company is in compliance with requirements 1 through 7 stated above.

Please address your reply to this Notice of Noncompliance to Keith R. Anderson at this office.

DATE 4/13/04

BY: 

John F. Kronopolus
Section Chief
Bureau of Waste Prevention

JFK/KRA

INSPECTION REPORT

Date: March 29, 2004
To: The File
From: Keith R. Anderson, EEIV *KRA*
Cc: John F. Kronopolus, BWP Section Chief, DEP/CERO
Enf: Yes
Re: Thoughtforms Corporation 508.264.0640
543 Massachusetts Avenue
W. Acton, MA 01720

FMF Facility # TBD
HW Id.#: Non-Notifier VSQG-HW
AQC Id. #Blw-AQ
IWW Permit # n/a
POTW #, n/a
TURA: Filer-No

#of employees: ~ 75

On March 25, 2004, Keith R. Anderson conducted an un-announced inspection of Thoughtforms Corp. located at 543 Massachusetts Avenue in West Acton. The objective of this inspection was to evaluate compliance with regard to Air Quality, Hazardous Waste Management, Industrial Wastewater and Toxic Use Reduction. Specifically, there had been an un-manifested hazardous waste shipment from this facility on January 12, 2004, that triggered this inspection.

On the day of the inspection Mr. David B. Hipsky, Woodshop Supervisor conducted a tour of the facility.

VIOLATION SUMMARY

There were violations associated with hazardous waste management regulations. Specifically, violations were improper waste characterization, accumulation area standards, and container labeling requirements.

SOURCE REDUCTION SUMMARY

There were no obvious opportunities for source reduction observed at the facility.

Thoughtforms Corp.
INSPECTION REPORT

Page 2

MANUFACTURING PROCESSES

Thoughtforms Corporation specializes in the building of new custom homes, renovations and unique institutional buildings. This facility consists of a building for office staff and a small carpenter shop.

UNIT OPERATION/ WASTE MANAGEMENT SUMMARY

UO#1 – Carpenter Shop
WMO#1 – Hazardous Waste Management

UO#1- Carpenter Shop

Woodworking operations are conducted with saws, drills, standers, and etc. to build small projects for home construction and renovations.

Substances

Spray Paint Cans
Lacquer Thinner
Latex Paint
Stains

Waste Streams

Hazardous Waste – At the present time only waste lacquer thinner (D001) is being generated from brush cleaning operations. Useable materials including virgin and re-useable lacquer thinner are kept in a yellow flammable storage cabinet. They generate less than 27 gallons (100 kg) per month of this material.

Violations: The Company has not properly notified the Department of its hazardous waste generation activity.

Solid Waste – Saw dust is managed as a solid waste.

WMO#1- HAZARDOUS WASTE MANAGEMENT

On January 12, 2004, a 55- gallon container (400 lbs) of waste paint related material, initially characterized by generator knowledge as non-hazardous was offered for transport and arrived at General Chemical, a TSDF. This material was generated as a result of a “clean-out” operation. Upon arrival at General Chemical the material was identified as being “ignitable”, D001. As a result, General Chemical notified the Department of an un-manifested hazardous

Thoughtforms Corp.
INSPECTION REPORT

Page 3

waste shipment arrived at their facility. Presumably, unknowingly to the generator and the TSDf the material became contaminated with some lacquer thinner prior to off-site disposal.

Waste Thinner is being accumulated in a 30-gallon metal container within a metal storage shed located outside the facility.

Violations: the container label did not indicated the hazard characteristic "ignitable", the area was not properly marked and did not have a "hazardous waste" sign identifying the area, the wood surface of the shed was not impervious, and the container needed secondary containment (note-there was a storm drain directly outside the storage shed). Also, the generator will be cited for improper waste characterization, based on knowledge.

Thoughtforms Corporation

BUILDERS

543 Massachusetts Avenue
West Acton, MA 01720

978/263-6019
978/635-9503 fax

ACTIONS TAKEN TO COMPLY WITH SUMMARY

- Item #1 Generator registration form submitted 04/20/04.
- Item #2 Label is now adhered to 30 gallon drum with the word ignitable printed on sticker.
- Item #3 Caution tape is now marking the area where drum is stored.
- Item #4 “Hazardous Waste” sign with 1” high capital letters is now posted on door next to storage container.
- Item #5 & #6 A plastic secondary containment unit has been placed below drum to recover any spills or leaks.
- Item #7 Disposal will be properly characterized when removed from facility.
- Item #8 I believe our company is now in compliance with the D.E.P.