



State of Ohio Environmental Protection Agency

003 Generator

Southwest District

401 East Fifth Street  
Dayton, Ohio 45402-2911

TELE: (937)285-6357 FAX: (937)285-6249  
www.epa.state.oh.us

Ted Strickland, Governor  
Lee Fisher, Lt. Governor  
Laura Powell, Acting Director

January 23, 2007

Re: **DMAX, Ltd.**  
**OHR000038422**  
**Montgomery County**  
**LQG**

Mr. Ralph Goubeaux  
Facility Manager, DMAX-LTD  
3100 Dryden Rd.  
Moraine, Ohio 45439

Dear Mr. Goubeaux,

Ohio EPA is in receipt of DMAX, Ltd's (DMAX) December 19, 2006 letter responding to Ohio EPA's November 22, 2006 Notice of Violation (NOV) letter.

The response outlines steps DMAX will take in order to prevent unauthorized removal of waste to off site without proper waste determination. Although DMAX includes a procedure where Plant Security will now inform the Environmental Department and the Facilities Management Group when United Waste Water (UWW) arrives on site, the response fails to establish a procedure by which the Environmental Department or the Facilities Management Group will communicate with or supervise the waste transporter's activity. As outlined, DMAX's procedure does not meet Ohio EPA's expectations.

To minimize the possibility that a similar incident will occur, DMAX should adopt a procedure where after being notified by Plant Security, the Environmental Department or the Facilities Management Group will communicate directly with the waste transporter to clarify the scope of work. DMAX should also adopt a procedure where the Environmental Department or the Facilities Management Group supervises the transporter's loading activity. Please provide a written response to this office explaining if DMAX intends to adopt additional procedures as suggested above. Provide this response within 30 days.

DMAX's response also proposes a method to determine if the spent parts washer waste is hazardous, and provides analytical results from a sample of waste taken on November 29, 2006. Ohio EPA concurs that DMAX may determine a waste is not a listed hazardous waste based upon generator knowledge. DMAX should retain a record which documents such a finding and the basis of the finding. Ohio EPA also concurs that DMAX must determine if the waste carries any other characteristics of a hazardous waste, including all metals. The results which DMAX submitted from a sample taken November 29, 2006 only indicate if the waste is characteristic for lead. Until Ohio EPA communicates otherwise, please forward to this office any results of analysis relative to waste determination of the spent parts washer waste stream. With each submittal, please include the work order

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associated with the clean out which documents the date of the clean out. As a reminder, analysis should be conducted at the end of the life cycle.

If you have any questions about compliance with hazardous waste regulations or have questions relative to this letter please contact me at (937) 285-6082. Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve DMAX from having to comply with all applicable regulations.

Sincerely,



Brian Gitzinger  
District Representative  
Division of Hazardous Waste Management

cc: Dinah Crawford, DHWM, SWDO  
Tom Koch, DHWM, SWDO  
Jeff Mayhugh, DHWM, CO  
Rose McLean, DHWM, CO

BG/plh