



State of Ohio Environmental Protection Agency

STREET ADDRESS:

MAILING ADDRESS:

Lazarus Government Center
50 West Town Street, Suite 700
Columbus, Ohio 43215

TELE: (614) 644-3020 FAX: (614) 644-3184
www.epa.state.oh.us

P.O. Box 1049
Columbus, Ohio 43216-1049

January 11, 2007

Donald Miller
Vice President
Midwest Guardian, Inc.
100 Keller Dr.
P.O. Box 2041
Wapakoneta, OH 45895

Re: Notification - Failure to Comply with Hazardous Waste Annual Report
Requirement
OHD048782049

Dear Mr. Miller:

Midwest Guardian is a Destination Facility for Universal Waste (UW) and is subject to the Facility Report requirement of Ohio Administrative Code (OAC) rule 3745-65-75 as referenced in OAC rule 3745-273-60(A). Because DHWM did not receive Waste Receipt forms as part of the 2005 Facility Report (commonly referred to as the Hazardous Waste Annual Report or HWAR), Midwest Guardian is in violation of OAC rule 3745-65-75.

Midwest Guardian's 2005 HWAR contained the Site Identification form, three Generation and Management (GM) forms, one Off-site Installation (OI) form and no Waste Receipt (WR) forms or Process System (PS) forms. The WR and PS forms are described as follows:

- Form WR (Waste Received from Off Site): one form per customer. This form identifies the customer by EPA ID, name, and address, and describes the HW received from them and what was done with it. Refer to the enclosed flow chart to determine when a UW with hazardous characteristics should be reported on this form and what management method codes to list on manifests and the HWAR.
- Form PS (Process Systems for Treatment, Disposal, or Recycling): by management method code, summarizes the total influent quantity processed (overall total versus the portion of that which was RCRA-regulated). One PS form is required for each

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management method code reported on the WR forms, with an exception for wastes that were stored and transferred without treatment (management method code H141).

The 2005 HWAR must include the regulated activities from January 1 to December 31, 2005. (The Universal Waste Destination Facility rules were effective on 12/7/2004.) The forms and instructions are available in pdf format from DHWM's Web site at http://www.epa.state.oh.us/dhwm/ann_report.html.

To abate the violation of the 2005 HWAR requirement, Midwest Guardian must complete and submit the WR and PS forms within 30 days of receipt of this letter. Failure to respond to this Notice of Violation may result in consideration of escalated enforcement. If none of the UW received from 1/1/2005 to 12/31/2005 was handled in a manner that requires WR and PS reporting, please state this in your response.

If amendments or additions to the GM forms are needed, submit that information as well. HW residuals from the processing or recovery of UW should be reported on a GM form with the specific Source Code of G27, defined as "Hazardous residual from treatment or recovery of universal waste."

A letter that acknowledges receipt of the report will be sent to you once it is processed. Your prompt attention to this matter would be appreciated. Please note that Midwest Guardian's 2006 HWAR due on March 1, 2007, also needs to include waste receipts for UW that was handled in a manner which requires reporting.

For assistance with the reporting forms, contact Tammy Heffelfinger, Annual Report Coordinator, at 614-644-2954 or via e-mail sent to tammy.heffelfinger@epa.state.oh.us. For technical assistance on what qualifies for reporting, refer to the flow chart or contact Jeff Mayhugh of the Regulatory Support Unit at 614-644-2950 or via e-mail sent to jeff.mayhugh@epa.state.oh.us.

Sincerely,

[Original signed by Pam Allen]

Pamela S. Allen, Manager
Regulatory & Information Services Section
Division of Hazardous Waste Management

Enclosure

cc: Tammy Heffelfinger, DHWM-CO
Jeff Mayhugh, DHWM-CO
John Pasquarrette, DHWM-NWDO