

Environmental  
Protection Agency

Governor  
Lt. Governor  
Director

August 24, 2011

RE: DEMILTA IRON & METAL  
OHD 004 222 378  
NOTICE OF VIOLATION

Ron Vaughn  
DMilta Iron & Metal  
3950 Ben Hur Ave.  
Willoughby, OH 44096

Dear Mr. Vaughn:

On August 10, 2011, I inspected DeMilta Iron & Metal (DeMilta) at 3911 Ben Hur Ave., Willoughby, Ohio. The purpose of this was to determine if DeMilta was in compliance with Ohio's hazardous waste and used oil laws and rules as found in Chapter 3734 of the Ohio Revised Code (ORC) and Chapter 3745 of the Ohio Administrative Code (OAC).

This letter will document any violations and concerns found and outline what you need to do to correct them. A written response to these issues is required within 30 days.

It appears this facility does not normally generate hazardous waste. You generate a waste parts washer solvent which is picked up by Kwik Kleen, 3947 Jennings Road, Cleveland, Ohio. Based on the MSDS for the solvent used in this parts washer, it appears the waste is not a hazardous waste. It has a flash point of 174 degree F. Any waste with a flash point less than 140 degrees F would be a hazardous waste. This solvent also does not contain listed hazardous waste solvents.

You asked whether you could send your used oil to another company that owns a used oil fired heater. This is allowed, as long as it is determined (most often by testing) that it meets the specifications outlined in the following document which is enclosed:

Burning Used Oil in a Space Heater – For Businesses, 2009  
<http://epa.ohio.gov/portals/32/pdf/UsedOilSpaceHeaterBusiness.pdf>

The following violations were found:

1. **OAC Rule 3745-52-11 – Hazardous waste determination.**

This rule requires that any person who generates a waste must determine if that waste is a hazardous waste. The following documents give more information regarding this:

Identifying Your Hazardous Waste, 2010  
<http://www.epa.ohio.gov/portals/41/sb/publications/identifyingwaste.pdf>

OAC 3745-51-21 to 24 characteristic hazardous waste  
[http://www.epa.ohio.gov/dhwm/laws\\_regs.aspx](http://www.epa.ohio.gov/dhwm/laws_regs.aspx)

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Demilta violated this rule by disposing of waste lamps (including fluorescent lamps) with regular trash without determining whether or not they are a hazardous waste. Fluorescent and some other types of lamps contain mercury and may contain other hazardous metals. When burned out they may be a hazardous waste. In general, waste lamps should be saved in a properly labeled and closed container (such as a cardboard box) and picked up by a lamp recycler. The following document gives more information on this:

Ohio's Universal Waste Rules: Are You Handling Used Lamps Correctly?, 2010  
<http://www.epa.ohio.gov/portals/41/sb/publications/Lampcompliancechecklist.pdf>

The following list is enclosed which includes local lamp recycling companies:

Waste Disposal and Recycling Companies in Northeast Ohio, 2009

Your other waste haulers may also be able to pick up waste lamps. **Please send me a description of how you will now properly manage waste lamps.**

2. **OAC Rule 3745-279-22(C) - Used oil labels.**

This rule requires containers and aboveground tanks for used oil to be labeled or marked clearly with the words "Used Oil."

DeMilta violated this rule by having four drums of used oil stored inside and five drums outside that were not labeled as used oil. We put labels on these during the inspection. You also have since sent me a receipt showing the August 17, 2011 pickup of five drums of used oil by Homan Oil Co. (OHT 400 015 053).

The following additional documents were given to you during the inspection:

The Regulation of Used Oil: An Overview for Ohio Businesses Who Generate Used Oil, 2006

[http://epa.ohio.gov/portals/32/pdf/Used\\_Oil\\_Generators\\_Guidance.pdf](http://epa.ohio.gov/portals/32/pdf/Used_Oil_Generators_Guidance.pdf)

Registered Used Oil Transporters in Northeast Ohio, 2011

Onsite Pollution Prevention Assistance

<http://epa.ohio.gov/portals/41/p2/P2OnsiteBrochure.pdf>

Other information and suggestions:

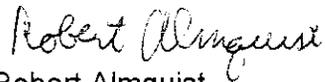
- Ohio EPA's Office of Compliance Assistance and Pollution Prevention (OCAPP) provides compliance and pollution prevention assistance on environmental issues (including sources of funding) related to air, land, and water. They can be contacted at (800) 329-7518, or <http://www.epa.ohio.gov/Default.aspx?alias=www.epa.ohio.gov/ocapp>.

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- Entrepreneurs for Sustainability is a group that seeks to "build a sustainable regional economy in Northeast Ohio that will create prosperity and total community health." They offer workshops, conferences, a business to business directory and more. Their website is at: <http://www.e4s.org/content/index.asp>.
- ENERGY STAR is a government-backed program helping businesses and individuals protect the environment through superior energy efficiency. Their website is at: <http://www.energystar.gov/>.
- The Clean Air Resource Center offers help in understanding EPA air quality requirements. In addition, if your business is required to purchase new equipment, they can offer better-cost financing with special tax incentives. Their phone number is (800) 225-5051 and website is <http://www.ohioairquality.org/>.
- Ohio Bureau of Workers' Compensation has an OSHA On-Site Consultation service which includes free on-site safety inspections and consultation, safety program assistance, and safety and hygiene training or seminars. More information can be found at: <http://www.ohiobwc.com/employer/programs/safety/SandHOSHAOnSite.asp>.

If you have any questions, please contact me at (330) 963-1217, or [robert.almquist@epa.state.oh.us](mailto:robert.almquist@epa.state.oh.us). I look forward to your prompt response addressing any remaining violations.

Sincerely,



Robert Almquist  
Division of Materials and Waste Management

RA:cl  
Enclosures

ec: Frank Popotnik, DMWM, NEDO      cc: Marlene Kinney, DMWM, NEDO  
Natalie Oryshkewych, DMWM, NEDO  
Jeff Mayhugh, DMWM, CO

Notice:

Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve your facility from its obligation to comply with all applicable regulations.

Send to Central Office

Ohio Environmental Protection Agency

For Ohio EPA use only

RCRA SUBTITLE C SITE

IDENTIFICATION/VERIFICATION FORM

Completed verification forms required to be submitted to CO should be e-mailed to paula.canter@epa.state.oh.us.

Site EPA ID No. EPA ID Number: OHD004222378

Site Name Name: DeMilta Iron & Metal Website: (Optional)

Site Location Information Street Address: 3911 Ben Hur Ave.

City, Town, or Village: Willoughby State: OH

County Name: Lake Zip Code: 44094

Site Land Type (check only one) Private County District Federal Indian Municipal State Other

NAICS code(s)

www.census.gov/epcd/www/naics.html

Facility Representative First Name: Ron MI: Last Name: Vaughn

Title:

Additional names can be recorded in number 12 Phone Number: 440-942-3003 Phone Number Extension:

E-Mail Address: ronv@ercsurplusequip.com

Only provide address information if it is different than the site address Fax Number: 440-946-9587 Fax Number Extension:

Street or P.O. Box: 3950 Ben Hur Ave.

City, Town or Village: Willoughby

State: Ohio Zip Code: 44096

Legal Owner And Operator of the Site. Name of Site's Legal Owner: Ohio Resources Date Became Owner (mm/dd/yyyy):

List Additional Owners and/or Operators in the Comment Section or on another copy of this form page Owner Private County District Federal Indian Municipal State Other

Type: Street or P.O. Box: same as contact

City, Town or Village: Owner Phone #:

State: Country: Zip Code:

Name of Site's Operator: DeMilta iron & Metal Date Became Operator (mm/dd/yyyy):

Operator Private County District Federal Indian Municipal State Other

Type: Street or P.O. Box: same as contact

City, Town or Village: Operator Phone #:

State: Country: Zip Code:

VIOLATIONS CITED? Yes No

TYPE OF HANDLER - MARK "X" AS APPROPRIATE

Not a HW Generator UNKNOWN: Large Quantity Generator (LQG)

Cited for violation of 3745-52-11

Short-Term/Temporary Generator Small Quantity Generator (SQG)

(generates from a short-term or one-time event and not from on-going processes). Check the box for the applicable generator status and provide a comment. Conditionally Exempt Small Quantity Generator

U.S. Importer of Hazardous Waste

Mixed Waste (Hazardous and Radioactive) Generator

**TYPE OF REGULATED WASTE ACTIVITY (MARK "X" IN ALL OF THE APPROPRIATE BOXES)**

- |                                                                         |                                                                        |
|-------------------------------------------------------------------------|------------------------------------------------------------------------|
| <input type="checkbox"/> Hazardous Waste Transporter                    | <input type="checkbox"/> Exempt Boiler and/or Industrial Furnace       |
| <input type="checkbox"/> Hazardous Waste Transfer Facility              | <input type="checkbox"/> Small Quantity On-Site Burner Exemption       |
| <input type="checkbox"/> Treater, Storer or Disposer of Hazardous Waste | <input type="checkbox"/> Smelting, Melting, Refining Furnace Exemption |
| <input type="checkbox"/> Recycler of Hazardous Waste                    | <input type="checkbox"/> Underground Injection Control Facility        |
| <input type="checkbox"/> 72-Hour Recycler                               | <input type="checkbox"/> Receives Hazardous Waste from Off-site        |

**UNIVERSAL WASTE ACTIVITIES (INDICATE TYPES OF UNIVERSAL WASTE MANAGED)**

(CHECK ALL BOXES THAT APPLY)

- |                                                                                                       |                                                                   |
|-------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Small Quantity Handler of Universal Waste                         | <input type="checkbox"/> Destination Facility for Universal Waste |
| <input type="checkbox"/> Large Quantity Handler of Universal Waste<br>(accumulates 5,000 kg. or more) |                                                                   |

**CHECK ALL BOXES BELOW THAT APPLY FOR THE TYPES OF UNIVERSAL WASTE THE FACILITY MANAGES**

- Batteries
- Pesticides
- Mercury containing equipment
- Lamps

**USED OIL ACTIVITIES (INDICATE TYPE(S) OF ACTIVITY(S))**

- Used Oil Generator
- Used Oil Transporter
- Used Oil Transfer Facility
- Used Oil Processor
- Used Oil Re-refiner
- Off-Specification Used Oil Burner
- Used Oil Fuel Marketer who directs shipment of Off-Spec Used Oil
- Used Oil Fuel Marketer who first claims the Used Oil meets the specifications

**Eligible Academic Entities with Laboratories:** Facility has previously notified that they are opting into managing laboratory hazardous waste pursuant to OAC rules 3745-52-200 through 3745-52-216. Check the box(es) below to indicate the laboratory type.

- College or University
- Teaching hospital that is owned by or has a formal written affiliation agreement with a college or university
- Non-profit Institute that is owned by or has a formal written affiliation agreement with a college or university

**Waste Codes for Federally Regulated Hazardous Wastes.** Please list the codes for the federally regulated hazardous waste handled at the site. List them in the order they are presented in the regulations (e.g., D001, D003, F007, U112). Use an additional page or list them in the comments if more space is needed. If the waste codes are the same as listed in the most recent RCRAInfo source record, you do not need to list them. Instead just indicate the date of the most recent source record.

**COMMENTS: USE THIS AREA TO DESCRIBE WHETHER THE INSPECTION WAS ANNOUNCED, WHETHER THE WASTE IS STORED IN TANKS OR CONTAINERS, ETC.**

- |            |                              |                                        |
|------------|------------------------------|----------------------------------------|
| Announced  | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Tanks      | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Containers | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

Additional Facility Representatives:

**Mike Stegh**

Name of Inspector(s)  
**Robert Almquist**

Name of Inspector(s)

Date of Inspection/Time  
(mm/dd/yyyy) (hh:mm)  
**08/10/2011**

**Comments:**

**USED OIL INSPECTION CHECKLIST  
GENERATORS, COLLECTION CENTERS AND AGGREGATION POINTS**

*NOTE: 1. A facility is subject to the federal SPCC regulations (40 CFR 112) if it is non-transportation related (e.g., fixed) and has an aggregate above ground storage capacity greater than 1,320 gallons or a total underground storage capacity greater than 42,000 gallons of oil (including used oil), and there is reasonable expectation of a discharge to navigable waters.*

*2. Inspectors can check BUSTR's web-site at [https://www.comapps.ohio.gov/sfm/fire\\_apps/bust/bustr/PublicInquiry.asp](https://www.comapps.ohio.gov/sfm/fire_apps/bust/bustr/PublicInquiry.asp) to determine if a UST containing used oil is registered with BUSTR. Inspectors may call BUSTR at 614-752-7938 or a BUSTR site coordinator to report an unregistered UST or a UST that appears to not be in compliance with BUSTR regulations. A list of BUSTR coordinators by county are at: [https://www.comapps.ohio.gov/sfm/fire\\_apps/bust/bustr/SearchByCounty.asp](https://www.comapps.ohio.gov/sfm/fire_apps/bust/bustr/SearchByCounty.asp).*

**PROHIBITIONS**

1.	Does the generator manage used oil in a surface impoundment or waste pile? If yes:	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
	a. Is the surface impoundment or waste pile regulated as a hazardous waste management unit? [3745-279-12(A)]	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>

*NOTE: For example, used oil contaminated scrap metal stored in a pile.*

2.	Is used oil used as a dust suppressant? [3745-279-12(B)]	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
3.	Is off-specification used oil fuel burned for energy recovery in devices specified in 3745-279-12(C)?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>

*NOTE: Multiple used oil checklists may be applicable if used oil handler is performing multiple tasks (e.g., if generating used oil and shipping directly to a burner, complete generator and marketer checklists at a minimum).*

**GENERATOR STANDARDS**

4.	Does the generator mix hazardous waste with used oil? If so,	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
	a. Is the mixture managed as specified in 3745-279-10(B)? [3745-279-21(A)]	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>

*NOTE: Used Oil mixed with listed (3745-51-30 to 3745-51-35) or characteristic (3745-51-20 to 3745-51-24) hazardous waste are subject to regulation as a hazardous waste, unless the listed hazardous waste is listed solely because it exhibits a hazardous characteristic, and the resultant mixtures do not exhibit a characteristic. Mixtures of used oil and CESQG hazardous waste are subject to OAC Chapter 3745-279.*

5.	Does the generator of a used oil containing greater than 1,000 ppm total halogens manage the used oil as a hazardous waste unless the presumption is rebutted successfully? [3745-279-21(B)]	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
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*NOTE: If used oil contains greater than 1000 ppm total halogens, it is presumed to be listed hazardous waste until the presumption is successfully rebutted.*

6.	Does the generator store used oil in tanks; or containers; or a unit(s) subject to regulation as a hazardous waste management unit? [3745-279-22(A)]	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
7.	Are containers and aboveground tanks used to store used oil in good condition with no visible leaks? [3745-279-22(B)]	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
8.	Are containers, above ground tanks, and fill pipes used for underground tanks clearly labeled or marked "Used Oil?" [3745-279-22(C)]	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
9.	Has the generator, upon detection of a release of used oil, done the following: [3745-279-22(D)]	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
	a. Stopped the release?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
	b. Contained the release?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
	c. Cleaned up and properly managed the used oil and other materials?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
	d. Repaired or replaced the containers or tanks prior to returning them to service, if necessary?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>

<b>ON-SITE BURNING IN SPACE HEATER</b>		
10.	Does the generator burn used oil in used-oil fired space heaters? [3745-279-23] If so:	
a.	Does the heater burn only used oil that owner/operator generates or used oil received from household do-it-yourself (DIY) used oil generators?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
b.	Is the heater designed to have a maximum capacity of not more than 0.5 million BTU per hour?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
c.	Are the combustion gases from heater vented to the ambient air?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
<i>NOTE: Ash accumulated in a space heater must be managed in accordance with 3745-279-10(E).</i>		
<b>GENERATOR TRANSPORTATION</b>		
11.	Does the generator have the used oil hauled only by transporters that have obtained a U.S. EPA ID#? [3745-279-24]	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
12.	If the generator self-transport used oil to an approved collection site or to an aggregation point owned by the generator: [3745-279-24]	
a.	Does the generator transport used oil in a vehicle owned by the generator or an employee of the generator? [3745-279-24]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
b.	Does the generator transport more than 55 gallons of used oil at any time? [3745-279-24]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
<i>NOTE: Used oil generators may arrange for used oil to be transported by a transporter without a U.S. EPA ID # if the used oil is reclaimed under a contractual agreement (i.e., tolling arrangement).</i>		
<b>COLLECTION CENTERS AND AGGREGATION POINTS</b>		
13.	Is the DIY used oil collection center in compliance with the generator standards in 3745-279-20 to 3745-279-24? [3745-279-30]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
14.	Is the non-DIY used oil collection center registered with Ohio EPA? [3745-279-31]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
15.	Is the used oil aggregation point in compliance with the generator standards in 3745-279-20 to 3745-279-24? [3745-279-32]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
<i>NOTE: Complete Used Oil Generator and any other applicable used oil handler checklist (e.g., marketer, burner, etc.) for used oil collection centers and aggregation points.</i>		