



**Environmental
Protection Agency**

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

January 31, 2011

**RE: MILLWOOD, INC.
EPA ID NO. OHO 000 082 685
WAYNE COUNTY
NOTICE OF VIOLATION (NOV)
CESQG**

Vicki Kiernan
Millwood, Inc.
8208 S. Kohler Rd.
Apple Creek, Ohio 44606

Dear Ms. Kiernan:

On January 5, 2011, I, as a representative of the Ohio EPA Division of Hazardous Waste Management, conducted an inspection of Millwood, Inc. (Millwood), located at 8208 S. Kohler Rd., Apple Creek, Ohio, for compliance with Ohio's hazardous waste and used oil laws and regulations. Jeff Green represented Millwood during the inspection.

The facility's primary business is manufacturing of white wood pallets. The facility receives lumber that it cuts to size and assembles to produce the finished pallets. No coating, painting or treatment with wood preservatives is conducted at this facility. The facility operates a thermal treatment unit to control risks from insects and micro-organisms potentially present in wood used in certain pallets.

The facility generates used oil and used fluorescent lamps.

The inspection included a review of the facility's operations, as well as waste management practices and documentation. Millwood was inspected for the requirements of a conditionally exempt small quantity generator (CESQG) of hazardous waste.

This letter will explain the violations I found and steps you need to take to correct them. I found the following violations of Ohio's hazardous waste, used oil and universal waste laws and regulations:

1. OAC Rule 3745-52-11 Waste Evaluation

OAC Rule 3745-52-11 requires "Any person who generates a waste...[to] determine if that waste is a hazardous waste..."

Vicki Kiernan
Millwood, Inc.
January 31, 2011
Page 2

The facility apparently generates used fluorescent lamps. Based on comments during the inspection and lack of documentation of recycling, it appears that used lamps are disposed in the trash. The facility did not provide evidence during the inspection that it had evaluated its used lamps to determine if they are hazardous wastes.

To return to compliance the facility must:

-Either manage used fluorescent lamps (i.e., bulbs) as universal waste or evaluate all used lamps not managed as universal wastes to determine if they exhibit any characteristic of hazardous waste.

You may use either generator knowledge based on documentation provided by the lamp manufacturer for each model number lamp at the facility or you may take a representative sample of the lamps for an analysis using the TCLP test. (Because of the high cost of sampling and analysis, it is almost never done by generators of used lamps.)

-Only lamps that are determined to NOT exhibit any characteristic of hazardous waste may be placed in the trash dumpster. (Ohio EPA encourages recycling of these lamps too.) All other discarded used lamps must be managed in compliance with either the hazardous waste or universal waste rules. (Most generators of discarded lamps that cannot be disposed as trash elect to manage them as universal waste since this entails a lower regulatory burden.)

-Develop a plan that describes how Millwood intends to evaluate and manage discarded lamps. Submit a copy of the plan to this office within 30 days of the date of receipt of this letter.

Attached are guidance documents on used lamps to assist in responding to this violation.

Another source of information is the Answer Place on the Ohio EPA Internet site. To use Answer Place go to <http://www.epa.state.oh.us/>, click on the Answer Place logo in the banner across the top of the screen, enter the words fluorescent lamps in the search box, and then click Search.

Submit a copy of the above requested documentation to this office within 30 days of receipt of this letter.

Enclosed you will find a copy of the checklists completed during the inspection.

Used Oil

Enclosed is a guidance document on used oil management by generators of used oil. We discussed requirements for transferring used oil to parties that own a used oil fired space heater. Management of used oil from a business, including giving it away, is subject to the used oil marketer rules. As I mentioned during the inspection, small businesses almost never choose to become used oil marketers. Rather they almost always choose instead to have their used oil removed by a licensed used oil transporter. For your information, as follow-up to our discussion is a summary of the used oil rules applicable to generators that are also marketers.

Space heaters owned by small businesses (other than one operated by the used oil generator) can only burn used oil that is "on specification" or more commonly referred to as "on-spec" used oil. Generators cannot self-transport more than 55 gallons of used oil at one time, unless it is "on-spec" used oil.

OAC Rule 3745-279-72(A) requires that prior to managing your used oil as "on-spec", you as the generator, must determine that the used oil meets the "on-spec" fuel specifications of OAC Rule 3745-279-11 by performing analyses or obtaining copies of analyses or other information documenting that the used oil fuel meets the specifications.

For used oil to be considered "on specification", its constituent levels must be at or below (except for flash point) the following levels (ppm means "parts per million"):

- 5 ppm or less of arsenic
- 2 ppm or less of cadmium
- 10 ppm or less of chromium
- 100 ppm or less of lead
- 100°F minimum flash point
- 1,000 ppm or less of total halogens (up to 4,000 ppm if the rebuttable presumption is met)
- less than 2 ppm PCBs

OAC Rule 3745-279-72(B) requires that the generator, transporter, processor/re-refiner, or burner, who first claims that used oil meets the "on-spec" fuel specifications keep copies of analyses of the used oil (or other information used to make the determination) for three years.

OAC Rule 3745-279-74(B) requires that a generator, transporter, processor/re-refiner, or burner who first claims that used oil that is to be burned for energy recovery meets

Vicki Kiernan
Millwood, Inc.
January 31, 2011
Page 4

on-spec fuel specifications and must keep a record of the information identified in the rule for each shipment of used oil to an on-specification used oil burner.

Other Information

The division has created an electronic news service to provide you with updates related to hazardous waste activities in Ohio. You can find more information and sign up for this free service at the following Web link:
<http://ohioepa.custhelp.com/ci/documents/detail/2/subscriptionpage>.

You can find copies of the rules and other information on the division's web page at:
http://www.epa.ohio.gov/dhwm/laws_regs.aspx.

Should you have any questions regarding this letter, please contact me at (330) 963-1165.

Sincerely,



Neil J. Wasilk
Environmental Specialist
Division of Hazardous Waste Management

NJW:cl

Enclosure

ec: Natalie Oryshkewych, Ohio EPA, DHWM, NEDO
Nyall McKenna, Ohio EPA, DHWM, NEDO
Marlene Kinney, Ohio EPA, DHWM, NEDO
Harry Sarvis, Ohio EPA, DHWM, 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.

Ohio Environmental Protection Agency
**RCRA SUBTITLE C SITE
 IDENTIFICATION/VERIFICATION FORM**

For Ohio EPA use only

E-mail this completed form to kristina.durnell@epa.state.oh.us
 or mail it to Kristina Durnell, Central Office

Site EPA ID No.	EPA ID Number: OHO 000 082 685	
Site Name	Name: Millwood Inc.	Website: (Optional)
Site Location Information	Street Address: 8208 S. Kohler Rd. City, Town, or Village: Apple Creek County Name: Wayne	State: OH Zip Code: 44606
Site Land Type (check only one)	Private <input checked="" type="checkbox"/> County <input type="checkbox"/> District <input type="checkbox"/> Federal <input type="checkbox"/> Indian <input type="checkbox"/> Municipal <input type="checkbox"/> State <input type="checkbox"/> Other <input type="checkbox"/>	
NAICS code(s) www.census.gov/epcd/www/naics.html		
Facility Representative	First Name: Vicki Phone Number: 330-857-3075 E-Mail Address: Fax Number: Street or P.O. Box: City, Town or Village: State: Ohio	MI: Last Name: Keirnan Phone Number Extension: Fax Number Extension: Zip Code:
Additional names can be recorded in number 12		
Only provide address information if it is different than the site address		
Legal Owner And Operator of the Site. List Additional Owners and/or Operators in the Comment Section or on another copy of this form page	Name of Site's Legal Owner: Owner Type: Private <input checked="" type="checkbox"/> County <input type="checkbox"/> District <input type="checkbox"/> Federal <input type="checkbox"/> Indian <input type="checkbox"/> Municipal <input type="checkbox"/> State <input type="checkbox"/> Other <input type="checkbox"/> Street or P.O. Box: Same as above address. City, Town or Village: State: Name of Site's Operator: Same as above Owner Type: Private <input type="checkbox"/> County <input type="checkbox"/> District <input type="checkbox"/> Federal <input type="checkbox"/> Indian <input type="checkbox"/> Municipal <input type="checkbox"/> State <input type="checkbox"/> Other <input type="checkbox"/> Street or P.O. Box: City, Town or Village: State:	
	Date Became Owner (mm/dd/yyyy): Owner Phone #: Country: Zip Code: Date Became Operator (mm/dd/yyyy): Operator Phone #: United States Zip Code:	

VIOLATIONS CITED? Yes No

TYPE OF HANDLER- A MINIMUM OF ONE BOX MUST BE CHECKED

<input type="checkbox"/> Not a HW Generator	<input type="checkbox"/> UNKNOWN: Cited for violation of 3745-52-11	<input type="checkbox"/> Large Quantity Generator (LQG)
		<input type="checkbox"/> Small Quantity Generator (SQG)
		<input checked="" type="checkbox"/> Conditionally Exempt Small Quantity Generator
		<input type="checkbox"/> U.S. Importer of Hazardous Waste
		<input type="checkbox"/> Mixed Waste (Hazardous and Radioactive) Generator

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

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

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
(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. Oil
 Used Oil Fuel Marketer to Off-Specification Used Oil Burner

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 if more space is needed. If there are more than 7 waste codes and they are the same as listed in the most recent RCRAInfo source record, you do not need to list them all. 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	Additional Facility Representatives:
Tanks	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Other Comments:
Containers	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	

Name of Inspector(s)

Name of Inspector(s)

Date of Inspection/Time
(mm/dd/yyyy) (hh:mm)

N. Wasilk

1-5-2011 12:55 p.m.

OPTIONAL CERTIFICATION. I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature of Owner, Operator, or an Authorized Representative

Name and Title (Print)

Date (mm/dd/yyyy)

SIGNATURE NOT REQUIRED