



**Environmental
Protection Agency**

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

June 17, 2011

**RE: VANGUARD DIE & MACHINE
NOTICE OF VIOLATION**

Maggie Werden
Vanguard Die & Machine
2070 McMyler St. N. W.
Warren, OH 44485

Dear Ms. Werden:

On June 13, 2011, Ohio EPA's Division of Materials and Waste Management conducted an inspection at Vanguard Die & Machine located at 2070 McMyler St. N. W. in Warren, Ohio. The purpose of this was to investigate a complaint and to determine if Vanguard 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.

The complaint alleged the dumping of oil and coolant onto the ground. We did see oil on the ground, as discussed below, however it appeared to be from spills rather than deliberate dumping. You also showed us the drum that you use to collect used oil and coolant and paperwork showing the shipment of 330 gallons of used oil to Global Environmental Assurance on July 15, 2008.

The following violations were found: (See also the enclosed inspection checklists.)

1. 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".

Vanguard violated this rule by having a drum of used oil stored outside that was not labeled as used oil. I gave you two used oil stickers during the inspection. You must now properly label all containers of used oil and send me documentation (such as a photograph) of that.

2. OAC Rule 3745-279-22(D) - Response to releases of used oil.

This rule requires that upon detection of a release of used oil to the environment, the generator must clean up and manage properly the released used oil and other materials.

Vanguard violated this rule by having what appeared to be used oil on the ground at the above-mentioned container. This contaminated soil/gravel must now be removed and disposed of properly. If it is only contaminated with used oil then it may be disposed of as a solid waste. Send me a photograph showing that this has been done.

There was also a full, small, open container of oil and water next to this drum which will overflow during the next rain. This material should be emptied into the drum. I suggest you store this used oil drum inside to help prevent contamination of the soil.

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3. **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 document was given to you during the inspection:

Identifying Your Hazardous Waste, 2010

<http://www.epa.ohio.gov/portals/41/sb/publications/identifyingwaste.pdf>

Vanguard 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 which gives more information on this was given to you during the inspection:

Ohio's Universal Waste Rules: Are You Handling Used Lamps Correctly?, 2010

<http://www.epa.ohio.gov/portals/41/sb/publications/Lampcompliancechecklist.pdf>

Also local lamp recycling companies are listed in the following document which was given to you during the inspection:

Waste Disposal and Recycling Companies in Northeast Ohio, 2009

Your used oil hauler may also be able to pick up waste lamps. Please send me a description of how you will now properly manage waste lamps.

The filters from your electrical discharge machine have been cleaned outside. A black material from this cleaning is on the ground. Based on your description of this process, it appears this waste is not a hazardous waste. You can check your understanding of that by comparing your materials and process (or by possible testing of the waste) to the metal contaminants listed on the enclosed Toxicity Characteristic Table 1. This waste should be cleaned up and properly disposed. The cleaning of these filters should be done in such a way as to not allow the waste to get onto the ground.

We saw a black hose coming out from the building to the front yard. Please describe what this hose is used for and what, if anything, is discharged from it.

We saw what appeared to be iron shavings or grinding dust on the ground by the trash dumpster. This material should be cleaned up and properly recycled or disposed.

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

Registered Used Oil Transporters in Northeast Ohio, 2011

Does My Small Business Need a Storm Water Permit? 2010

<http://www.epa.ohio.gov/portals/41/sb/publications/stormwaterpermit.pdf>

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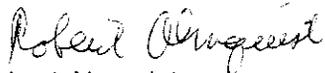
Onsite Pollution Prevention Assistance
<http://epa.ohio.gov/portals/41/p2/P2OnsiteBrochure.pdf>

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>
- 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/>.

If you have any questions, please contact me at (330) 963-1217, or 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
Natalie Oryshkewych, DMWM, NEDO
Jeff Mayhugh, DMWM, CO
Paul Dolensky, DMWM, NEDO
Ron Fodo, OSI, NEDO

cc: Marlene Kinney, DMWM, NEDO

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
**RCRA SUBTITLE C SITE
IDENTIFICATION/VERIFICATION FORM**

For Ohio EPA use only

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

Site EPA ID No.	EPA ID Number:
Site Name	Name: Vanguard Die & Machine Website: (Optional)
Site Location Information	Street Address: 2070 McMyler St., NW
	City, Town, or Village: Warren State: OH
Site Land Type (check only one) NAICS code(s) www.census.gov/epcd/www/naics.html	County Name: Trumbull Zip Code: 44485
	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"/>
Facility Representative Additional names can be recorded in number 12 Only provide address information if it is different than the site address	First Name: Maggie MI: Last Name: Werden
	Title: owner
	Phone Number: 330-394-4170 Phone Number Extension:
	E-Mail Address:
	Fax Number: 330-395-3505 Fax Number Extension:
	Street or P.O. Box: City, Town or Village: State: Zip Code:
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: Maggie and Albert Werden Date Became Owner (mm/dd/yyyy): 1984
	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 contact
	City, Town or Village: Owner Phone #:
	State: Country: Zip Code:
	Name of Site's Operator: same as owner Date Became Operator (mm/dd/yyyy):
	Operator 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: Operator Phone #:
City, Town or Village: Country Zip Code:	

VIOLATIONS CITED? Yes No

TYPE OF HANDLER - MARK "X" AS APPROPRIATE

- | | | |
|--|--|--|
| <input checked="" 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"/> Short-Term/Temporary Generator
(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. | <input type="checkbox"/> Small Quantity Generator (SQG) | <input 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"/> 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
(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 Yes No Additional Facility Representatives: **Albert Werden**
 Tanks Yes No
 Containers Yes No

Name of Inspector(s)
Robert Almquist

Name of Inspector(s)
Paul Dolensky

Date of Inspection/Time
 (mm/dd/yyyy) (hh:mm)
06-14-2011

Comments:
complaint 7436

**CONDITIONALLY EXEMPT SMALL QUANTITY GENERATOR REQUIREMENTS
COMPLETE AND ATTACH A PROCESS, WASTE, P2 SUMMARY SHEET**

CESQG: ≤100Kg. (Approximately 25-30 gallons) of waste in a calendar month or < 1 Kg. of acutely hazardous waste.
 SQG: Between 100 and 1,000 Kg. (About 25 to under 300 gallons) of waste in a calendar month.
 LQG: ≥ 1,000 Kg. (~300 gallons) of waste in a calendar month or ≥1 Kg. of acutely hazardous waste in a calendar month.
 NOTE: To convert from gallons to pounds: Amount in gallons x Specific Gravity x 8.345 = Amounts in pounds.

Safety Equipment Used:

WASTE EVALUATION

1.	Have all wastes generated at the facility been adequately evaluated? [3745-52-11]	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
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GENERATOR CLASSIFICATION

2.	Does the generator produce <100 kg. of hazardous waste per month? [conditionally exempt small quantity generator ("CESQG")]	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
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NOTE: If quantities of hazardous waste accumulated on-site at any one time exceed 1,000 Kg. - or the generator produces between 100 and 1,000 Kg. of hazardous waste per month, it is operating as a Small Quantity Generator ("SQG"). If so, complete the Small Quantity Generator Requirements checklist.

OFF-SITE SHIPMENT OF HAZARDOUS WASTE

3.	Does the CESQG ensure delivery of hazardous waste(s) to an off-site permitted TSD? [3734.02(F)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
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TREATMENT OF HAZARDOUS WASTE

4.	Does the generator treat hazardous waste in a:	
	a. Container that meets 3745-66-70 to 3745-66-77?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
	b. Tank that meets 3745-66-90 to 3745-66-101 except 3745-66-97(C)?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
	c. Drip pads that meet 3745-69-40 to 3745-69-45?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
	d. Containment building that meets 3745-256-100 to 3745-256-102?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>

NOTE: Complete appropriate checklist for each unit.

NOTE: If the CESQG conducts treatment they are subject to the LQG requirements.

NOTE: If waste is treated to meet LDRs, use LDR checklist

MIX HAZARDOUS WASTE WITH USED OIL

5.	Does the CESQG mix its hazardous waste with used oil for the purpose of burning for energy recovery? [3745-51-05(J)] If so:	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
	a. Does the CESQG manage the mixture in accordance with 3745-279-21?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>

**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 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.

PROHIBITIONS

1. Does the generator manage used oil in a surface impoundment or waste pile? If yes: Yes No N/A

a. Is the surface impoundment or waste pile regulated as a hazardous waste management unit? [3745-279-12(A)] Yes No N/A

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 No N/A

3. Is off-specification used oil fuel burned for energy recovery in devices specified in 3745-279-12(C)? Yes No N/A

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 No N/A

a. Is the mixture managed as specified in 3745-279-10(B)? [3745-279-21(A)] Yes No N/A

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 No N/A

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 No N/A

7. Are containers and aboveground tanks used to store used oil in good condition with no visible leaks? [3745-279-22(B)] Yes No N/A

8. Are containers, above ground tanks, and fill pipes used for underground tanks clearly labeled or marked "Used Oil?" [3745-279-22(C)] Yes No N/A

9. Has the generator, upon detection of a release of used oil, done the following: [3745-279-22(D)] Yes No N/A

a. Stopped the release? Yes No N/A

b. Contained the release? Yes No N/A

c. Cleaned up and properly managed the used oil and other materials? Yes No N/A

d. Repaired or replaced the containers or tanks prior to returning them to service, if necessary? Yes No N/A

ON-SITE BURNING IN SPACE HEATER

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 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 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 type="checkbox"/>

NOTE: Ash accumulated in a space heater must be managed in accordance with 3745-279-10(E).

GENERATOR TRANSPORTATION

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 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 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 type="checkbox"/>

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).

COLLECTION CENTERS AND AGGREGATION POINTS

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"/>

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.