



State of Ohio Environmental Protection Agency

Northwest District Office

347 North Dunbridge Rd.
Bowling Green, OH 43402-9398

TELE: (419) 352-8461 FAX: (419) 352-8468
www.epa.ohio.gov

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

Re: Maumee & Western RR
OHR000134445
Defiance County
Hazardous Waste
Notice of Violation

December 10, 2009

CERTIFIED MAIL

Mr. G. P. Bell, VP Operations
Maumee & Western Railroad Corp.
4301 N. Western Avenue
Connersville, Indiana 47331

Dear Mr. Bell:

Thank you for accompanying me on Ohio EPA's November 12, 2009, compliance evaluation inspection (CEI) of Maumee & Western Railroad Corporation's (M&W), Defiance, Ohio facility, located at 817 Fifth Street. I inspected M&W to determine its compliance with Ohio's hazardous waste laws as found in Chapter 3734. of the Ohio Revised Code (ORC) and Chapter 3745. of the Ohio Administrative Code (OAC). My inspection included observations of facility operations and a review of one written record. The open portions of the facility were previously inspected on September 16, 2009, however, no personnel were present at the time of my limited scope inspection and the office was locked.

M & W operates a short line railroad in Northwest Ohio. It generates hazardous waste (D008) from the locomotive pollution tank. This tank collects drips and leaks from the locomotive engine. It also generates used oil, spent antifreeze, spent batteries and spent lamps. On November 12, 2009, you explained that American Maintenance & Testing removes used oil filters and transports them to their facility for recycling. Please provide the address and phone number for American Maintenance & Testing. You also explained that the batteries which are removed from switches are recycled by the maintenance contractor. Please provide the name, address and phone number of this contractor.

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As a result of my November 12, 2009, inspection, I found the following violation of Ohio's hazardous waste laws. In order to correct this violation, you must do the following and send me the required information, **within 30 days** of your receipt of this letter:

**1. Waste Evaluation
OAC Rule 3745-52-11**

A generator must determine whether its waste is hazardous by testing the waste according to the methods set forth in rules 3745-51-20 to 3745-51-24.

M&W has failed to evaluate its spent lamps (all types), according to this rule and has been placing them in the trash. In order to abate this violation, M&W must evaluate their spent lamps. Instead of obtaining a sample of the lamps and having the sample analyzed in a laboratory, M&W may elect to manage its spent lamps (all types) as Universal Waste. The requirements for Universal Waste lamps include:

- Immediately cease placing spent lamps into the trash;
- Place spent lamps into containers that are structurally sound;
- Label the containers with the words "Used Lamps";
- Document the length of time that the spent lamps are stored (date the container);
- Store spent lamps for no longer than one year;
- Inform all employees with the responsibility to collect spent lamps of these requirements; and
- Ship the spent lamps to a lamp recycler (please refer to the list of recyclers that I have enclosed with this letter).

In order to abate this violation, please explain how you intend to manage your spent lamps and to comply with the requirements listed above. Indicate how you will package the lamps, label the containers, date the containers and inform your employees of the requirements. Please submit photos demonstrating that this has been done. Also, please indicate where you will ship the Universal Waste lamps to.

In order to fully demonstrate compliance with Ohio's hazardous waste and used oil rules, M&W must **immediately** submit copies of hazardous waste manifests and shipping papers, for 2008 and 2009, for the following wastes: 1. Pollution Tank Waste, 2. Used Oil, and 3. Spent Antifreeze. These records must be kept at the Defiance facility.

After reviewing these documents, I will notify you of any other violations in a separate letter. Please be aware that it is your responsibility to comply with all the requirements of the Director's Final Findings & Orders to M&W.

On November 12, 2009, I observed that of the following violations cited in the October 22, 2009, Notice of Violation letter, two were abated and four were rescinded. The same numbering will be used here:

**1. Universal Waste Packaging - Lamps
OAC Rule 3745-273-13(D)(1)**

M&W did not contain at least four spent lamps in closed containers. Instead they were laid against the outside of the office building. In order to correct this violation, M&W was required to place all spent lamps into containers or packages that were structurally sound and adequate to prevent breakage of the spent lamps; close each container; and submit photographic documentation that this had been done. However, the lamps were placed into the trash before the letter was received. Because M&W managed the spent lamps as solid waste without first evaluating them, it is in violation of OAC Rule 3745-52-11 (see above). **Therefore, this violation is rescinded and the new violation of OAC Rule 3745-52-11 is cited above.**

**2. Universal Waste Labeling - Lamps
OAC Rule 3745-273-14(E)**

M&W did not properly label the spent lamps with one of the required phrases. In order to correct this violation, M&W was required to properly label each spent lamp container and submit photographic documentation that this had been done. However, the lamps were placed into the trash before the letter was received. Because M&W managed the spent lamps as solid waste without first evaluating them, it is in violation of OAC Rule 3745-52-11 (see above). **Therefore, this violation is rescinded and the new violation of OAC Rule 3745-52-11 is cited above.**

**3. Accumulation Time for Universal Waste Lamps
OAC Rule 3745-273-15(C)**

M&W was not able to demonstrate the length of time the universal waste lamps were accumulated. In order to correct this violation, M&W was required to place a date on each container once a universal waste lamp is placed into it and submit photographic documentation that this had been done. However, the lamps were placed into the trash before the letter was received.

Because M&W managed the spent lamps as solid waste without first evaluating them, it is in violation of OAC Rule 3745-52-11 (see above). **Therefore, this violation is rescinded and the new violation of OAC Rule 3745-52-11 is cited above.**

**4. Universal Waste Employee Training
OAC Rule 3745-273-16**

M&W has not adequately informed its employees, handling universal waste lamps, of the proper handling procedures. In order to correct this violation, M&W was required to describe how it would inform (train) its universal waste lamp handlers in proper handling procedures and state when this was accomplished. The training was to include compliance with all rules for the handling of universal waste lamps and the corrective actions for all violations of universal waste rules cited in the original NOV. The lamps observed on September 16, 2009, were placed into the trash before the letter was received. Because M&W managed the spent lamps as solid waste without first evaluating them, it is in violation of OAC Rule 3745-52-11 (see above). **Therefore, this violation is rescinded and the new violation of OAC Rule 3745-52-11 is cited above.**

**5. Used Oil Container Labeling
OAC Rule 3745-279-22(C)(1)**

On September 16, 2009, I observed that the following containers of used oil were not labeled with the words "Used Oil": at least three open five gallon pails inside the rail car; at least one open five gallon pail in the bed of a white pickup truck; and two five gallon pails in the back of a rail truck. In order to correct this violation, M&W was required to immediately mark or label the containers with the words "Used Oil" and provide me with photographic documentation that this had been done.

On November 12, 2009, I was informed that the used oil in the various open containers was placed into the Pollution Tank Waste Tote. I did not observe any other containers of used oil. **Therefore, this violation has been abated.**

**6. Used Oil Container Condition
OAC Rule 3745-279-22(B)**

Containers and aboveground tanks used to store used oil at generator facilities must be in good condition (no severe rusting, apparent structural defects or deterioration). On September 16, 2009, I observed that the following containers of used oil were not closed (a structural defect): at least three open five gallon pails inside the rail car and at least one open five gallon pail in the bed of a white pickup truck.

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In order to correct this violation, M&W was required to immediately close all used oil containers and provide me with photographic documentation that this had been done.

On November 12, 2009, I was informed that the used oil in the various open containers was placed into the Pollution Tank Waste Tote. I did not observe any other containers of used oil. **Therefore, this violation has been abated.**

Please be aware that incandescent, fluorescent, metal halide, neon, high-intensity discharge, high-pressure sodium and mercury-vapor lamps could be hazardous waste when discarded. Fluorescent lamps may contain up to 40 milligrams (mg) of mercury, depending on the brand and manufacturer. Lamps may also contain lead and cadmium. Many lamps exhibit a characteristic of toxicity for heavy metals when disposed. I have enclosed copies of the following documents to assist you in properly managing your spent lamps: Fluorescent Lamps: What You Should Know and Computer, Fluorescent Lamp and Ballast Recyclers. I recommend that you review these documents carefully and contact me if you have any questions. The first document describes the rules you must follow in order to manage lamps as a universal waste.

As a used oil generator you are required to: store used oil in containers or aboveground tanks that are in good condition (no severe rusting, apparent structural defects or deterioration) and not leaking. Containers, aboveground tanks and fill pipes for underground tanks must be labeled with the words "Used Oil." If leaks are detected, the generator must: stop the release; contain the release; clean up and manage properly the released used oil and other materials related to the release; and, if necessary, repair or replace any leaking containers or tanks prior to returning them to service. I have enclosed copies of the following used oil fact sheets: The Regulation of Used Oil: An Overview for Ohio Businesses Who Generate Used Oil, and Used Oil Recyclers. Please review these carefully and contact me immediately if you have any questions.

You may be able to further reduce the waste your company generates. If you find ways to recycle, reduce or altogether eliminate the amount of waste that your company generates you may be able to reduce your treatment and disposal costs and you may possibly reduce your regulatory requirements.

I have enclosed a copy of Pollution Prevention Opportunities, a worksheet that can help you recognize opportunities for reducing waste and conserving energy at your business. I have also enclosed copies of the fact sheets Management of Electronic Waste from Businesses and Battery Recyclers/Brokers & Disposal Facilities. Please review this information and contact me if you have any questions.

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I encourage you to schedule a pollution prevention assessment for your business because there are often many opportunities for businesses like yours to reduce waste and save money. If you wish to talk about an assessment or if you have other questions about pollution prevention, please feel free to contact the Office of Compliance Assistance and Pollution Prevention (OCAPP) at (614) 644-3469. There is no charge for an assessment.

The Division of Hazardous Waste Management has created an electronic news service to provide you with quick and timely updates on events and news related to hazardous waste activities in Ohio. If you haven't already, we encourage you to sign-up for this free service. You can find more information at the following Web link http://ohioepa.custhelp.com/cgi-bin/ohioepa.cfg/php/enduser/doc_serve.php?2=subscriptionpage. Please feel free to share this information with your colleagues.

If you have any questions, please feel free to contact me at (419) 373-3074. You can find copies of the rules and other information on the division's web page at <http://www.epa.ohio.gov/dhwm/>. Ohio EPA also has helpful information about pollution prevention at the following web address: <http://www.epa.ohio.gov/ocapp>.

Sincerely,



Don North
District Representative
Division of Hazardous Waste Management

/llr

cc: Colleen Weaver, DHWM, NWDO
Cindy Lohrbach, DHWM, NWDO
DHWM; NWDO; Maumee & Western RR; Defiance County File

ec: Don North, DHWM, NWDO
Todd Anderson, DHWM, Legal
Tammy Heffelfinger, DHWM, CO

NOTICE:

Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve your company from having 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. Site Name	EPA ID Number: OHR000134445 Name: Maumee & Western Railroad Corp.	Website: (Optional)
Site Location Information	Street Address: 817 Fifth Street City, Town, or Village: Defiance County Name: Defiance	State: OH Zip Code: 43512
Site Land Type (check only one) NAICS code(s) www.census.gov/epcd/www/naics.html	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: Pete MI: _____ Last Name: Bell Phone Number: 765-730-2339 E-Mail Address: _____ Fax Number: _____ Street or P.O. Box: 4301 N. Western Avenue City, Town or Village: Connersville State: Indiana Zip Code: 47331	Phone Number Extension: _____ Fax Number Extension: _____
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 Private County District Federal Indian Municipal State Other Type: <input type="checkbox"/> <input type="checkbox"/> Street or P.O. Box: City, Town or Village: State: Name of Site's Operator: Operator Private County District Federal Indian Municipal State Other Type: <input type="checkbox"/> <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

<input checked="" type="checkbox"/> Batteries
<input type="checkbox"/> Pesticides
<input type="checkbox"/> Mercury containing equipment
<input checked="" type="checkbox"/> Lamps

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

<input checked="" type="checkbox"/> Used Oil Generator
<input type="checkbox"/> Used Oil Transporter
<input type="checkbox"/> Used Oil Transfer Facility
<input type="checkbox"/> Used Oil Processor
<input type="checkbox"/> Used Oil Re-refiner
<input type="checkbox"/> Off-Specification Used Oil Burner
<input type="checkbox"/> Used Oil Fuel Marketer Who Directs Shipment of Off-Spec. Oil
<input type="checkbox"/> 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.

D008

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

Announced	<input checked="" type="checkbox"/> Yes	<input 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)
Don North		11/12/2009

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)

PROCESS, WASTE, P2 SUMMARY SHEET

Facility Name: Maumee & Western RR
Facility Type: LQG
 SQG
 CESQG
 TSD
Date of Inspection: 11-12-09
EPA ID#: OHR000134445

Waste Generated			On- or Off-Site Management		P2 Activities	
Process/Activity Generating Waste <small>(e.g. plating bath, machining, baghouse, painting, general maintenance, etc)</small>	Waste Description <small>(e.g. sludge, solvent, ash, used oil, spent lamps, etc.) and EPA Waste Code, if applic.</small>	QTY Generated per Month, Type of Accumulation (container, tank, etc) and location of waste accumulation area	Type of On-Site Treatment <small>(recycle, wwt, etc)</small>	Name, state, and type of activity occurring at the off-site facility.	Current P2 Activities	P2 Opportunities
1	Locomotive and business vehicle maintenance.	Used Oil Approximately 25 gallons	None			
2	Locomotive maintenance	Spent Antifreeze Approximately 25 gallons	None			
3	Facility lighting	Used Lamps Few occasionally	None			
4	Drips and leaks from the locomotive engine which is collected in the locomotive Pollution Tank.	Pollution Tank Waste D008 Approximately 25 gallons	None			
5	Locomotive and business vehicle maintenance	Spent Batteries Few occasionally	None	Okolona Iron & Metal Okolona, Ohio Recycle	Recycling	
6						

7							
8							
9							

REMARKS **GENERAL INFORMATION**

General Process Information:

Regulatory/Enforcement History (if applicable):

Additional P2 remarks and information:

Would this facility be interested in a P2 assessment? Yes* No *If yes, refer promptly to your district P2 coordinator.
 Office of Compliance Assistance and Pollution Prevention - 1-800-329-7518 or p2mail@epa.state.oh.us or www.epa.state.oh.us/ocapp/ocapp.html

Other:

**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] Maumee & Western must either evaluate the lamps or handle them as universal waste.	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)] Maumee & Western must immediately provide copies of the hazardous waste manifests for 2008 and 2009 and must keep copies of these records at the defiance facility.	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input 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 type="checkbox"/> N/A <input checked="" type="checkbox"/>
	b. Tank that meets 3745-66-90 to 3745-66-101 except 3745-66-97(C)?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
	c. Drip pads that meet 3745-69-40 to 3745-69-45?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
	d. Containment building that meets 3745-256-100 to 3745-256-102?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" 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 checked="" type="checkbox"/>

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

NOTE: 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.

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 checked="" 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, The generator has mixed the used oil with its hazardous waste. The mixture is being managed as hazardous waste.	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 checked="" 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)] At the time of the November 12, 2009, inspection I did not observe used oil in a container. It was mixed with the hazardous waste in the Pollution Tank Waste Tote.	Yes <input type="checkbox"/> No <input 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)] M&W has not created any new used oil releases.	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
a.	Stopped the release?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
b.	Contained the release?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" 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 checked="" 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 checked="" type="checkbox"/>

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	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>

	used oil received from household do-it-yourself (DIY) used oil generators?	
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"/>

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] M&W was not able to submit copies of the used oil shipping papers at the time of the November 12, 2009, inspection. M&W must do this immediately to demonstrate compliance with this rule.	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 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"/>

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 checked="" 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 checked="" 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 checked="" 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.

