



State of Ohio Environmental Protection Agency

Northwest District Office

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

Re: Fulton Industries
OHD094810736
NOV-RTC
Fulton County

August 19, 2008

Mr. Bill Sonnenberg
Fulton Industries
135 East Linfoot Street
Wauseon, Ohio 43567

Dear Mr. Sonnenberg:

On August 8, 2008, Melissa Boyers and I conducted a hazardous waste compliance evaluation inspection of Fulton Industries located in Wauseon, Ohio, on behalf of the Ohio Environmental Protection Agency (Ohio EPA). This inspection was conducted in order to determine Fulton Industries' compliance with Ohio's hazardous waste laws as adopted under Chapter 3745 of the Ohio Administrative Code (OAC) and Chapter 3734 of the Ohio Revised Code (ORC). The Agency's inspection included a tour of your facility and a review of written documentation.

Fulton Industries provides stamping and assembly of parts for the automotive industry. All electroplating has been outsourced. Fulton Industries generates used oil which is recycled by Safety Kleen, parts washer solvent (which is part of the Safety Kleen continued use program), and universal waste bulbs which are recycled through H. Poll Electric at Environmental Recycling. Fulton Industries is a non-generator of hazardous waste.

Based on this inspection, Ohio EPA has determined that Fulton Industries has violated the following state hazardous waste regulations:

1. Universal Waste Fluorescent Bulb Labeling, OAC Rule 3745-273-14(E):

All packages and containers holding spent fluorescent bulbs are to be labeled with the words "Universal Waste - Lamps", "Waste Lamps" or "Used Lamps".

Fulton Industries had one box that was not labeled properly. Fulton Industries was using a sign over the storage area instead of labeling each package/container/box.

At the time of the inspection, the container was properly labeled with the words "Universal Waste Lamps". ***Therefore, this violation is considered abated.***

2. Used Oil Labeling, OAC Rule 3745-279-22(C):

All tanks and containers used to store used oil must be clearly marked or labeled "used oil".

Fulton Industries failed to properly label the used oil tank with the words "used oil", instead it was labeled "waste oil"

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The tank was properly labeled with the words "used oil" at the time of inspection. Therefore, this violation is considered abated.

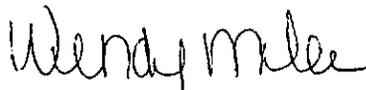
Recommendations:

- You may generate a small amount of solvent in the future from cleaning paint brushes due to touch up painting of the facility. You must evaluate the solvent by having analytical testing or by using generator knowledge. I recommend that you check with Safety Kleen or whoever is handling your used oil at the time you are ready for disposal as you may be able to mix your spent solvent in with your used oil shipment. You are only able to do this if you are a conditionally exempt small quantity generator per OAC Rule 3745-51-05(J).
- You should have your sandblast sand evaluated in the future when you are no longer using it and it is considered waste. You should have it analyzed for **TCLP** (Toxicity Characteristic Leachate Procedure) **RCRA** (Resource Conservation and Recovery Act) **metals** using **SW-846 method 1311/6010**. Most laboratories are familiar with this analysis.

You can find copies of the rules and other information on the division's web page at <http://www.epa.state.oh.us/dhwm>. Ohio EPA also has helpful information about pollution prevention at the following web address: <http://www.epa.state.oh.us/ocapp/ocapp.html>.

If you should have any questions, please feel free to contact me at (419) 373-3114.

Sincerely,



Wendy A. Miller
Division of Hazardous Waste Management

/csf

Enclosure

cc: Cindy Lohrbach, DHWM-NWDO
Colleen Weaver, DHWM-NWDO
NWDO DHWM File Copy;

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.

**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 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
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)]
- 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: Yes No N/A
- 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 No N/A
- b. Is the heater designed to have a maximum capacity of not more than 0.5 million BTU per hour? Yes No N/A
- c. Are the combustion gases from heater vented to the ambient air? Yes No N/A

GENERATOR TRANSPORTATION

11. If the generator self-transport used oil to an approved collection site or to an aggregation point owned by the generator: [3745-279-24] Yes No N/A
- a. Does the generator transport used oil in a vehicle owned by the generator or an employee of the generator?[3745-279-24] Yes No N/A
- b. Does the generator transport more than 55 gallons of used oil at any time?[3745-279-24] Yes No N/A

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

12. 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 No N/A
13. Is the non-DIY used oil collection center registered with Ohio EPA? [3745-279-31] Yes No N/A
14. Is the used oil aggregation point in compliance with the generator standards in 3745-279-20 to 3745-279-24? [3745-279-32] Yes No N/A

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.

Keyword: UsedOilChecklistforGenerators.Oct.2007.doc

SMALL QUANTITY UNIVERSAL WASTE HANDLER REQUIREMENTS

Large Quantity Universal Waste Handler (LQUWH) = 5,000 Kg or more

Small Quantity Universal Waste Handler (SQUWH) = 5,000 Kg or less

PROHIBITIONS

1. Did the SQUWH dispose of universal waste? [3745-273-11(A)] Yes No N/A ___ RMK# ___
2. Did the SQUWH dilute or treat universal waste, except when responding to releases as provided in 3745-273-17 or managing specific wastes as provided in 3745-273-13? [3745-273-11(B)] Yes No N/A ___ RMK# ___

UNIVERSAL WASTE LAMPS

- Does the SQUWH contain lamps in containers or packages that are structurally sound, adequate to prevent breakage, and are compatible with contents of the lamps? Are containers or packages closed and do they lack evidence of leakage, spillage or damage that could cause leakage? [3745-273-13(D)(1)] Yes No N/A ___ RMK# ___
3. Are lamps that show evidence of breakage, leakage or damage that could cause a release of mercury or hazardous constituents into the environment immediately cleaned up? Are they placed into a container that is closed, structurally sound, compatible with the contents of the lamps, and lack evidence of leakage spillage or damage that could cause leakage or releases of mercury or hazardous waste constituents to the environment? [3745-273-13(D)(2)] Yes ___ No N/A RMK# ___
4. Are the lamps or containers or packages of lamps labeled with the words "Universal Waste - Lamp(s)" or "Waste Lamp(s)" or "Used Lamp(s)?" [3745-273-14(E)] Yes ___ No N/A ___ RMK# ___

NOTE: Treatment (such as crushing) by a UWH is prohibited under this rule unless the facility is permitted for such activities [3745-273-31(B)]. A generator crushing lamps must manage lamps according to hazardous waste rules (OAC Chapter 3745-52). Lamp crushing is a form of generator treatment (OAC 3745-52-34). Crushed lamps must be transported by a registered hazardous waste transporter to a permitted hazardous waste facility under a hazardous waste manifest.

ACCUMULATION TIME

5. Is the waste accumulated for less than one year? [3745-273-15(A)] If not: Yes No ___ N/A ___ RMK# ___
- a. Was the waste accumulated over one year in order to facilitate proper recovery, treatment or disposal? (Burden of proof is on the handler to demonstrate) [3745-273-15(B)] Yes ___ No N/A RMK# ___

NOTE: Accumulation is defined as date generated or date received from another handler.

6. Is the length of time the universal waste is stored documented by one of the following: [3745-273-15(C)] Yes No N/A ___ RMK# ___
- a. Marking or labeling the container with the earliest date when the universal waste became a waste or was received? [3745-273-15(C)(1)] Yes No ___ N/A ___ RMK# ___
- b. Marking or labeling individual item(s) of universal waste with the earliest date that it became a waste or was received? [3745-273-15(C)(2)] Yes ___ No ___ N/A RMK# ___
- c. Maintaining an inventory system on-site that identifies the date the universal waste became a waste or was received? [3745-273-15(C)(3)] Yes ___ No ___ N/A RMK# ___
- d. Maintaining an inventory system on-site that identifies the earliest date that any universal waste in a group of universal waste items or a group of containers became a universal waste or was received? [3745-273-15(C)(4)] Yes ___ No ___ N/A RMK# ___
- e. Placing the universal waste in a specific accumulation area and identifying the earliest start date or date received? [3745-273-15(C)(5)] Yes No ___ N/A ___ RMK# ___
- f. Any other method, which clearly demonstrates, the length of time the universal waste has been accumulated from the date it became a waste or was received? [3745-273-15(C)(6)] Yes No ___ N/A ___ RMK# ___
Paperwork showing last pick up of all Univ. Waste

EMPLOYEE TRAINING

7. Are employees who handle or have the responsibility for managing universal waste informed of waste handling/emergency procedures, relative to their responsibilities? [3745-273-16] Yes No N/A ___ RMK# ___

RESPONSE TO RELEASES

8. Are releases of universal waste and other residues immediately contained? [3745-273-17(A)] Yes ___ No N/A RMK# ___
9. Is the material released characterized? [3745-273-17(B)] Yes ___ No N/A RMK# ___
10. If the material released is a hazardous waste, is it managed as required in OAC Chapters 3745-50 through 3745-69? (If the waste is hazardous, the handler is considered the generator of the waste and is subject to Chapter 3745-52) [3745-273-17 (B)] Yes ___ No N/A RMK# ___

OFF-SITE SHIPMENTS

NOTE: If a SQUWH self-transport waste, then they must comply with the Universal Waste transporter requirements.

11. Are universal wastes sent to either another handler, destination facility or foreign destination? [3745-273-18(A)] Yes No N/A ___ RMK# ___

NOTE: SQUWHs are prohibited to send waste to any other facility.

12. If the universal waste meets the definition of hazardous material under 49 CFR 171-180, are DOT requirements met with regard to package, labels, placards and shipping papers? [3745-273-18(C)] Yes No N/A ___ RMK# ___
13. Prior to shipping universal waste off-site, does the receiver agree to receive the shipment? [3745-273-18(D)] Yes No N/A ___ RMK# ___
14. If the universal waste shipped off-site is rejected by another handler or destination facility does the originating handler do one of the following:

- a. Receive the waste back? [3745-273-18(E)(1)] Yes ___ No ___ N/A X RMK# ___
- b. Agree to where the shipment will be sent? [3745-273-18(E)(2)] Yes ___ No ___ N/A X RMK# ___
15. If a handler rejects a partial or full load from another handler, does the receiving handler contact the originating handler and discuss one of the following:
- a. Sending the waste back to the originating handler? [3745-273-18(F)(1)] Yes ___ No ___ N/A X RMK# ___
- b. Sending the shipment to a destination facility? (If both the originating and receiving handler agree) [3745-273-18(F)(2)] Yes ___ No ___ N/A X RMK# ___
16. If the handler received a shipment of hazardous waste that was not universal waste, did the SQUWH immediately notify Ohio EPA? [3745-273-18(G)] Yes ___ No N/A X RMK# ___
17. If the handler received a shipment of nonhazardous, non-universal waste, was the waste managed in accordance with applicable law? [3745-273-18(H)] Yes ___ No N/A X RMK# ___

EXPORTS

18. Is waste being sent to a foreign destination? If so: Yes ___ No X N/A ___ RMK# ___
- a. Does the small quantity handler comply with primary exporter requirements in OAC 3745-52-53, 3745-52-56, and 3745-52-57? [3745-273-20(A)] Yes ___ No N/A X RMK# ___
- b. Is waste exported only upon consent of the receiving country and in conformance with U.S. EPA's "Acknowledgment of Consent" as defined in 3745-52-50 to -52-57? [3745-273-20(B)] Yes ___ No N/A X RMK# ___
- c. Is a copy of U.S. EPA's "Acknowledgment of Consent" provided to the transporter? [3745-273-20(C)] Yes ___ No N/A X RMK# ___

REMARKS