



Environmental
Protection Agency

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

SWDO File Copy

Eval. ☐☐

Ent. ☐☐

November 18, 2011
Certified Mail

Re: **OHD039998711**
Miami Industrial Trucks Inc.
Generator Status to be determined
Montgomery County
Notice of Violation

Ms. Beth Brink
Miami Industrial Trucks Inc.
2830 East River Road
Dayton, Ohio 45439

Dear Ms. Brink:

On September 30, 2011, Ohio EPA conducted a compliance evaluation inspection (CEI) at Miami Industrial Trucks Inc. (MIT) in Dayton. MIT previously identified that small quantities of hazardous waste were generated at this location.

I represented Ohio EPA, and you represented MIT. You showed me MIT's hazardous waste drum associated with the small amount of painting performed at this location and used oil storage. I obtained copies of hazardous waste and used oil disposal records. You showed me lead acid batteries that MIT collects from your customers and sends them to be recycled. Also, you showed me a drum of waste battery acid that MIT accumulates during lead acid battery reclamation (via acid adjustment); the customers' batteries that MIT performs acid adjustment on are returned to them for reuse. Additionally, you made copies of MIT's receipts from Midwest Guardian (MG) documenting their receipt of MIT's lead acid batteries and battery acid fluid for recycling.

Upon my review and follow up with MG regarding MIT's receipts, 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** upon your receipt of this letter:

Waste Evaluation

1. **OAC Rule 3745-52-11, Waste Evaluation.** Any person who generates a waste must evaluate the waste to determine if the waste is a hazardous waste in accordance with the criteria set forth in OAC Chapter 3745-51. Please refer to the enclosed table from OAC Rule 3745-266-80 that specifies regenerated lead acid batteries are subject to this rule.

MIT has failed to determine if battery acid waste generated during battery acid adjustment is a hazardous waste. At the time of the inspection, this waste was being accumulated in a 55 gallon polyethylene drum. I had MIT label this drum as battery acid waste during my inspection while I checked into MG's status as a battery acid recycler.

During my review of MG's status, I had a conversation with Ohio EPA's Northwest District Office (NWDO). NWDO informed me that MG is unclear if MIT's battery acid waste is recycled. MG determines when battery acid waste arrives if they can recycle it or not. Ohio EPA's NWDO will be investigating this issue further.

- MIT must immediately evaluate this waste to determine if it is a listed or characteristic hazardous waste as required by OAC 3745-52-11. Once MIT has made this determination, you must send me the documentation.

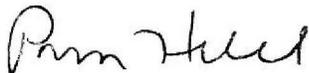
If MIT determines this battery acid waste is a hazardous waste, you must include its generation rate with that of your paint waste. I will send you a link to Ohio EPA's Generator Handbook that explains how to determine generator status and what the requirements are for different generator status. Please feel free to contact me if you have questions about demonstrating compliance with this violation or about how to determine your generator status.

Enclosed is a copy of the checklists that I completed as a result of the inspection. Please reference the enclosed example land disposal restriction (LDR) form. If MIT does not have one of these for the lead acid batteries that you collect and store, use of this example will ensure that MIT meets the applicable provisions in Chapter 3745-270 (previously identified in the table referenced above). You can find Ohio's hazardous waste rules and other information on the division's web page at: <http://www.epa.ohio.gov/Default.aspx?alias=www.epa.ohio.gov/dhwm>

Ms. Beth Brink, Miami Industrial Trucks Inc.
November 18, 2011
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Should you have any questions, please feel free to call me at (937) 285-6091.

Sincerely,



Pam Hull
District Representative
Division of Materials and Waste Management

Enclosures

ec: George Strobel, SWDO-DMWM
Robyn Fox, SWDO-DMWM/SWDO Facility File
Facility File: Miami Industrial Trucks Inc, OHD039998711, Montgomery County
Don North, NWDO-DMWM

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.

PH\bp

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MS BETH BRINK
MIAMI INDUSTRIAL TRUCKS INC
2830 EAST RIVER RD
DAYTON OH 45439

Sent To

Street,
or PO E
City, St

OAC 3745-266-80 SPENT LEAD ACID BATTERIES BEING RECLAIMED

1.	Has the handler of reclaimed batteries notified Ohio EPA or US EPA of regulated waste activity?		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
2.	Are the handler's batteries reclaimed through regeneration (such as by electrolyte replacement)? Part of the batteries are reclaimed by acid adjustment		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
<i>NOTE: If yes, the handler is subject to OAC Chapter 3745-51 and OAC rule 3745-52-11</i>			
3.	Are the handler's batteries reclaimed other than through regeneration?		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
	a.	If yes, does the handler:	
		i. Generate, collect , and/or transport these batteries?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
		ii. Store these batteries but is not the reclaimer?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
		iii. Store these batteries before reclaiming them?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
		iv. Not store these batteries before reclaiming them?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
<i>NOTE: If the answer to any question 3ai through 3aiv is "yes", the handler is subject to OAC Chapters 3745-51 and 3745-270, and OAC rule 3745-52-11. If the handler stores batteries before reclaiming them, the handler is subject to permitting requirement (e.g., general or interim standard facilities), unless when it meets the conditions in question 4 below. Complete other appropriate checklists (e.g., LDR, TSD).</i>			
4.	If the handler that does NOT have a permit and that reclaims batteries received from off-site other than through regeneration, does the handler:		
	a.	Store the batteries less than 72 hours prior to entering them into the reclaiming process?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
	b.	Comply with the applicable requirements in 3745-51-06(C)(3) to (C)(3)(b)?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
5.	Has the handler adequately evaluated all waste generated at their facility? Needs to evaluate acid waste from acid adjustment		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>

**LAND DISPOSAL RESTRICTION (LDR) NOTICE
LEAD-ACID BATTERIES**

Generator Name: _____ US EPA ID No. : _____

Manifest Tracking No.^A: _____

(1) Manifest Page/Line Item	(2) Hazardous Waste Code	(3) Waste-water	(4) Nonwaste-water	(5) Subcategory (if applicable)	(6) Underlying Hazardous Constituents? ^B	(7) Applicable Certification
					(Circle one)	(One per line)
NA ^A	D002/D008 ***		X	Lead-Acid Batteries	Yes / No / NA	(1)

*** This LDR is for lead-acid batteries generated during vehicle maintenance. These batteries are managed per the requirements of 40 CFR 266.80 and thus are subject to the LDR requirements found in 40 CFR Part 268, but they are not subject to 40 CFR Parts 262 (except §262.11), 263, 264, 265, 266, 270, and 124 or the notification requirements at Section 3010 of RCRA. [Modify the following sentence as appropriate.] Pickup of these batteries is coordinated by XXX who transports them to their facility in XXX prior to shipping them to XXX who subsequently coordinates their transportation to XXX's facility in XXX, where they are reclaimed through smelting.

^A A manifest is not required for shipments of lead-acid batteries per 40 CFR 266.80.

^B If yes, list all underlying hazardous constituents below.

Applicable Certification:

- (1) Waste does not meet applicable treatment standards - This is a restricted waste that does not meet the applicable treatment standards set forth in Subpart D of 40 CFR Part 268. [§268.7(a)(2)]

Printed/Typed Name

Authorized Signature

Date

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: OHD039998711							
Site Name	Name: Miami Industrial Trucks, Inc.					Website: (Optional)		
Site Location Information	Street Address: 2830 E. River Rd.							
	City, Town, or Village: Dayton					State: OH		
	County Name: Montgomery					Zip Code: 45439		
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: Beth		MI:	Last Name: Brink				
Additional names can be recorded in number 12	Title:							
	Phone Number: 937-293-4194					Phone Number Extension:		
	E-Mail Address:							
Only provide address information if it is different than the site address	Fax Number:					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:					Date Became Owner (mm/dd/yyyy):				
	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:					Owner Phone #:				
	State:					Country:		Zip Code:		
	Name of Site's Operator:					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:									
	City, Town or Village:					Operator Phone #:				
	State:					Country:		Zip Code:		

VIOLATIONS CITED?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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TYPE OF HANDLER - MARK "X" AS APPROPRIATE		
<input type="checkbox"/> Not a HW Generator	<input checked="" 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 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 | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | Additional Facility Representatives: |
| Tanks | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | |
| Containers | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | |

Name of Inspector(s)
Pam Hull

Name of Inspector(s)

Date of Inspection/Time
(mm/dd/yyyy) (hh:mm)
09/30/2011

Comments:

Cited 52-11; waiting to fill out generator checklist until characterization and generator status occurs.

USED OIL INSPECTION CHECKLIST (Short Version)

NOTE: This checklist does not include requirements for used oil transporters and transfer facilities, processors and re-refiners, burners, and marketers.

PROHIBITIONS

1. Is used oil being managed in a surface impoundment or waste pile? If so: Yes ___ No N/A ___ RMK#
- Is the surface impoundment or waste pile being regulated under OAC 3745-54 to 3745-57 and 3745-205 or 3745-65 to 3745-69 and 3745-256? [3745-279-12(A)] Yes ___ No N/A RMK#
2. Is used oil being used as a dust suppressant? [3745-279-12(B)] Yes No N/A ___ RMK#
3. Is off-specification used oil fuel burned for energy recovery only in devices specified in 3745-279-12(C)? Yes ___ No N/A RMK#

USED OIL GENERATOR STANDARDS

4. Does the generator mix hazardous waste with used oil only as provided in 3745-279-10(B)? [2745-279-21(A)] Yes ___ No N/A RMK#
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 RMK#
6. Does the generator only store used oil in tanks, containers, or units subject to OAC 3745-54 to 3745-57 and 3745-205 or 3745-65 to 3745-69 and 3745-256? [3745-279-22(A)] Yes ___ No N/A RMK#
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 ___ RMK#
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 ___ RMK#
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 RMK#
- b. Contained the release? Yes ___ No N/A RMK#

- c. Cleaned up and properly managed the used oil and other materials? Yes ___ No N/A RMK#
- d. Repaired or replaced the containers or tanks prior to returning them to service, if necessary? Yes ___ No N/A RMK#
10. Does the generator burn used oil in used fired space heaters? [3745-279-23] If so: Yes ___ No N/A ___ RMK#
- 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 RMK#
- b. Is the heater designed to have a maximum capacity of not more than 0.5 million BTU per hour? Yes ___ No N/A RMK#
- c. Are the combustion gases from heater vented to the ambient air? Yes ___ No N/A RMK#
11. Does the generator have the used oil hauled only by transporters that have obtained U.S. EPA ID#, unless the generator qualifies for an exemption pursuant to 3745-279-24 (self transportation or tolling agreements)? [3745-279-24] Yes No N/A ___ RMK# 1

USED OIL 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 RMK#
13. Is the non-DIY used oil collection center registered with Ohio EPA? [3745-279-31] Yes ___ No N/A RMK#
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 RMK#

WASTE EVALUATION

15. Have all wastes generated at the facility been evaluated? [3745-52-11] Yes ___ No N/A ___ RMK# 2

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REMARKS

- 1 Miami Industrial Trucks has Clean Water Limited (various EPA ID numbers) transport their used oil.
- 2 Citing this violation in 11/18/2011 NOV letter.

Used
Battery Acid

Miami Industrial Truck
2830 East River Rd., Dayton
9/30/11 CEI
Waste Battery Acid

