



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.state.oh.us

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

Re: Myles Group – Industrial Waste Group  
Hazardous Waste  
Complaint # 2846  
Lucas County  
Notice of Violation

April 28, 2009

Mr. W. B. Myles  
Myles Group – Industrial Waste Group  
256 Eagleview Boulevard – PMB 261  
Exton, Pennsylvania 19341

Dear Mr. Myles:

On April 7, 2009, Ed Pulido and I investigated a complaint at Industrial Waste Group (IWG) located at 1200 Laskey Road, Toledo, Ohio. The complaint was received by the Division of Hazardous Waste Management on January 27, 2009. The complainant stated the following: that your facility is changing oil from excavators and dumping it into fluff. This letter will explain the validity of the complaint, the violations we found as a result of our compliance evaluation inspection (CEI), and what you need to do to correct the remaining outstanding violation.

Upon arriving at your facility we discussed the complaint with you, and we proceeded to conduct a full CEI to determine IWG's compliance with Ohio's hazardous waste laws as found in Chapter 3734. of the Ohio Revised Code (ORC), and Ohio's hazardous waste regulations as adopted under Chapter 3745. of the Ohio Administrative Code (OAC).

IWG is a contractor which transfers auto fluff from rail cars directly into trucks. This auto fluff is then taken to Vienna Junction solid waste landfill where they utilize it as a solidification agent for liquids. IWG is a non-generator of hazardous waste. IWG generates used oil from the heavy machinery (excavators, etc.), and will generate fluorescent lamps in the future once spent.

You stated the following: that you do not place your used oil in with fluff; that you change used oil from equipment and place in a tote; and that a trucker is picking up your used oil to burn in his used oil heater. We walked around your property. We observed where you are storing your used oil.



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In addition, I asked about your management of fluorescent bulbs in the trailer that is used as the on-site office. You stated to date that you have not changed these bulbs. I explained to you the proper management of these bulbs and gave you the following materials: the Ohio EPA fact sheets Fluorescent Lamps – What You Should Know; Universal Waste Rules for Handlers of Lamps and a list of computer, fluorescent lamp and ballast recyclers. Please consult this information for the proper management of lamps.

In addition, I provided you with the following materials: the Ohio EPA Fact Sheet: The Regulation of Used Oil: An Overview for Ohio Businesses, Used Oil Generators, a list of Used Oil Recyclers, and a list of registered used oil collection centers.

As a result of my inspection, I found the following violations of Ohio's used oil regulations. In order to correct the one outstanding violation you must do the following and send me the required information **within 30 days** of your receipt of this letter:

1. **Used oil storage requirements - proper labels.**  
**OAC Rule 3745-279-22 (C) (1)**

Containers used to store used oil shall be labeled or marked clearly with the words "Used Oil."

IWG failed to mark a 250-gallon tote storing used oil with the words "Used Oil".

"Used Oil" was written on the used oil tote during the inspection. **Thus, this violation was abated.**

2. **Off-site shipments of used oil by generators.**  
**OAC Rule 3745-279-24**

Generators shall ensure that their used oil is transported only by transporters who have obtained U.S. EPA identification numbers.

IWG stated that their used oil is not being picked up by a transporter with a U.S. EPA identification number. Currently, a trucker is picking up IWG's used oil and burns it in his furnace. IWG may be considered a used oil marketer (see general comment number 1 below). Used oil generators have three options for handling their used oil: 1) Generators must have their used oil transported by an entity that has a U.S. EPA identification number and ensure their used oil is recycled; 2) Generators may transport less than 55-gallons of their own used oil to a registered used oil collection center; or 3) IWG may burn its own used oil in an on-site space heater as long as all applicable requirements are met.

Please consult the Used Oil fact sheets given to you during the inspection for more information.

In order to abate this violation, IWG must either 1) submit a copy to me of a contract or some type of documentation indicating a transporter with a U.S. EPA identification number will be picking up IWG's used oil and appropriately recycling it; or 2) a disposal receipt from the off-site shipment of their used oil (if the facility is due for a pick-up) indicating that a transporter with a U.S. EPA identification number is now transporting their used oil and that the used oil is taken to an appropriate recycling facility; or 3) IWG must submit a copy of a receipt from the drop-off of their used oil at a registered used oil collection center or 4) a summary outlining how they plan to manage their used oil if you decide to purchase a used oil furnace.

**General Comment:**

**1. Shipping used oil off-site to burn.**

IWG shall note that they may be considered a used oil marketer if they continue to allow their used oil to be burned off-site. As a used oil marketer, IWG would be required to determine if their used oil was on or off specification, notify Ohio EPA of their marketing activities, and retain records of the analysis of the used oil. Based on whether the used oil was determined to be on or off specification, other requirements such as ensuring the used oil burner has a U.S. EPA identification number and ensuring delivery of the used oil to the burner may apply. The specific requirements can be found in OAC Rule 3745-279-70 through 3745-279-74 at the following web address:  
[http://www.epa.state.oh.us/dhwm/l\\_ruom.html](http://www.epa.state.oh.us/dhwm/l_ruom.html).

We did not observe any evidence that IWG was not properly collecting their used oil (and likewise was not disposing it in with the auto fluff), thus the complaint is considered closed. However, as a result of our inspection we did observe the used oil violations as listed above.

Ohio EPA will issue an EPA ID number to track our investigation activity at the property in question. You cannot use this number for manifesting hazardous waste shipments. If you want to use an EPA ID number for manifesting and other hazardous waste, used oil or universal waste activities, you must complete and submit a Notification of Regulated Waste Activity form (*EPA Form 9029 (Rev. 11/2002)*) to Ohio EPA.

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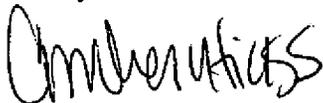
This form is available on our Web page at <http://www.epa.state.oh.us/dhwm/notiform.html> or you can call me or the Division of Hazardous Waste Management, Central Office, RIS at (614) 644-2977 and we will mail you a copy.

The Division of Hazardous Waste Management (DHWM) 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://www.epa.state.oh.us/dhwm/listserv.html>. Please feel free to share this information with your colleagues.

Please address all correspondence to Amber Hicks, Ohio EPA, 347 N. Dunbridge Road, Bowling Green, Ohio 43402. Should you have any questions, please feel free to call me at (419) 373-3082.

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 has helpful information about pollution prevention at the following web address: <http://www.epa.state.oh.us/ocapp/ocapp.html>.

Sincerely,



Amber M. Hicks  
Division of Hazardous Waste Management

/llr

Enclosures

pc: Colleen Weaver, DHWM, NWDO  
Cindy Lohrbach, DHWM, NWDO  
(DHWM;NWDO-File:Lucas County General

ec: Amber Hicks, DHWM, NWDO

**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 <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,	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)]	Yes <input type="checkbox"/> No <input checked="" 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)]	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
a.	Stopped the release?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
b.	Contained the release?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
c.	Cleaned up and properly managed the used oil and other materials?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
d.	Repaired or replaced the containers or tanks prior to returning them to service, if necessary?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input 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 used oil received from household do-it-yourself (DIY) used oil generators?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" 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 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#?	Yes <input type="checkbox"/>	No <input checked="" 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.*

## PROCESS, WASTE, P2 SUMMARY SHEET

**Facility Name:** Industrial Waste Group **Facility Type:**  LQG  SQG  CESQG  TSD **Date of Inspection:** 4-7-09 **EPA ID#:** N/A

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	Servicing of heavy machinery	Used Oil	Unknown exactly		Facility is allowing a trucker to p/u and burn in a used oil furnace. Cited a violation.	Facility needs to set up a proper off-site management of used oil which includes burning (recycling) the used oil for energy recovery.
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9							
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**REMARKS, GENERAL INFORMATION**

**General Process Information:**

Facility does not generate hazardous waste. Facility is only a used oil generator. Facility has not generated any lamps to date. Gave information pertaining to the proper management of lamps.

**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](mailto:p2mail@epa.state.oh.us) or [www.epa.state.oh.us/ocapp/ocapp.html](http://www.epa.state.oh.us/ocapp/ocapp.html)

**Other:**

**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](mailto:kristina.durnell@epa.state.oh.us)  
or mail it to Kristina Durnell, Central Office

<p><b>Site EPA ID No.</b> <b>Site Name</b></p> <p><b>Site Location Information</b></p> <p><b>Site Land Type</b> (check only one) <b>NAICS code(s)</b> <a href="http://www.census.gov/epcd/www/naics.html">www.census.gov/epcd/www/naics.html</a></p>	<p>EPA ID Number: <del>NA</del> <b>OHR 000128264</b> Name: <b>Industrial Waste Group</b></p> <p>Street Address: <b>1200 Laskey Road</b> City, Town, or Village: <b>Toledo</b> County Name: <b>Lucas</b></p> <p>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"/></p> <p>Website: <b>www.mylesgroup.net</b> (Optional)</p> <p>State: <b>OH</b> Zip Code: <b>43612</b></p>
<p><b>Facility Representative</b></p> <p>Additional names can be recorded in number 12</p> <p>Only provide address information if it is different than the site address</p>	<p>First Name: <b>W.B. (Bill)</b> MI: Last Name: <b>Myles</b> Phone Number: <b>484-995-9958</b> Phone Number Extension: E-Mail Address: <b>wbmyles@mylesgroup.net</b> Fax Number Extension: Fax Number: <b>610-458-0524</b> Fax Number Extension: Street or P.O. Box: <b>256 Eagleview Blvd - PMB 261</b> City, Town or Village: <b>Exton</b> Zip Code: <b>19341</b> State: <b>PA</b></p>
<p><b>Legal Owner And Operator of the Site.</b> List Additional Owners and/or Operators in the Comment Section or on another copy of this form page</p>	<p>Name of Site's Legal Owner: <b>Ann Arbor Railroad</b></p> <p>Owner Private County District Federal Indian Municipal State Other Type: <input checked="" type="checkbox"/> <input type="checkbox"/></p> <p>Street or P.O. Box: City, Town or Village: State:</p> <p>Name of Site's Operator: <b>Myles Group</b></p> <p>Owner Private County District Federal Indian Municipal State Other Type: <input checked="" type="checkbox"/> <input type="checkbox"/></p> <p>Street or P.O. Box: <b>256 Eagleview Blvd - PMB 261</b> City, Town or Village: <b>Exton</b> State: <b>PA</b></p> <p>Date Became Owner (mm/dd/yyyy): Owner Phone #: Country: Zip Code:</p> <p>Date Became Operator (mm/dd/yyyy): Operator Phone #: <b>610-458-0600</b> United States Zip Code: <b>19341</b></p>

**VIOLATIONS CITED?**  Yes  No

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

<input checked="" type="checkbox"/> Not a 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 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
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**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 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<br>(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 checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Additional Facility Representatives:
Tanks	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Other Comments: <b>Facility is a contractor on railroad property.</b>
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)
Amber Hicks	Ed Pulido	4/7/2009 9:36-10:15

**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)