



Environmental
Protection Agency

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

Eval. 001

Enf. 001

1 violation RTCD

March 2, 2012

Re: **Dayton Machine Tool Company**
DMWM Complaint Investigation
OHD004277⁸002
Used Oil Generator
Montgomery County, SWDO
Notice of Violation/Return to Compliance

Mr. Gary Lackey
Dayton Machine Tool Company
1314 Webster St.
Dayton, OH 45404

Dear Mr. Lackey:

On January 9, 2012, Ohio EPA received a complaint that oil was observed leaking from the scrap metal roll-off box near your fence during the past year. The caller also noticed oily film on a trough full of water. The complainant has seen no improvement in site conditions during the year.

Finally, the caller noticed paint odor and wondered if Dayton Machine Tool (DMT) is located in a City of Dayton Wellhead Protection area. Prior to my site visit to DMT to investigate this complaint, I accessed the city of Dayton website (<http://water.cityofdayton.org/water/wellfield.asp>) and determined that your facility at 1314 Webster Street is not in a Wellhead Protection Area.

During Ohio EPA's January 25, 2012 complaint investigation, you showed me and George Strobel around DMT. We found no evidence of oil leaking from your roll-off box or troughs outside with an oily film. We did not encounter outside odors associated with your painting operations, however, when I questioned you further about air permits, you did not know if you had any or whether or not DMT needed them for your painting operations.

Ohio EPA's Office of Compliance Assistance and Pollution Prevention (OCAPP) offers free, confidential assistance to small businesses. I encourage you to reach the local OCAPP representative, Jim Pellegrino, at 937-285-6439. Along with helping you with Dayton Machine Tool's evaluation of air permitting for your painting operations, he could assist in verifying your hazardous waste status as a non-generator and provide guidance on how to keep your compliance records so they can be readily accessible.

Dayton Machine Tool participates in solvent rag and degreaser recycling and re-uses the paint spray gun solvent. We saw where DMT stores used oil and you stated you would

Southwest District Office
401 East Fifth Street
Dayton, OH 45402-2911

937 | 285 6357
937 | 285 6249 (fax)
www.epa.ohio.gov

Dayton Machine Tool Company
March 2, 2012
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provide me with the name and phone number of your used oil hauler and solvent rag recycler. After a number of phone calls and an e-mail that I initiated on February 3, 2012, I received copies of receipts from your last three used oil pick-ups (August 23, 2011, February 10, 2012 and February 21, 2012) and a number of receipts documenting your solvent rag recycling through Aramark. Ohio EPA should typically receive requested documents on the matter within a few business days.

Therefore, based on my January 25, 2012 site visit and review of documentation received on February 21st, February 22nd and March 2, 2012, I **did not find any evidence that supported the complainant's allegations.**

However, I found the following violation of Ohio's hazardous waste laws:

***Used Oil Storage Requirements for Generators
OAC 3745-279-22(C)***

Containers used to store used oil at generator facilities must be labeled with the words "Used Oil".

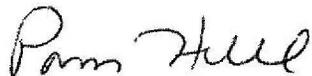
DMT failed to label used oil containers with the words "Used Oil".

During the January 25, 2012 complaint investigation, DMT labeled the containers with the words "Used Oil. This action **corrected** the above violation.

Enclosed you will find a copy of the checklists that I completed as a result of the complaint investigation. You can find copies of the rules and other information on the division's web page at: <http://www.epa.state.oh.us/dhwm/>.

Please call me at (937) 285-6091 if you have any questions.

Sincerely,



Pam Hull
Environmental Specialist
Division of Materials and Waste Management

PH/tf

cc: DHWM Data Entry/Facility File
Facility File: Dayton Machine Tool Company, OHD004277802, Montgomery County

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.

Send to Central Office <input checked="" type="checkbox"/>	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. Site Name Site Location Information Site Land Type (check only one) NAICS code(s) www.census.gov/epcd/www/naics.html	EPA ID Number: OHD004277802 Name: Dayton Machine Tool Company Website: (Optional) Street Address: 1314 Webster St. City, Town, or Village: Dayton State: OH County Name: Montgomery Zip Code: 45404 <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">Private <input checked="" type="checkbox"/></td> <td style="text-align: center;">County <input type="checkbox"/></td> <td style="text-align: center;">District <input type="checkbox"/></td> <td style="text-align: center;">Federal <input type="checkbox"/></td> <td style="text-align: center;">Indian <input type="checkbox"/></td> <td style="text-align: center;">Municipal <input type="checkbox"/></td> <td style="text-align: center;">State <input type="checkbox"/></td> <td style="text-align: center;">Other <input type="checkbox"/></td> </tr> </table>			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"/>																																																																					
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Facility Representative Additional names can be recorded in number 12 Only provide address information if it is different than the site address	First Name: Gary MI: Last Name: Lackey Title: Phone Number: 937-222-6444 Phone Number Extension: E-Mail Address: glackey@dmtnet.com Fax Number: 937-222-6448 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	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="4">Name of Site's Legal Owner:</td> <td colspan="4">Date Became Owner (mm/dd/yyyy):</td> </tr> <tr> <td style="text-align: center;">Owner Type:</td> <td style="text-align: center;">Private <input type="checkbox"/></td> <td style="text-align: center;">County <input type="checkbox"/></td> <td style="text-align: center;">District <input type="checkbox"/></td> <td style="text-align: center;">Federal <input type="checkbox"/></td> <td style="text-align: center;">Indian <input type="checkbox"/></td> <td style="text-align: center;">Municipal <input type="checkbox"/></td> <td style="text-align: center;">State <input type="checkbox"/></td> <td style="text-align: center;">Other <input type="checkbox"/></td> </tr> <tr> <td colspan="4">Street or P.O. Box:</td> <td colspan="4">Owner Phone #:</td> </tr> <tr> <td colspan="4">City, Town or Village:</td> <td colspan="2">Country:</td> <td colspan="2">Zip Code:</td> <td></td> </tr> <tr> <td colspan="4">Name of Site's Operator:</td> <td colspan="4">Date Became Operator (mm/dd/yyyy):</td> </tr> <tr> <td style="text-align: center;">Operator Type:</td> <td style="text-align: center;">Private <input type="checkbox"/></td> <td style="text-align: center;">County <input type="checkbox"/></td> <td style="text-align: center;">District <input type="checkbox"/></td> <td style="text-align: center;">Federal <input type="checkbox"/></td> <td style="text-align: center;">Indian <input type="checkbox"/></td> <td style="text-align: center;">Municipal <input type="checkbox"/></td> <td style="text-align: center;">State <input type="checkbox"/></td> <td style="text-align: center;">Other <input type="checkbox"/></td> </tr> <tr> <td colspan="4">Street or P.O. Box:</td> <td colspan="4">Operator Phone #:</td> </tr> <tr> <td colspan="4">City, Town or Village:</td> <td colspan="2">Country:</td> <td colspan="2">Zip Code:</td> <td></td> </tr> <tr> <td colspan="4">State:</td> <td colspan="2">Country:</td> <td colspan="2">Zip Code:</td> <td></td> </tr> </table>			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:				Owner Phone #:				City, Town or Village:				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:				Operator Phone #:				City, Town or Village:				Country:		Zip Code:			State:				Country:		Zip Code:		
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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 Yes No Additional Facility Representatives:
 Tanks Yes No
 Containers Yes No

Date of Inspection/Time
(mm/dd/yyyy) (hh:mm)
01/25/2012

Name of Inspector(s)
Ohio EPA -Pam Hull, George Strobel

Name of Inspector(s)

Comments:
Complaint investigation-complaint allegations were unfounded.

**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)] Observed labeling of containers as "Used Oil" on 1/25/12 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 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"/>
<i>NOTE: Ash accumulated in a space heater must be managed in accordance with 3745-279-10(E).</i>		
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] Heritage Crystal Clean ILR000130062	Yes <input checked="" 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"/>
<i>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).</i>		
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"/>
<i>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.</i>		