



State of Ohio Environmental Protection Agency

Northeast District Office

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

May 2, 2008

**RE: FARGO MACHINE COMPANY
COMPLAINT # 7112
NOTICE OF VIOLATION**

Larry S. Fargo
Fargo Machine Company
998 Stevenson Road
Ashtabula, Ohio 44004

Dear Mr. Fargo:

On April 22, 2008, Ed D'Amato and I of the Ohio EPA Division of Hazardous Waste Management conducted an inspection of Fargo Machine Company located at 998 Stevenson Road, Ashtabula, Ohio. The purpose was to investigate a complaint and to determine if Fargo Machine had violations of Ohio's hazardous waste and used oil laws as found in Chapter 3734 of the Ohio Revised Code (ORC) and Chapter 3745 of the Ohio Administrative Code (OAC).

This letter will document any violations and concerns found and outline what you need to do to correct them. A written response to these issues is required within 30 days.

The complaint alleged that about 80 drums were sitting outside. Outside we saw at least 80 drums of abrasive that has been used in your water jet cutting operation. I understand that some of this material has been here since 1989. Ohio Administrative Code 3745-52-11 requires the generator of a waste to determine whether that waste is a hazardous waste. The following documents give more information on this:

Identifying Your Hazardous Waste (I gave you this one during the inspection):

<http://www.epa.state.oh.us/ocapp/sb/publications/identifyingwaste.pdf>.

Use of Generator Knowledge in Complying with OAC 3745-52-11:

<http://www.epa.state.oh.us/dhwm/pdf/GeneratorKnowledge6.pdf>.

You stated that you believe that this used abrasive is not a hazardous waste. Based on the description of your process and the garnet abrasive MSDS provided, this appears to be a reasonable assumption for the used garnet abrasive. However, I need more information about the used industrial slag abrasive. Please provide information regarding where this slag came from and when. If any data on its chemical composition is known, please provide that also. As an alternative to the above regarding the industrial slag, you may want to consider whether you will actually be able to process and reuse this material. Two things to consider are the current state of this material (some on the ground because the drum has rusted away and some with plants growing out of the drums) and the relative amount of used garnet abrasive. It may be that you have enough used garnet abrasive that you would be very unlikely to need the used industrial slag abrasive. If this is the case, I suggest disposing of the used industrial

Larry S. Fargo
Fargo Machine Company
May 2, 2008
Page 2

slag abrasive. You would still need to work with a disposal company or solid waste landfill to make sure it is not a hazardous waste before it is picked up. **Please provide the required information and/or advise me of your plans regarding this.**

Another purpose of the inspection was to look for ways Fargo Machine Company may be able to reduce its waste generation, conserve energy, and save money. A Pollution Prevention Attachment to this letter covers these issues.

The following violations were found: (See also the enclosed checklists.)

1. OAC rule 3745-52-11 – Hazardous waste determination.
This rule requires that any person who generates a waste must determine if that waste is a hazardous waste.

Fargo Machine violated this rule by disposing of waste lamps (including fluorescent lamps) with regular trash without determining whether or not they are a hazardous waste. As an alternative to determining whether your particular waste lamps are hazardous waste, you may wish to manage them as universal waste. The following document contains more information regarding this:

http://www.epa.state.oh.us/ocapp/sb/publications/Lampcompliance_checklist.pdf.
In general, this would involve saving the waste lamps in a labeled container (such as a cardboard box) and having them picked up by a lamp recycler. A list of lamp recyclers from Ashtabula County Department of Environmental Services is enclosed. Another such list can be found at:
<http://epawebapps.epa.state.oh.us/Recyclers/jsp/search.jsp>.

Your April 23, 2008 letter states that you will now have proper fluorescent light bulb disposal. I assume by this you mean that they will be saved to be picked up by a lamp recycler.

The following concern in regards to hazardous waste determination was found. Painting is done both with spray paint cans and by use of a spray gun. A solvent containing toluene, methyl alcohol, and acetone is used for cleanup when using the spray gun. You were not certain if a liquid waste solvent was generated during this cleanup. Such a liquid waste would be a hazardous waste with the waste codes of F003 and F005. All hazardous waste must be kept in a closed container and shipped to a facility permitted to accept such waste. **Please supply information detailing what wastes are generated from your painting operation and how they are managed.**

2. OAC rule 3745-279-22(C) - Used oil labels.
This rule requires containers and above ground tanks used to store used oil at generator facilities to be labeled or marked clearly with the words Used Oil.

Larry S. Fargo
Fargo Machine Company
May 2, 2008
Page 3

Fargo Machine violated this rule by having a drum of used oil that was not labeled as used oil. **You must now label this container as used oil and contact me when that has been done.**

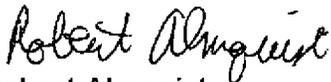
We saw the area where wastes have been burned outside. An overview of Ohio's open burning laws can be found at: <http://www.epa.state.oh.us/pic/facts/openburn.pdf>.

You can also ask Rich Kolosionek, of Ohio EPA's Division of Air Pollution Control, specific questions about these laws. His phone number is (330) 963-1241. Your April 23, 2008 letter states that you will eliminate open burning. Information regarding recycling of pallets and cardboard is included in the Pollution Prevention Attachment. **I suggest that you scrape up the ashes and debris in the past open burning area and dispose of them in your solid waste dumpster.**

Please send a written response to this letter within 30 days including the documentation required above.

You can find copies of the regulations and other information on the Division of Hazardous Waste Management web page at: <http://www.epa.state.oh.us/dhwm/>. If you have any questions, please contact me at (330) 963-1217, or e-mail at robert.almquist@epa.state.oh.us.

Sincerely,



Robert Almquist
Division of Hazardous Waste Management

RA:cl
Enclosures

ec: Frank Popotnik, DHWM, NEDO cc: Natalie Oryshkewych, DHWM, NEDO
Harry Sarvis, DHWM, CO
Adrienne LaFavre, OCAPP, NEDO
Colum McKenna, DSIWM, NEDO
Rich Kolosionek, DAPC, NEDO
Virginia Wilson, DSW, NEDO

NOTICE:

Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve your facility from its obligation to comply with all applicable regulations.



Process and Waste Summary for:
 Fargo Machine Company, 4-22-08 inspection

#	Process generating the waste	Waste details	On-site management	Off-site management
1	Cleanup of spray gun with solvent containing toluene, methyl alcohol, and acetone	Waste rags	Put into solid waste dumpster	Sent to solid waste landfill
2	Cleanup of spray gun with solvent containing toluene, methyl alcohol, and acetone	Unknown if liquid waste is generated		
3	Painting using aerosol cans	Waste aerosol cans	Put into solid waste dumpster	Sent to solid waste landfill
3	Lighting	Waste fluorescent lamps	Put into solid waste dumpster	Sent to solid waste landfill
4	Machinery maintenance	Used hydraulic oil, less than 55 gallons during last two years	Stored in drum inside	Dragon Oil OHR 000 130 369
5	Water jet	Used industrial slag	Stored in open drums	

	cutting	abrasive	outside	
6	Water jet cutting	Used garnet abrasive. Plan to process and reuse	Stored in open drums both outside and inside	
7	Water jet cutting	Wastewater. At most 1000 gallons per day.	Goes to onsite septic system	
8	Water jet cutting	Metal blanks		Shipped as scrap metal
9	Water jet cutting	Other blanks	Put into solid waste dumpster	Sent to solid waste landfill
10	Machining	Chips and shavings of one metal type		Sent for recycling
11	Machining	Mixed metal chips and shavings	Put into solid waste dumpster	Sent to solid waste landfill
12		Pallets	Burned onsite and/or sent to solid waste landfill	
13		Cardboard	Burned onsite and/or sent to solid waste landfill	

Pollution Prevention Attachment
to May 2008 letter to
Fargo Machine Company

The following is offered as information and suggestions that you may want to investigate further. If requested, I can provide paper copies of the documents and websites for which the links are given. If you have any questions, want additional information, or a more detailed assessment, you can contact me at 330-963-1217 or robert.almquist@epa.state.oh.us

Shop Lighting

Your shop lighting is fluorescent lamps of the T12 kind. This means that the tubes have a diameter of 1.5 inch (12 8ths of an inch). Fluorescent lighting is also made with smaller diameter tubes, both T8 and T5 tubes. This lighting is more energy efficient. There are also other types of lighting that may be more efficient than your current lighting. Installing new lighting is an upgrade that often has a short payback period for the initial investment when compared to the energy savings. Information can be found at:

http://www.designlights.org/downloads/highbay_guide.pdf

Also two case studies are available at:

<http://www.designlights.org/downloads/Gillette%20FINAL.pdf>

<http://www.designlights.org/downloads/Kintetsu%20FINAL.pdf>

I would suggest getting information and quotes from electrical contractors. A searchable list of such providers can be found at:

http://www.energystar.gov/index.cfm?fuseaction=SPP_DIRECTORY.

Another energy saving alternative may be to install skylights. Information can be found at: <http://lighting.lrc.rpi.edu/researchAreas/daylighting.asp>

A website for a company in Ohio that installs these is:

<http://www.cooldaylight.com/>

Cardboard and Pallet Recycling

You may be able to have your waste pallets and cardboard picked up for recycling. You may want to check with your current solid waste disposal company and scrap metal recycling company to see if they offer these services. I have also enclosed lists of recyclers for these materials from the Ashtabula County Solid Waste Management District website which is at:

<http://www.co.ashtabula.oh.us/AshCtyWebR53.nsf/Solid%20Waste?OpenFrameSet>

Also the following website offers searchable lists of recycling companies:

<http://epawebapps.epa.state.oh.us/Recyclers/jsp/search.jsp>

Some older information about the scale of disposal of pallets and tips on managing pallets can be found at:

<http://www.epa.state.oh.us/opp/recyc/pallet3.html>

Wastewater Reuse

Less than 1,000 gallons of wastewater per day is generated from the water jet cutting. This wastewater is sent to a septic system along with the bathroom and kitchen wastewaters. Your water comes from an onsite well. If you could find a way to reuse this water then you could save on the electricity used to pump the well. If the water is pretreated before use then there may be additional savings.

Waste Aerosol Can Management

Fargo Machine is currently disposing of waste aerosol cans with its solid waste. As long as the aerosol cans are empty, this is allowed. The waste cans may also be able to be recycled as scrap metal. Scrap metal recyclers, however, may require that the cans be punctured. Several aerosol can puncturing systems are commercially available. These units puncture the can, allow any fluids to drain into a container, and, if equipped with air filters, capture the propellants. Here are websites of some of the companies that sell such units:

<http://www.aerosolv.com/index.html>

<http://www.americangasproducts.com/Default2.htm>

OCAPP:

Ohio EPA's Office of Compliance Assistance and Pollution Prevention (OCAPP) provides compliance and pollution prevention assistance on environmental issues related to air, land, and water. If desired, this can include an onsite assessment of your operations with a resulting report containing waste minimization and energy conservation suggestions. They can be contacted at 800-329-7518 or <http://www.epa.state.oh.us/ocapp/ocapp.html> Their Small Business Environmental Compliance Self-Assessment Guide can be found at: <http://www.epa.state.oh.us/ocapp/sb/publications/selfgde.pdf>

Energy Conservation Information

ENERGY STAR is a government-backed program helping businesses and individuals protect the environment through superior energy efficiency. Their website is at:

<http://www.energystar.gov/>

This link leads to the part of the site that deals with improving the energy performance of buildings and plants:

http://www.energystar.gov/index.cfm?c=business.bus_index

The US Department of Energy has various software tools to help identify and analyze energy system savings opportunities in your plant. These can be found at: <http://www1.eere.energy.gov/industry/bestpractices/software.html>

The Ohio Department of Development's Office of Energy Efficiency may also be able to help with energy efficiency issues. Their website is at:

<http://www.odod.state.oh.us/cdd/oeef/>

The following reports are about different ways to plan for an uncertain energy future:

Why Your Plant Should be Energy Efficient, 2007

http://www.eere.energy.gov/industry/bestpractices/energymatters/articles.cfm/article_id=247

Energy Strategy for the Road Ahead, 2007 (36 pages)

http://www.energystar.gov/ia/business/GBN_Energy_Strategy.pdf

Financial

There are various grants, loans, and tax incentives available for environmental projects in Ohio. A listing of these can be found at:

<http://www.epa.state.oh.us/ocapp/funding.html>

Included in this list are some administered by the Ohio Department of Development:

http://www.odod.state.oh.us/EDD/Loans_Grants.htm

http://www.odod.state.oh.us/EDD/Tax_Credit.htm



**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 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