



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

Re: Midwest Guardian
OHD 048782049
Auglaize County
Hazardous Waste
Partial Return to Compliance 3

May 7, 2013

CERTIFIED MAIL

Mr. Donald Miller, Jr., Vice-President
Midwest Guardian, Inc.
727 Keller Drive
P. O. Box 2041
Wapakoneta, Ohio 45895

Dear Mr. Miller:

Thank you for your April 3, 2013, response to Ohio EPA's March 20, 2013, Partial Return to Compliance (PRTC) letter. This letter represents Ohio EPA's response concerning each of the violations cited in the September 18, 2012, Notice of Violation (NOV). The only new information provided by Midwest Guardian, Inc. (MGI) is a photo of the limited camera view of one portion of its hazardous waste tank. Ohio EPA cannot "agree to disagree", therefore MGI must abate the violations cited in this letter and the other letters sent on September 18, 2012, November 2, 2012 and March 20, 2013.

During the **May 9, 2012**, inspection the following violations were found:

**1. Transportation of Hazardous Waste to an Unauthorized Facility
ORC Section 3734.02(F)**

MGI has transported hazardous waste to a facility not authorized to accept hazardous waste.

This violation remains outstanding.

**2. Unpermitted Hazardous Waste Treatment, Storage & Disposal
ORC Section 3734.02(E)&(F)**

MGI has become an unpermitted hazardous waste storage facility by storing the hazardous waste acid (D002 & D008) from numerous customers in the hazardous waste above ground tank at its facility.

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MGI must submit to Ohio EPA a complete list of its customers for the past five years, including the name and address of the customer, their phone number, a contact person and the dates and amounts of hazardous waste acid MGI had transported from their facilities to MGI's facility.

This violation remains outstanding. MGI must provide the required information immediately.

**3. Removal of Accumulated Liquids
OAC Rule 3745-66-93(C)(4)**

Based on information which MGI submitted, MGI has demonstrated abatement of this violation.

**4. OAC Rule 3745-66-73(A)
Management of Containers**

This violation has been abated.

**5. OAC Rule 3745-66-95
Tank System Inspection Requirements**

Attached to your response letter received on April 3, 2013, is a photo of the camera view used by MGI to conduct inspections of its hazardous waste storage tank system on weekends and holidays. This photo demonstrates that MGI is not able to view: 1. The above ground portions of the tank; and 2. The construction materials and the area immediately surrounding the externally accessible portion of the tank system including secondary containment structures (e.g., dikes) to detect erosion or signs of releases of hazardous waste (e.g., wet spots, dead vegetation) each day that there is waste in the tank.

This violation remains outstanding. MGI must conduct and record the results of daily inspections of 1. The above ground portions of the tank; and 2. The construction materials and the area immediately surrounding the externally accessible portion of the tank system including secondary containment structures (e.g., dikes) to detect erosion or signs of releases of hazardous waste (e.g., wet spots, dead vegetation) immediately and send me copies of the record and a photo of the camera view(s) documenting that this has been accomplished.

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During the **July 18, 2012** inspection of Sauder Woodworking Company (SWC), in Archbold, Ohio, the following additional violations were observed:

**1. Transportation of Hazardous Waste to an Unauthorized Facility
ORC Section 3734.02(F)**

MGI has transported hazardous waste to a facility not authorized to accept hazardous waste.

This violation remains outstanding.

**2. Unpermitted Hazardous Waste Treatment, Storage & Disposal
ORC Section 3734.02(E)&(F)**

MGI has become an unpermitted hazardous waste storage facility by storing the hazardous waste acid (D002 & D008) from SWC in the hazardous waste above ground tank at its facility.

MGI must submit to Ohio EPA a complete list of its customers for the past five years, including the name and address of the customer, their phone number, a contact person and the dates and amounts of hazardous waste acid MGI had transported from their facilities to MGI's facility.

This violation remains outstanding. MGI must provide the required information immediately.

During the **September 19, 2006** inspection of MGI, the following additional violations were observed:

**1. Unpermitted Hazardous Waste Treatment, Storage or Disposal
ORC Section 3734.02(E)&(F)**

This violation remains outstanding.

**2. OAC Rule 3745-52-11
Waste Evaluation**

This violation was abated on July 24, 2007.

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**3. OAC Rule 3745-270-09(A)
Special Rules Regarding Wastes that Exhibit a Characteristic**

Therefore, this violation was abated on November 16, 2012.

**4. OAC Rule 3745-66-73(A)
Management of Containers**

Your April 3, 2013, response letter provides no new information. Therefore, this violation remains outstanding. In order to correct this violation, please confirm that open batteries will be placed only within the Battery Recycling Area, which is Area 5.

**5. OAC Rules 3745-66-71 & 3745-66-73(B)
Condition and Management of Containers**

This violation was abated on July 24, 2007.

**6. OAC Rule 3745-66-95
Tank System Inspection Requirements**

This violation was abated on July 24, 2007.

**7. OAC Rule 3745-65-31
Maintenance and Operation of Facility**

Attached to your October 12, 2012, response is a photo of the chipper seals. Therefore, this violation was abated on October 12, 2012.

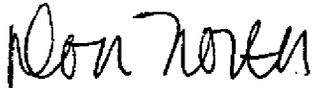
MGI needs to immediately take the necessary measures to return to compliance with Ohio's environmental laws. Within 14 days of receipt of this letter, MGI is requested to provide documentation to this office including the steps taken to abate the violations cited above. Documentation of steps taken to return to compliance includes written correspondence, updated policies, and photographs, as appropriate, and may be submitted via the postal service or electronically to don.north@epa.state.oh.us.

Please be advised that violations cited above will continue until the violations have been properly abated. Failure to comply with Chapter 3734 of the Ohio Revised Code and rules promulgated thereunder may result in a civil penalty of up to \$10,000 per day for each violation. It is imperative that you return to compliance. If circumstances delay the abatement of violations, MGI is requested to submit written correspondence of the steps that will be taken by date certain to attain compliance.

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If you have any questions, please feel free to contact me at (419) 373-3074.

Sincerely,



Don North
District Representative
Division of Materials and Waste Management

/cg

pc: Colleen Weaver, DMWM, NWDO (hard copy)
Lisa Gifford, DMWM, NWDO
Mitch Mathews, DMWM, CO
Certified Mail Receipt Number 70091410000118347165

ec: Colleen Weaver, DMWM, NWDO (scanned copy)
Don North, DMWM, NWDO