



FILE COPY

State of Ohio Environmental Protection Agency

STREET ADDRESS:

Central District Office

MAILING ADDRESS:

Lazarus Government Center
50 W. Town St., Suite 700
Columbus, Ohio 43215

TELE: (614) 728-3778 FAX: (614) 728-3896
www.epa.state.oh.us

P.O. Box 1049
Columbus, OH 43216-1049

September 24, 2008

Mr. Ben H. Cook, Sr.
BBU Services/Central States Environmental, LLC
2206 Horns Mill Road
Lancaster, OH 43130

Re: **Fairfield County
Central States Environmental, LLC
Used Oil Transporter,
Hazardous Waste Transporter
OHR000138651, and**

**Fairfield County
BBU Services, Inc.
Used Oil Transporter
Hazardous Waste Transporter
OHR000015412**

Dear Mr. Cook:

On August 6, 2008, Randy Ohlemacher, Eric Schultz and I inspected Central States Environmental, LLC (Central States), and BBU Services, Inc (BBU). We inspected Central States and BBU to determine compliance with Ohio's hazardous waste laws and used oil law as found in Chapter 3734. of the Ohio Revised Code (ORC) and Chapter 3745. of the Ohio Administrative Code (OAC). Present during portions of the inspection at Central States were Steve Schmelzer and Jeffery Laughlin. Both BBU and Central States are used oil generators and used oil and hazardous waste transporters.

This inspection was prompted when I learned that a hazardous waste generator, American Star Specialty, failed to receive a signed copy of a manifest from BBU, the designated facility on the manifest. The hazardous waste and used oil was transported by Central States to BBU using manifest number 002814665. Although it is difficult to determine each company's role in the business operations, I will attempt in this letter to present the violations I found as they relate to each company.

In order to correct these violations you must do the following and send me the required information within 30 days of your receipt of this letter:

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

1. **Treatment, Storage, Disposal, (ORC 3734.02 (F)):** No person shall transport or cause to be transported any hazardous waste identified or listed under this chapter and rules adopted under it to any other premises, except at or to a hazardous waste facility operating under a permit issued in accordance with this chapter.

During the inspection, it was determined that Central States transported hazardous waste to a facility which did not have a hazardous waste facility installation and operation permit (permit), issued in accordance with ORC Chapter 3734.

Central States was advised during the inspection to immediately cease delivery of hazardous waste to any facility without a permit.

2. **Treatment, Storage, Disposal, (ORC 3734.02 (E)& (F)):** During the inspection it was determined that BBU accepted and stored hazardous waste generated by American Star located in Marietta, Ohio. BBU also accepted and stored hazardous waste generated by Marietta Memorial Hospital. Copies of the uniform hazardous waste manifests which indicate that BBU is the designated facility for both American Star and Marietta Memorial Hospital are attached. When requested during the inspection, BBU/Central States was unable to provide records for additional hazardous waste manifested shipments, although both companies are registered hazardous waste transporters.

Additionally, BBU/Central States burned hazardous waste for energy recovery in an on-site space heater. BBU/Central States mixed hazardous waste and used oil received from off-site at their facility. Mixtures of used oil and hazardous waste are considered to be hazardous waste unless demonstrated to meet one of the exemptions found in OAC rule 3745-279-10(B).

BBU/Central States was advised during the inspection to immediately cease the acceptance, storage and burning of off-site hazardous waste without a hazardous waste installation and operation permit in violation of ORC 3734.02 (E) and (F).

Since BBU/Central States violated ORC 3734.02 (E) and (F), BBU/Central States is subject to all applicable general facility standards found in OAC chapters 3745-54 and 55. Additionally, at any time Ohio EPA may assert its right to have the BBU/Central States begin facility-wide cleanup pursuant to the Corrective Action process under Ohio law.

3. **OAC rule 3745-279-12(C), Prohibitions on used oil management:** Off-specification used oil fuel must be burned for energy recovery in only industrial furnaces or boilers, or used oil-fired space heaters provided that the burner is also the generator of the used oil.

BBU was mixing their used oil with other generators used oil and burning it onsite without demonstrating that it meets the used oil specifications and as such violated the prohibition.

BBU must immediately cease burning off-specification used oil from other used oil generators and must describe how this violation will be prevented from recurring.

4. **OAC rule 3745-279-10(B), Mixtures of used oil and hazardous waste:** Mixtures of used oil and hazardous waste are subject to regulation as hazardous waste under Chapters 3745-50 to 3745-69, rather than as used oil under Chapter 3745-279 of the Administrative Code.

BBU mixed used oil with D001 and F005 hazardous waste and did not manage the mixture as a hazardous waste, as required.

BBU/Central States must immediately cease mixing used oil with hazardous waste, unless the mixture is managed as specified in OAC rule 3745-279-10(B). BBU/Central States must describe the procedures in place to prevent used oil and hazardous waste from being mixed; or if used oil and hazardous waste will be mixed, explain how the mixture will be managed in compliance as a hazardous waste.

5. **OAC rule 3745-279-22(C)(1)/OAC rule 3745-279-45(G)(1), Used oil storage requirements for generators and transfer facilities:** Containers and aboveground tanks used to store used oil at generator and transfer facilities must be labeled or marked clearly with the words "Used Oil".

BBU/Central States failed to label or mark containers and above ground tanks used to store used oil with the words "Used Oil". BBU/Central States was put on notice for this same violation in a letter dated April 5, 2005. I am attaching a copy of that letter for your information.

BBU/Central States must immediately mark/label all containers storing used oil with the words "Used Oil".

6. **OAC rule 3745-279-52 through 279-59, Substantive requirements for used oil processors and re-refiners:** BBU/Central States stored off-site generated used oil for greater than 35 days.

Used oil transporters storing used oil for greater than 35 days must comply with the requirements for processor/re-refiners in 3745-279-50 to 3745-279-59 of the OAC.

BBU/ Central States must either immediately comply with the used oil processors/rerefiners requirements found in OAC rules 3745-279-50 through 279-59, or cease storing used oil for greater than 35 days. If BBU/Central States chooses to do the later, they must explain how operation as a used oil transporter/transfer facility will continue with either used oil storage occurring for less than 35 days.

7. **OAC rule 3745-279-44(A), Rebuttable Presumption for used oil for transporters:** To ensure that used oil is not a hazardous waste under the rebuttable presumption of paragraph (B)(1)(b) of rule 3745-279-10 of the Ohio Administrative Code (OAC), the used oil transporter/burner must determine whether the total halogen content of used oil being transported is above or below one thousand parts per million (ppm).

Central States/BBU failed to ensure that used oil is not a hazardous waste under the rebuttable presumption.

Central States/BBU is required, prior to transporting used oil, or burning used oil to ensure that used oil is not a hazardous waste under the rebuttable presumption of paragraph (B)(1)(b) of rule 3745-279-10 of the OAC. Your response must include a description of the specific type of documentation you will generate and maintain to ensure that used oil is not a hazardous waste under the rebuttable presumption.

8. **OAC rule 3745-279-44(D), Records retention:** The transporter must maintain records of analyses conducted, or information used to comply with paragraphs (A), (B), and (C) of this rule for a minimum of three years.

Central States failed to maintain records as required by OAC rule 3745-279-44(D).

Your response must include a detailed description of how records will be maintained and also an example of a record which demonstrates that used oil is not a hazardous waste under the rebuttable presumption.

9. **OAC rule 3745-279-46(A)(1-4), Tracking of used oil by transporters:** The transporter must keep a record of each used oil shipment accepted for transport. Records for each shipment must include:
1. The name and address of the transporter, generator, or processor/re-refiner who provided the used oil for transport;
 2. The U.S. EPA identification number of the generator, transporter, or processor/re-refiner who provided the used oil for transport;
 3. The quantity of used oil accepted;
 4. The date of acceptance; and
 5. The signature of a representative of the generator, transporter, or processor/re-refiner who provided the used oil for transport.

Central States did not maintain a record of each used oil shipment accepted for transport.

Central States response must include a description of how these records will be documented and must also include a copy of this record for used oil shipments over a ten day period.

10. **OAC rule 3745-279-46(B)(1-4), Deliveries:** Used oil transporters must keep a record of each shipment of used oil that is delivered to another used oil transporter, or to a used oil burner, processor/re-refiner, or disposal facility. Records of each delivery must include:

1. The name and address of the receiving facility or transporter,
2. The U.S. EPA identification number of the receiving facility or transporter.
3. The quantity of used oil delivered,
4. The date of delivery.
5. The signature, dated upon receipt of the used oil, of a representative of the receiving facility or transporter.

Central States failed to maintain a record as required of each shipment of used oil that is delivered to another used oil transporter, or to a used oil burner, processor/re-refiner or disposal facility.

Central States response must include a description of how these records will be documented, and must also include a copy of this record for used oil shipments over a ten day period.

11. **OAC rule 3745-279-46(D), Record retention:** Records described in OAC rule 3745-279-46(A)(B)(C) must be maintained for at least three years.

Central States failed to maintain the records described in OAC rule 3745-279-46 for three years.

Central States reply to this letter must include a description of how compliance with this rule will be documented.

12. **OAC rule 3745-279-71(B), Prohibitions on used oil fuel marketers:** A used oil fuel marketer must initiate a shipment of off-specification used oil only to a used oil burner who burns the used oil in an industrial furnace or boiler identified in paragraph (A) of rule 3745-279-61 of the Administrative Code.

BBU/Central States acted as a used oil marketer by transporting off-specification used oil to BBU/Central States and then burning that used oil in a space heater which does not meet the industrial furnace or boiler requirements identified in OAC rule 3745-279-61(A).

BBU/Central States must immediately cease marketing off-specification used oil generated off-site to facilities which burn the off-specification used oil in units not specified in OAC rule 3745-279-61(A).

Mr. Ben H. Cook, Sr.
BBU Services/Central States Environmental, LLC
Page 6 of 6

Information Request:

Please provide copies of all hazardous waste manifests to this office for review for each even numbered month for the last twelve months. A request to review this information during the inspection produced only two manifests for review.

Central States was advised during the inspection about the seriousness of delivering hazardous waste to any facility without a permit.

Because of the seriousness of the violations discovered during the inspection, BBU/Central States is being referred to the Central Office Enforcement Section for consideration of escalated enforcement. Enclosed you will find a copy of the completed inspection checklists.

Feel free to contact me at 614.728.3882 or at andy.kubalak@epa.state.oh.us if you have any questions about this letter or the hazardous waste rules. You can find copies of the hazardous waste rules at http://www.epa.state.oh.us/dhwm/laws_regs.html , and used oil rules at http://www.epa.state.oh.us/dhwm/l_ruom.html. You can find other information on the division's web page at: <http://www.epa.state.oh.us/dhwm/>.

Sincerely,



Andy Kubalak
Hazardous Waste Inspector
Division of Hazardous Waste Management
Central District Office

Enclosure

c: Mr. Steve Schmeizer, Central States Environmental, LLC
Ms. Nancy Goodman
Randy Ohlemacher, DHWM
Todd Anderson, Legal
John Schierberl, DHWM
Kristina Durnell, DHWM
CDO File

AK/nsm Central States 081808

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
or mail it to Kristina Durnell, Central Office

Site EPA ID No.	EPA ID Number: OHR000015412								
Site Name	Name: BBU Services, Inc.					Website: (Optional)			
Site Location Information	Street Address: 2206 Horns Mill Rd.								
	City, Town, or Village: Lancaster					State: OH			
	County Name: Fairfield					Zip Code: 43130			
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 Additional names can be recorded in number 12 Only provide address information if it is different than the site address	First Name: Ben			MI: H.	Last Name: Cook				
	Phone Number:				Phone Number Extension:				
	E-Mail Address:								
	Fax Number:				Fax Number Extension:				
	Street or P.O. Box:								
	City, Town or Village:								
	State:				Country:		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: same as facility representative				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):					
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:				Operator Phone #:					
State:				Country:		Zip Code:			
Violations Cited?	<input type="checkbox"/> Yes <input type="checkbox"/> No								
Type of Generator									
<input type="checkbox"/> Not Regulated				<input type="checkbox"/> Conditionally Exempt Small Quantity Generator					
<input type="checkbox"/> UNKNOWN: Cited for violation of 3745-52-11				<input type="checkbox"/> United States Importer of Hazardous Waste					
<input type="checkbox"/> Large Quantity Generator (LQG)				<input type="checkbox"/> Mixed Waste (Hazardous and Radioactive) Generator					
<input type="checkbox"/> Small Quantity Generator (SQG)									
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 generated and/or accumulated (check all boxes that apply))			
<input type="checkbox"/> Small Quantity Handler of Universal Waste		<input type="checkbox"/> Large Quantity Handler of Universal Waste (accumulates 5,000 kg. or more)	
<input type="checkbox"/> Destination Facility for Universal Waste			
(Check all boxes below that apply for each of the three types of facilities above)		Used Oil Activities (Indicate Type(s) of Activity(ies))	
	Managed	<input type="checkbox"/> Used Oil Generator	<input type="checkbox"/> Off-Specification Used Oil Burner
Batteries	<input type="checkbox"/>	<input type="checkbox"/> Used Oil Transporter	<input type="checkbox"/> Used Oil Fuel Marketer Who Directs Shipment of Off-Spec. Oil
Pesticides	<input type="checkbox"/>	<input type="checkbox"/> Used Oil Transfer Facility	<input type="checkbox"/> Used Oil Fuel Marketer to Off-Specification Used Oil Burner
Mercury containing equipment	<input type="checkbox"/>	<input type="checkbox"/> Used Oil Processor	
Lamps	<input type="checkbox"/>	<input type="checkbox"/> Used Oil Re-refiner	
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 type="checkbox"/> Yes <input type="checkbox"/> No	Additional Facility Representatives:	
Tanks	<input type="checkbox"/> Yes <input type="checkbox"/> No	Other Comments:	
Containers	<input type="checkbox"/> Yes <input type="checkbox"/> No		
Name of Inspector(s)		Date of Inspection/Time (mm/dd/yyyy) (hh:mm)	
Andy Kubalak		8/6/2008	
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)

**USED OIL INSPECTION CHECKLIST
TRANSPORTER AND TRANSFER FACILITIES**

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.

Central States, LLC is both a used oil and a hazardous waste transporter. Central States transporter number is OHR000138651.

PROHIBITIONS

1.	Does the transporter or transfer facility 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, scrap metal contaminated with used oil or used oil managed in a surface impoundment (i.e., pond).

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)? The used oil transported by Central States was delivered to BBU Services. Each of these companies are located at the same property. See violation #3.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input 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).

TRANSPORTER AND TRANSFER FACILITIES

4.	Does the used oil transporter process used oil or store used oil for greater than 35 days? [3745-279-41(A)] If so:	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
	Is the used oil transporter in compliance with the requirements for processors/re-refiners in 3745-279-50 to 3745-279-59 (except as provided in 3745-279-41(B) and (C))? [3745-279-41(A)] (Complete Used Oil Processor/Re-refiner checklist.) # 6 BBU/ Central States stores used oil for greater than 35 days. Used oil transporters who store used oil for greater than 35 days are subject to the used oil processor/re-refiner standards. Steve Schmelzer indicated that he does not want to be a used oil processor/re-refiner.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
5.	Has the used oil transporter notified Ohio EPA or U.S. EPA and obtained a U.S. EPA ID#? [3745-270-42(A)]	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
6.*	Has the used oil transporter delivered all used oil to: *Used oil is delivered to BBU Services, Inc. a hazardous waste transporter and a used oil transporter. BBU stored the used oil in tanks and containers on site for greater than 35 days prior to burning the used oil in an on-site space heater. Both the transporter and the burner have failed to make an on-specification determination or successfully rebutted the presumption. Steve Schmelzer indicated that once used oil/hazardous waste is received at the site no additional paperwork is generated.	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> Unknown
a.*	Another used oil transporter that has a U.S. EPA ID#? [3745-279-43(A)(1)]	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
b.*	A used oil processing/re-refining facility that has a U.S. EPA ID#? [3745-279-43(A)(2)]	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
c.*	An off-spec used oil burning facility that has a U.S. EPA ID#? [3745-279-43(A)(3)]	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
d.*	An on-spec used oil burning facility? [3745-279-43(A)(4)]	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
7.	Has the used oil transporter complied with all applicable USDOT regulations (49 CFR 171 to 180)? [3745-279-43(B)]	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>

8.*	Has the used oil transporter had a discharge of used oil? If yes: [OAC rule 3745-279-43(C)] * Steve Schmelzer said they have not had a discharge of used oil.		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
	a.	Did they take immediate action to protect human health and the environment? [3745-279-43(C)(1)]	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
	b.	Did they give notice (phone call), if required, to the national response center? [3745-279-43(C)(3)(a)]	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
	c.	Did they report in writing to DOT per 49 CFR 171.16? [3745-279-43(C)(3)(b)]	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
	d.	Did they give notice (phone call) to Ohio EPA - DERR? [3745-279-43(C)(3)(c)]	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
	e.	If a water transporter, did they give notice per 33 CFR 153.203? [3745-279-43(C)(4)]	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
	f.	Did they clean up any used oil discharged during transportation or take any necessary action so the discharge no longer presents a hazard to human health or the environment? [3745-279-43(C)(5)]	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
9.	Has the used oil transporter determined whether the total halogen content of the used oil being transported or stored at a transfer facility is above or below 1000 ppm? [3745-279-44(A)] # 7 The used oil transporter did not determine whether the total halogen content of the used oil being transported is above or below 1000ppm .		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
	a.	How did transporter determine halogen level content:	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
	i.	Testing (approved SW-846 method)? or	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
	ii.	Applying knowledge of the halogen content of the used oil in light of the materials or processes used?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
<i>NOTE: If determination was not made by one of the two methods, then determination is not valid.</i>					
	b.	If halogens are equal to/above 1000 ppm, did the transporter successfully rebut the presumption the used oil was mixed with a listed hazardous waste?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
		If yes, what method did transporter use to rebut the presumption (e.g., testing, exclusion, generator process information, etc.) (describe below)			
		If no, did the transporter manage the material as a hazardous waste? [ORC 3734.02(E) and/or (F)]	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
<i>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.</i>					
10.	Does the transporter retain all records of analyses and information used to comply with 3745-279-44 for at least three years? [3745-279-44(D)] #8. Records demonstrating compliance with OAC rule 3745-279-44(D) are not maintained by the transporter as required.		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
11.	Does the owner/operator of a used oil transfer facility:				
	a.	Store used oil in tanks; or containers; or a unit(s) subject to regulation as a hazardous waste management unit? [3745-279-45(B)]	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
	b.	Store used oil in containers and aboveground tanks that are in good condition, with no visible leaks? [3745-279-45(C)]	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
	c.	Provide secondary containment for containers used to store used oil as required by 3745-279-45(D)? [3745-279-45(D)]	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
	d.	Provide secondary containment for existing aboveground tanks required by 3745-279-45(E)? [3745-279-45(E)]	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>

	e.	Provide secondary containment for new aboveground tanks as required by 3745-279-45(F)? [3745-279-45(F)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
	f.	Label all containers, aboveground tanks, and fill pipes used for underground tanks with the words "Used Oil"? [3745-279-45(G)] See violation #5.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
	g.	Upon detection of a release of used oil: [3745-279-45(H)]	
	i.	Stopped the release?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
	ii.	Contained the release?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
	iii.	Cleaned up and managed the used oil and other materials?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
	iv.	Repaired or replaced the containers or tanks prior to returning them to service, if necessary?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
12.		Does the used oil transporter keep a record of each shipment of used oil? [3745-279-46(A)] #9 Records required by OAC rule 3745-279-46(A) are not maintained as required by this rule.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
	a.	Does each record include the name and address of the generator, transporter or processor/re-refiner who provides the used oil for transport? [3745-279-46(A)(1)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
	b.	Does each record include the U.S. EPA ID# of the generator, transporter or processor/re-refiner (if applicable) that provides the used oil for transport? [3745-279-46(A)(2)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
	c.	Does each record include the quantity of used oil accepted? [3745-279-46(A)(3)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
	d.	Does each record include the date of acceptance? [3745-279-46(A)(4)]	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
	e.	Does each record include the signature of a representative of the generator, transporter, processor/re-refiner that provided the used oil for transport? [3745-279-46(A)(5)]	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
13.		Does the used oil transporter keep a record of each shipment of used oil that is delivered to another used oil transporter, burner, processor/re-refiner, or disposal facility? [3745-279-46(B)] #10 Records required by OAC rule 3745-279-46(B) are not maintained as required by this rule.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
	a.	Does each record include the name and address of the receiving facility or transporter? [3745-279-46(B)(1)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
	b.	Does each record include the U.S. EPA ID# of the receiving facility or transporter? [3745-279-46(B)(2)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
	c.	Does each record include the quantity of used oil delivered? [3745-279-46(B)(3)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
	d.	Does each record include the date delivered? [3745-279-46(B)(4)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
	e.	Does each record include the signature of a representative of the receiving facility or transporter (intermediate rail transporters are not required to sign a record of delivery)? [3745-279-46(B)(5)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
14.		Does the used oil transporter who exports used oil to a foreign country comply with 3745-279-46(B)(1) to (B)(4)? [3745-279-46(C)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
15.		Does the used oil transporter retain all records required under 3745-279-46 for at least three years? [3745-279-46(D)] # 11. The used oil transporter was unable to provide complete records as required by OAC rule 3745-279-46.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
16.		Does the used oil transporter generate residues from the storage or transportation of used oil?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>

	If so, are they managed as specified in 3745-279-10(E)? [3745-279-47]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
--	---	--

**USED OIL INSPECTION CHECKLIST
GENERATORS, COLLECTION CENTERS AND AGGREGATION POINTS**

Central States, OHR000138651/BBU, OHR000015412

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 No 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)? **#3. BBU Services did not determine if the used oil they generate OR the used oil they receive from off-site is off-specification used oil. BBU was burning used oil in a prohibited unit. BBU was burning off-specification used oil in a space heater [with other generators used oil].** Yes No N/A
#3 On-site generated used oil AND used oil received from off-site has not been evaluated to determine if on-specification.

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)] **#4. BBU mixed used oil with D001 and F005 hazardous waste, and did not manage the mixture as a hazardous waste as required.** 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)] **Unknown.** 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- Yes No N/A

22(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)#5. **Tanks/containers which are being used to store used oil must be labeled with the words "used oil". Tanks and containers were not marked with the words used oil. The company was notified of this deficiency in a letter to Mr. Steve Schmelzer dated April 5, 2005 from Elizabeth Lamerson, DHWM, CDO. Proper labels were affixed during the inspection.**] Yes No N/A
9. Has the generator, upon detection of a release of used oil, done the following: [3745-279-22(D)] **When asked, the generator said they have not had a release of used oil. A copy of the April 5, 2005 letter to Mr. Steve Schmelzer is attached. That April 5, 2005 letter includes a recommendation to BBU Services that the practice of placing oil contaminated soil from transformer spills on plastic on the ground at the site. We also observed piles of oil contaminated soil from transformer spills on the ground at the site. These piles were partially on plastic. These piles were partially covered with plastic. Run-on and run-off from these piles did not appear to be a concern at time of the inspection.**
- 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? **See violation #3. The heater does not burn used oil generated only by the owner/operator or do-it-yourselfers. The heater also burns used oil generated by other used oil generators.** Yes No N/A
See violation #3
- 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-transportes used oil to an approved collection site or to an aggregation point owned by the generator: [3745-279-24] ***The used oil** Yes No N/A

generator is also a used oil transporter.

- 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] See question #11 above. Yes No N/A

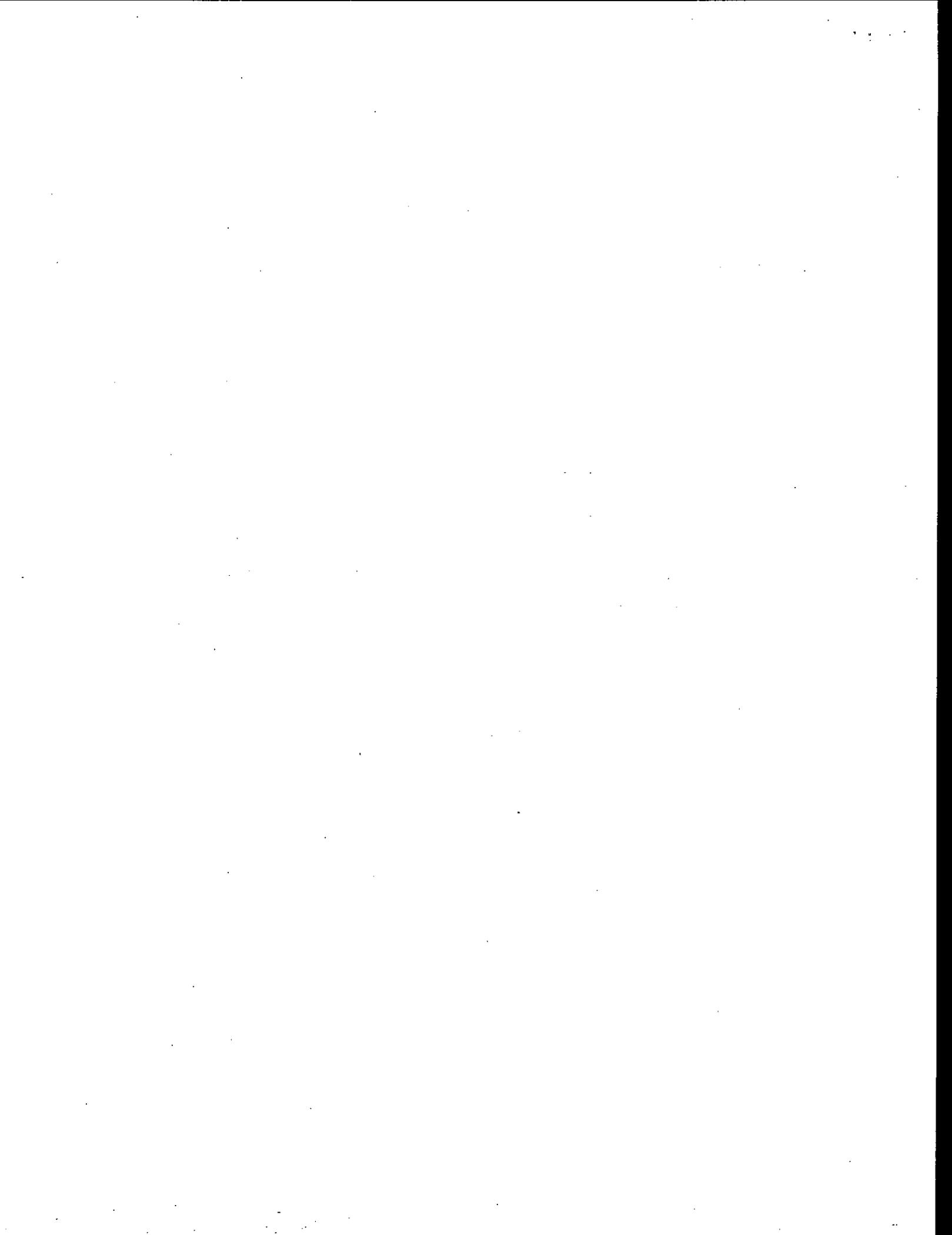
NOTE: Used oil generators may arrange for used oil to be transported by a transporter without a U.S. EPA ID # if the used oil is reclaimed under a contractual agreement (i.e., tolling arrangement).

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



PHASE 0 AD-HOC BARCODE SHEET
10/7/2011 4:44 PM

Department:

DMWM

Subdepartment:

DMWM-Hazardous Waste

Office Location:

CDO

Media:

LAND

Doc Type:

RTC

Doc Subtype:

<NONE>

Program:

<NONE>

County:

23 - FAIRFIELD

Facility ID

OHR000138651

Facility Name:
(Optional)

~~GENERAL STATES ENVIRONMENTAL~~
CENTRAL STATES ENV

(Auto Load)
(Override)

Input is 32 characters long.
Input is 18 characters long.

Date:

1/6/2009

Record ID:
(Optional)

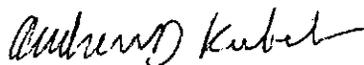
6. OAC rule 3745-279-52 through 279-59, Substantive requirements for used oil processors and re-refiners
7. OAC rule 3745-279-44(A), Rebuttable Presumption for used oil for transporters
8. OAC rule 3745-279-44(D), Records retention
9. OAC rule 3745-279-46(A)(1-4), Tracking of used oil by transporters
10. OAC rule 3745-279-46(B)(1-4), Deliveries
11. OAC rule 3745-279-46(D), Record retention
12. OAC rule 3745-279-71(B), Prohibitions on used oil fuel marketers

2. Treatment, Storage, Disposal, (ORC 3734.02 (E) & (F))

The violation(s) of ORC 3734.02(E) and (F) subject you to all general facility standards found in OAC Chapters 3745-54 and 55. At some time in the future, Ohio EPA may assert its right to require you to conduct closure and/or facility-wide corrective action at your facility.

Feel free to contact me at (614) 728.3882 or at andy.kubalak@epa.state.oh.us if you have any questions about this letter or the hazardous waste rules. You can find copies of the hazardous waste rules at http://www.epa.state.oh.us/dhwm/laws_regs.html , and used oil rules at http://www.epa.state.oh.us/dhwm/l_ruom.html . You can find other information on the division's web page at: <http://www.epa.state.oh.us/dhwm/>.

Sincerely,



Andy Kubalak
Hazardous Waste Inspector
Division of Hazardous Waste Management
Central District Office

Enclosure

- c: Mr. Steve Schmelzer, Central States Environmental, LLC
Ms. Nancy Goodman
Christopher M. Ward, Esq., Calfee, Halter & Griswold, LLP
Christopher Jones, Esq., Calfee, Halter & Griswold, LLP
Randy Ohlemacher, DHWM
Todd Anderson, Legal
John Schierberl, DHWM
Kristina Durnell, DHWM
CDO File

AK/nsm bburc123008

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 rules.