



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) 728-3898
www.epa.state.oh.us

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

April 6, 2007

Re: Polar Bear Ice Cream Novelties, Inc.
Used Oil Generator
OHD981952104
Franklin County, CDO
NOV-RTC

Mr. Dale Lack
Polar Bear Ice Cream Novelties, Inc.
2151 S. James Road
Columbus, OH 43232

Dear Mr. Lack:

On April 3, 2007, I conducted a compliance evaluation inspection of Polar Bear Ice Cream Novelties, Inc. (Polar Bear) in Columbus, Ohio to determine Polar Bear's compliance with Ohio's hazardous waste and used oil laws and regulations as found in Chapter 3734 of the Ohio Revised Code (ORC) and Chapter 3745 of the Ohio Administrative Code (OAC). This letter will explain the violation I found, other general concerns I have and what you need to do to respond to my general concerns.

I found the following violation of Ohio's hazardous waste laws.

- OAC 3745-279-22(C), Used Oil Generator Standards**
Containers and aboveground tanks used to store used oil at generator facilities shall be labeled or marked clearly with the words "Used Oil."

Polar Bear Ice Cream Novelties, Inc. had not properly labeled the used oil drums with the words "used oil." At the time of the inspection, the used oil drums were properly labeled. The violation was abated at that time.

I want to inform you that fluorescent bulbs could be hazardous for mercury. The fluorescent bulbs need to be evaluated and disposed of properly. I have enclosed information on fluorescent bulbs and a list of fluorescent bulb recyclers that may be helpful in determining how to dispose of the fluorescent bulbs properly.

Enclosed you will find a completed checklist. Thank you for your time during this investigation. Please feel free to call me at (614) 728-3882 if you have any questions or need additional assistance.

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

Mr. Dale Lack
Polar Bear Ice Cream Novelties, Inc.
Page - 2 -

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

Sincerely,



Elizabeth D. Lamerson
Environmental Specialist
Division of Hazardous Waste Management
Ohio EPA, Central District Office

Enclosure

c: Tammy McConnell, DHWM, CO
CDO File

DL/dt F & S - Polar bear NOV-RTC

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.

E-mail this completed form to tammy.mcconnell@epa.state.oh.us or mail it to Tammy McConnell, Central Office	Ohio Environmental Protection Agency RCRA SUB-C SITE IDENTIFICATION/VERIFICATION FORM		For Ohio EPA use only																		
2. Site EPA ID No.	EPA ID Number: OHD981952104																				
3. Site Name	Name: Polar Bear Ice Cream Novelties, Inc.		Website (optional):																		
4. Site Location Information	Street Address: 2151 S. James Road																				
	City, Town, or Village: Columbus	State: OH																			
	County Name: Franklin	Zip Code: 43232																			
5. Site Land Type (check only one)	<table border="1" style="width: 100%; text-align: center;"> <tr> <td>Private</td> <td>County</td> <td>District</td> <td>Federal</td> <td>Indian</td> <td>Municipal</td> <td>State</td> <td>Other</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table>			Private	County	District	Federal	Indian	Municipal	State	Other	<input checked="" type="checkbox"/>	<input type="checkbox"/>								
Private	County	District	Federal	Indian	Municipal	State	Other														
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>														
6. NAICS code(s) www.census.gov/epcd/www/naics.html	A.		B.																		
	C.		D.																		
7. Facility Representative: Additional names can be recorded in number 12. Only provide address information if it is different than the site address.	First Name: Dale		MI:																		
	Last Name: Lack		Phone Number Extension:																		
	Phone Number:			E-Mail Address:																	
	Fax Number:		Fax Number Extension:																		
	Street or P.O. Box: Same																				
	City, Town or Village:																				
	State:		Country:																		
Zip Code:																					
8. 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.	A. Name of Site's Legal Owner:		Date Became Owner (mm/dd/yyyy):																		
	<table border="1" style="width: 100%; text-align: center;"> <tr> <td>Owner Type: Mark with an X</td> <td>Private</td> <td>County</td> <td>District</td> <td>Federal</td> <td>Indian</td> <td>Municipal</td> <td>State</td> <td>Other</td> </tr> <tr> <td><input type="checkbox"/></td> </tr> </table>			Owner Type: Mark with an X	Private	County	District	Federal	Indian	Municipal	State	Other	<input type="checkbox"/>								
	Owner Type: Mark with an X	Private	County	District	Federal	Indian	Municipal	State	Other												
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>												
	Street or P.O. Box:																				
	City, Town, or Village:		Owner Phone #:																		
	State:		Country:																		
	Zip Code:																				
	B. Name of Site's Operator:		Date Became Operator (mm/dd/yyyy):																		
	<table border="1" style="width: 100%; text-align: center;"> <tr> <td>Operator Type: Mark with an X</td> <td>Private</td> <td>County</td> <td>District</td> <td>Federal</td> <td>Indian</td> <td>Municipal</td> <td>State</td> <td>Other</td> </tr> <tr> <td><input type="checkbox"/></td> </tr> </table>			Operator Type: Mark with an X	Private	County	District	Federal	Indian	Municipal	State	Other	<input type="checkbox"/>								
Operator Type: Mark with an X	Private	County	District	Federal	Indian	Municipal	State	Other													
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>													
Street or P.O. Box:																					
City, Town, or Village:		Operator Phone #:																			
State:		Country:																			
Zip Code:																					
9. Violations Cited?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No																				
10. Type of Regulated Waste Activity (Mark "X" in all of the appropriate boxes.)																					
<input type="checkbox"/> Not Regulated																					



10. Type of Regulated Waste Activity (Mark "X" in all of the appropriate boxes.)

A. Hazardous Waste Activities

(choose only one of the following categories)

UNKNOWN: Cited for violation of 3745-52-11

a. Large Quantity Generator (LQG):

b. Small Quantity Generator (SQG)

c. Conditionally Exempt Small Quantity Generator

d. United States Importer of Hazardous Waste

e. Mixed Waste (hazardous and radioactive) Generator

3. Treater, Storer or Disposer of Hazardous Waste

4. Recycler of Hazardous Waste

5. Exempt Boiler and/or Industrial Furnace

a. Small Quantity On-site Burner Exemption

b. Smelting, Melting, Refining Furnace Exemption

6. Underground Injection Control Facility

B. Universal Waste Activities

1. Small Quantity Handler of Universal Waste

(Indicate types of universal waste generated and/or accumulated (check all boxes that apply):

2. Large Quantity Handler of Universal Waste

(accumulates 5,000 kg or more).

3. Destination Facility for Universal Waste

(Check all boxes below that apply for each of the three types of facilities above.)

	Generated	Accumulated
A. Batteries	<input type="checkbox"/>	<input type="checkbox"/>
B. Pesticides	<input type="checkbox"/>	<input type="checkbox"/>
C. Thermostats	<input type="checkbox"/>	<input type="checkbox"/>
D. Lamps	<input type="checkbox"/>	<input type="checkbox"/>

C. Used Oil Activities

1. Used Oil Generator

2. Used Oil Transporter Indicate Type(s) of Activity(ies)

Transporter

Transfer Facility

3. Used Oil Processor and/or Re-refiner Indicate Type(s) of Activity(ies)

Processor

Re-refiner

4. Off-Specification Used Oil Burner

5. Used Oil Fuel Marketer -

Indicate Type(s) of Activity(ies)

a. Marketer Who Directs Shipment of Off-Specification Oil

b. Used Oil to Off-Specification Used Oil Burner

11. Waste Codes for Federally Regulated Hazardous Wastes. Please list the codes for the federally regulated hazardous waste handled at your 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 RCRA Info source record, you do not need to list them all. Instead just indicate the date of the most recent source record.

--	--	--	--	--	--	--

12. Comments: Use this area to describe whether the inspection was announced, whether the waste is stored in tanks or containers, etc.

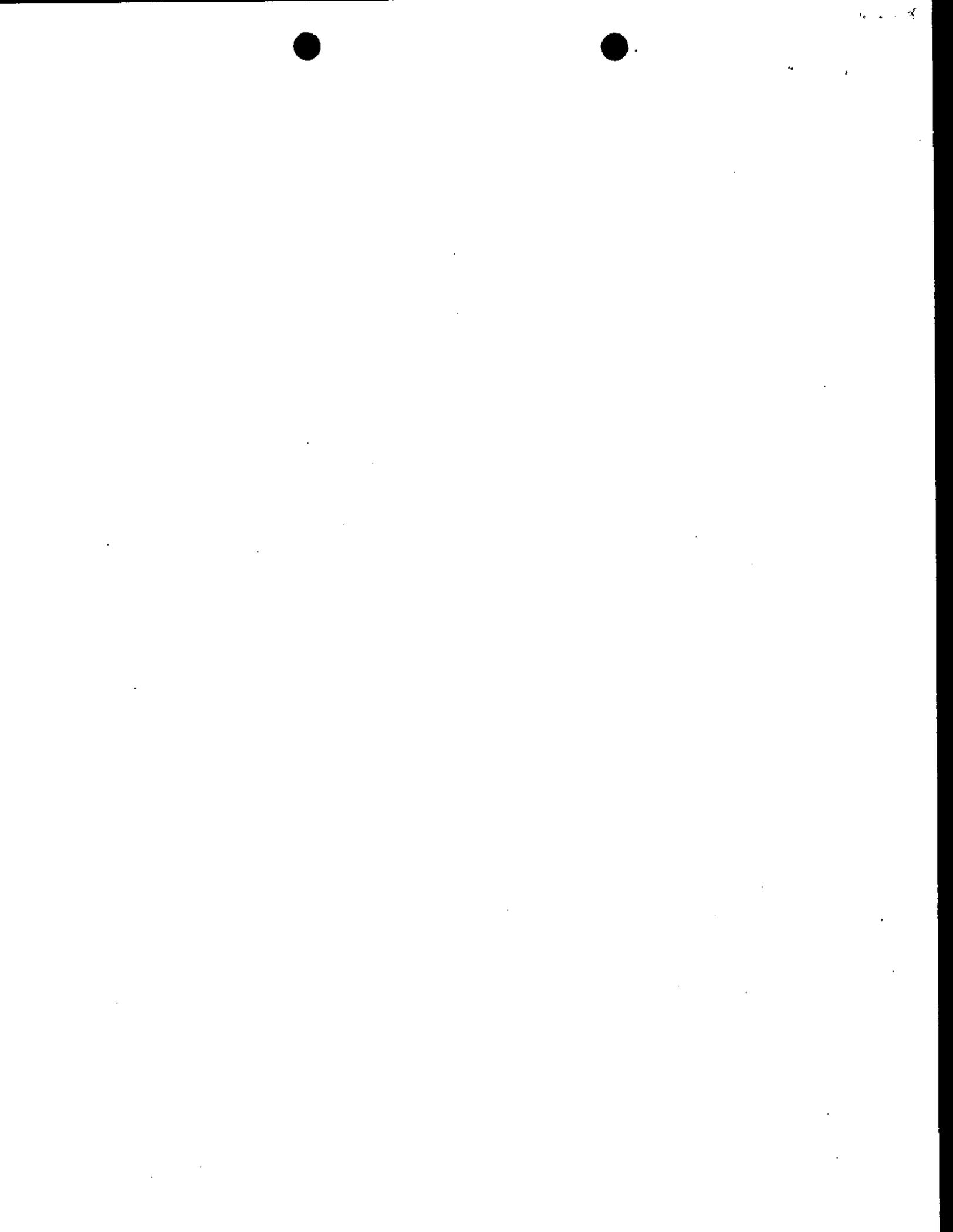
N	Announced?	Additional Facility Representatives:
N	Tanks?	Other comments:
Y	Containers?	

13. Name of Inspector(s) Name of Inspector(s) Date of Inspection/ Time (mm-dd-yyyy) (HH:MM)

Elizabeth Lamerson		April 3, 2007
--------------------	--	---------------

14. 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 (Short Version)

NOTE: This checklist does not include requirements for used oil transporters and transfer facilities, processors and re-refiners, burners, and marketers.

PROHIBITIONS

1. Is used oil being managed in a surface impoundment or waste pile? If so: Yes ___ No N/A ___ RMK# ___
Is the surface impoundment or waste pile being regulated under OAC 3745-54 to 3745-57 and 3745-205 or 3745-65 to 3745-69 and 3745-256? [3745-279-12(A)] Yes ___ No N/A RMK# ___
2. Is used oil being used as a dust suppressant? [3745-279-12(B)] Yes No N/A ___ RMK# ___
3. Is off-specification used oil fuel burned for energy recovery only in devices specified in 3745-279-12(C)? Yes ___ No N/A RMK# ___

USED OIL GENERATOR STANDARDS

4. Does the generator mix hazardous waste with used oil only as provided in 3745-279-10(B)? [2745-279-21(A)] Yes ___ No N/A RMK# ___
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 RMK# ___
6. Does the generator only store used oil in tanks, containers, or units subject to OAC 3745-54 to 3745-57 and 3745-205 or 3745-65 to 3745-69 and 3745-256? [3745-279-22(A)] Yes No N/A ___ RMK# ___
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 ___ RMK# ___
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 ___ RMK# 1
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 RMK# ___
- b. Contained the release? Yes ___ No N/A RMK# ___

- c. Cleaned up and properly managed the used oil and other materials? Yes ___ No N/A RMK# ___
- d. Repaired or replaced the containers or tanks prior to returning them to service, if necessary? Yes ___ No N/A RMK# ___
10. Does the generator burn used oil in used fired space heaters? [3745-279-23] If so: Yes ___ No N/A ___ RMK# ___
- 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 RMK# ___
- b. Is the heater designed to have a maximum capacity of not more than 0.5 million BTU per hour? Yes ___ No N/A RMK# ___
- c. Are the combustion gases from heater vented to the ambient air? Yes ___ No N/A RMK# ___
11. Does the generator have the used oil hauled only by transporters that have obtained U.S. EPA ID#, unless the generator qualifies for an exemption pursuant to 3745-279-24 (self transportation or tolling agreements)? [3745-279-24] Yes No N/A ___ RMK# ___

USED OIL 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 RMK# ___
13. Is the non-DIY used oil collection center registered with Ohio EPA? [3745-279-31] Yes ___ No N/A RMK# ___
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 RMK# ___

WASTE EVALUATION

15. Have all wastes generated at the facility been evaluated? [3745-52-11] Yes No N/A ___ RMK# ___

REMARKS

1. The two 55-gallon drums containing used oil were not properly labeled with the words "used oil." The drums were properly labeled during the inspection. The violation was abated at that time.