



State of Ohio Environmental Protection Agency

Southwest District Office

- JS 001
- File 001

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Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
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July 22, 2008

CERTIFIED MAIL

Mr. Mark A. Fusani, P.E.
Hollowcore Midwest, LLC
4408 Dixie Highway
Fairfield, Ohio 45014

RE: Complaint Investigation

Dear Mr. Fusani:

Thank you for accompanying me on July 2, 2008 during Ohio EPA's complaint investigation of Hollowcore Midwest, LLC (Hollowcore) in Fairfield, Ohio. The investigation was conducted from a compliant at our office concerning the improper handling of materials at the site. During the investigation Ohio EPA did note the following violations of Ohio's hazardous waste laws:

1. **Used oil storage requirements for generators, Ohio Administrative Code (OAC) 3745-279-22 (B):** Condition of units. Containers and aboveground tanks used to store used oil at generator facilities must be:
 - (1) In good condition (no severe rusting, apparent structural defects or deterioration); and
 - (2) Not leaking (no visible leaks).

Hollowcore failed to comply with this rule in that a tote containing used oil had leaked all of its contents on the ground. To return to compliance Hollowcore must clean up the released oil and any media absorbing that used oil using a visual standard.

Under OAC rule 3745-279-10(C), the residue from the cleanup can be managed one of two ways:

- (1) As a used oil if the clean up residue is burned for energy recovery; or
- (2) As a waste, requiring the generator to comply with OAC rule 3745-52-11 (evaluation of wastes), then manage the used oil/residue as appropriate based on the results of characterization.

2. **Used oil storage requirements for generators, Ohio Administrative Code (OAC) 3745-279-22 (C)(1): Labels.**

- (1) Containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words "Used Oil."

Hollowcore failed to comply with this rule because the tote that had leaked onto the ground was not labeled with the words "used oil". Hollowcore must immediately begin labeling any containers or tanks storing used oil with the words "Use Oil" and submit documentation to this office.

3. **Used oil storage requirements for generators, Ohio Administrative Code (OAC) 3745-279-22 (D) (1)(2)(3): Response to releases.** Upon detection of a release of used oil to the environment a generator must perform the following cleanup steps:

- (1) Stop the release;
- (2) Contain the released used oil;
- (3) Clean up and manage properly the released used oil and other materials; and
- (4) If necessary, repair or replace any leaking used oil storage containers or tank prior to returning them to service.

Hollowcore failed to comply with this rule in that a tote containing used oil had leaked all of its contents on the ground. To return to compliance Hollowcore must clean up the released oil and any media absorbing that used oil using a visual standard.

Under OAC rule 3745-279-10(C), the residue from the cleanup can be managed one of two ways:

- (1) As a used oil if the clean up residue is burned for energy recovery;
or
- (2) As a waste, requiring the generator to comply with OAC rule 37-52-11 (evaluation of wastes), then manage the used oil/residue as appropriate based on the results of characterization.

Painting Operations

Hollowcore is current painting equipment outside of their building. An acrylic latex paint is used for this operation. The painting equipment is also cleaned with water in this area. A permit to discharge to "waters of the State" has not been applied for nor issued for your facility.

Ohio Revised Code Chapter 6111 prohibits anyone from discharging pollutants to "waters of the State" without an NPDES Permit. The unauthorized discharge from Hollowcore places you in violation of this law. This unauthorized discharge must be eliminated immediately.

Hollowcore must move these painting operations inside of your building. The wastewater generated from cleaning the painting equipment must also be properly disposed. Discharging this wastewater to the sanitary sewer may be permissible. Please contact the Darla Crum with the City of Hamilton about obtaining approval for this discharge. She may be contacted at (513) 785-7211. Finally, the painting operations inside of the building may also need to be permitted by the Hamilton County Environmental Services Department. This agency is the Ohio EPA's local air authority. Please contact them at (513) 946-7777 to determine if your facility requires any air emission permits. If you have any questions concerning the painting operations comment you can contact Ned Sarle, Ohio EPA Division of Surface Water (DSW) at (937) 285-6096.

Please submit documentation to this office within **30 days** of receipt of this letter resolving the violations.

Enclosed you will find a copy of the checklists that I completed as a result of the complaint investigation. Should you have any questions, please feel free to call me at (937) 285-6070. You can find copies of the rules and other information on the division's web page at: <http://www.epa.state.oh.us/dhwm/>.

Sincerely,



Jeff Smith
District Representative
Division of Hazardous Waste Management

cc: Dinah Crawford, DHWM-SWDO/SWDO File
Ned Sarle, DSW/SWDO

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.



**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 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)? 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

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:		
Site Name	Name: Hollowcore Midwest, LLC	Website: (Optional)	
Site Location Information	Street Address: 4408 Dixie Highway		
	City, Town, or Village: Fairfield	State: OH	
	County Name: Butler	Zip Code: 45014	
Site Land Type (check only one)	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"/>	
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: Mark MI: A Last Name: Fusani		
	Phone Number: 513-829-3448 Phone Number Extension:		
	E-Mail Address: mfusani@psi-hci.com		
	Fax Number: 513-829-4233 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:		
	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:		
	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:			
State:	Country:	Zip Code:	
Violations Cited?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Type of Generator			
<input type="checkbox"/> Not Regulated		<input checked="" 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			



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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 checked="" 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 checked="" type="checkbox"/> No	Additional Facility Representatives:
Tanks	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Other Comments:
Containers	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
Name of Inspector(s)		Date of Inspection/Time (mm/dd/yyyy) (hh:mm)	
Jeff Smith		07/02/2008	
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)

