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File



State of Ohio Environmental Protection Agency

Southwest District Office

401 E. Fifth St.  
Dayton, Ohio 45402

TELE: (937) 285-6357 FAX: (937) 285-6249  
www.epa.state.oh.us

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

May 29, 2007

Mr. Richard Miller  
Duncan Oil Company  
849 Factory Road  
Beavercreek, OH 45434

**Re: Notice of Violation-Duncan Oil Company**

Dear Mr. Miller:

On April 17, 2007, we had a telephone discussion regarding deactivating your facility RCRA identification number. Based upon the information you faxed me, the identification number was issued as a result of a cleanup needed to remediate a truck accident and associated spill which occurred in January 2005. The shipping manifests indicate that 4240 pounds of hazardous waste was shipped out on January 14, 2005, with an additional 1250 pounds shipped out on February 4, 2005. As a result, Duncan Oil Company became a large quantity generator of hazardous waste.

A large quantity generator of hazardous waste (ie: greater than 2200 pounds generated in a calendar month) is required to file an annual report to our Columbus office by March 1<sup>st</sup> of the year following generation. Our Columbus office notified you in a letter dated July 14, 2006, that they had still not received this report. On April 24, 2007, I followed up our telephone conversation with an email indicating actions needed to address the issues discussed above. To date, no information has been submitted, therefore, Duncan Oil Company is in violation of the following hazardous waste rule:

- 1.) **OAC 3745-52-41, Annual Report.** This rule requires a large quantity generator who ships any hazardous waste off-site, prepare and submit to Ohio EPA an Annual Hazardous Waste Report and to describe and certify efforts that were taken to minimize hazardous wastes. These reports are due on March 1<sup>st</sup> of each year for the previous calendar year.

To correct this violation, Duncan Oil Company will need to submit the 2005 annual report to our Columbus office within 30 days of receipt of this letter. I have included a link to our web page for you to access these documents:  
[http://www.epa.state.oh.us/dhwm/ann\\_report.html](http://www.epa.state.oh.us/dhwm/ann_report.html)

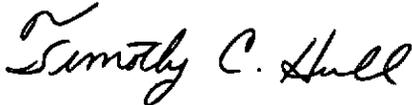
After submitting the annual report, you will need to submit to our Columbus office a letter on company letterhead indicating your desire to deactivate your RCRA ID number. This request should be sent to: Ohio EPA-DHWM. ATTN: Tammy McConnell,

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50 W. Town Street, Suite 700, Columbus, Ohio 43215.

Please send copies of the required information to me at the address on this letterhead.  
Should you have any questions, please feel free to contact me.

Sincerely,



Timothy C. Hull  
Division of Hazardous Waste Management

CC: File: Duncan Oil Company, OHR000127126, Greene County

**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.