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File



State of Ohio Environmental Protection Agency

Southwest District Office

401 E. Fifth St.
Dayton, Ohio 45402

TELE: (937) 285-6367 FAX: (937) 285-6249
www.epa.state.oh.us

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

June 19, 2007

Mr. John Laughman, President/C.E.O.
Piqua Transfer & Storage Company
9782 Looney Road
P.O. Box 823
Piqua, Ohio 45356

Re: Piqua Transfer; Hazardous Waste; Miami County; OHR000008193

Dear Mr. Laughman:

On June 14, 2007 Ohio EPA investigated a complaint at the Piqua Transfer & Storage Company (Piqua Transfer) at 9782 Looney Road in Piqua, Ohio. While investigating this complaint, Ohio EPA also conducted a compliance evaluation inspection to determine your compliance with Ohio's hazardous waste laws and regulations as found under the Ohio Revised Code (ORC) and the Ohio Administrative Code (OAC). You represented Piqua Transfer and I represented Ohio EPA. Ohio EPA's inspection included an inspection of facility operations and a review of written documentation and records. This letter will explain the validity of the complaint, the violations we found, what you need to do to correct the violations, other general concerns we have and what you need to do to respond to our general concerns.

Complaint Investigation

In the complaint received by Ohio EPA, the complainant alleged that Piqua Transfer was using used oil as a dust suppressant. During this investigation, we conducted interviews and a visual site inspection. We observed that some material had been applied to the unpaved areas of your parking lots and driveways. You stated that you recently had lignin applied to the unpaved areas for dust control, and provided documentation that clearly demonstrated that lignin was applied on May 14, 2007. We did not observe any evidence that supports the allegations in the complaint.

Notice of Violation

During the compliance evaluation inspection, we found Piqua Transfer in violation of the following Ohio hazardous waste law:

- (1) **OAC 3745-279-22(C)(1), Used oil storage requirements for generators, Labels:** Containers and aboveground tanks at generator facilities must be labeled or marked clearly with the words "Used Oil."

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Mr. John Laughman
June 19, 2007
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The two outdoor and the one indoor above ground used oil storage tanks were not properly labeled with the words "Used Oil."

- To abate the above violations, Piqua Transfer must immediately label the three tanks used to store used oil with the words "Used Oil." Please submit documentation that clearly demonstrates this violation has been abated, e.g. cover letter and photographs, to me at the Southwest District Office within 30 days of your receipt of this letter.

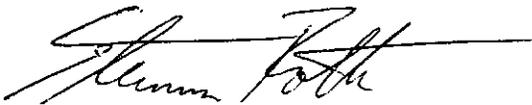
General Concerns

The following waste management issue was also discussed during the inspection:

- A. You indicated that Piqua Transfer generates used fluorescent lamps. As we discussed during the inspection, fluorescent lamps may now be managed as a universal waste instead of hazardous waste. To assist you with these rule changes, I have enclosed an Ohio EPA guidance document on the management of fluorescent lamps. Please review this document at your convenience.

Again, please submit the documentation requested above, demonstrating the violations cited in this letter have been abated, to me at the Southwest District Office within 30 days of your receipt of this letter. Enclosed you will find a copy of the checklists completed during the inspection. You can find copies of the rules and other helpful information on the Division of Hazardous Waste Management's web page at www.epa.state.oh.us/dhwm. If you should have any questions, please feel free to call me at (937) 285-6081.

Sincerely,



Steven Roth, P.E.
Environmental Specialist
Division of Hazardous Waste Management

cc: Dinah Crawford, SWDO-DHWM/SWDO File, w/enclosure

Enclosure

SR/br

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.

E-mail this completed form to tammy.mcconnell@pa.state.or.us or mail it to Tamm Y McConnell, Central Office	Ohio Environmental Protection Agency RCRA SUBTITLE C SITE IDENTIFICATION/VERIFICATION FORM		For Ohio EPA use only																					
2. Site EPA ID No.	EPA ID Number: OHR00008193																							
3. Site Name	Name: Piqua Transfer		Website (optional):																					
4. Site Location Information	Street Address: 9782 Looney Road																							
	City, Town, or Village: Piqua	State: OH																						
	County Name: Miami	Zip Code: 45356																						
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>X</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table>			Private	County	District	Federal	Indian	Municipal	State	Other	X												
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X																								
6. NAICS Code(s) www.census.gov/epcd/www/naics.html	<table border="1" style="width: 100%;"> <tr> <td style="width: 50%;">A.</td> <td style="width: 50%;">B.</td> </tr> <tr> <td>C.</td> <td>D.</td> </tr> </table>			A.	B.	C.	D.																	
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: John		MI:	Last Name: Laughman																				
	Phone Number: (937) 773-3743			Phone Number Extension:																				
	E-Mail Address:																							
	Fax Number: (937) 773-8769			Fax Number Extension:																				
	Street or P.O. Box:																							
	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):																					
	Owner Type: Mark with an X		<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></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table>						Private	County	District	Federal	Indian	Municipal	State	Other								
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	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):																					
	Operator Type: Mark with an X		<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></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table>						Private	County	District	Federal	Indian	Municipal	State	Other								
	Private	County	District	Federal	Indian	Municipal	State	Other																
Street or P.O. Box: 11843 Kemper Springs Drive																								
City, Town, or Village: Cincinnati			Operator Phone #: (513) 825-2660																					
State: OH			Country: USA		Zip Code: 45240																			
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)

<input type="checkbox"/>	UNKNOWN: Cited for violation of 3745-52-11	<input type="checkbox"/>	3. Treater, Storer or Disposer of Hazardous Waste
<input type="checkbox"/>	a. Large Quantity Generator (LQG):	<input type="checkbox"/>	4. Recycler of Hazardous Waste
<input type="checkbox"/>	b. Small Quantity Generator (SQG)	<input type="checkbox"/>	5. Exempt Boiler and/or Industrial Furnace
<input checked="" type="checkbox"/>	c. Conditionally Exempt Small Quantity Generator	<input type="checkbox"/>	a. Small Quantity On-site Burner Exemption
<input type="checkbox"/>	d. United States Importer of Hazardous Waste	<input type="checkbox"/>	b. Smelting, Melting, Refining Furnace Exemption
<input type="checkbox"/>	e. Mixed Waste (hazardous and radioactive) Generator	<input type="checkbox"/>	6. Underground Injection Control Facility
		<input type="checkbox"/>	7. Hazardous Waste Transporter

B. Universal Waste Activities		C. Used Oil Activities	
<input type="checkbox"/>	1. Small Quantity Handler of Universal Waste (Indicate types of universal waste generated and/or accumulated (check all boxes that apply):	<input checked="" type="checkbox"/>	1. Used Oil Generator
<input type="checkbox"/>	2. Large Quantity Handler of Universal Waste (accumulates 5,000 kg or more).	<input type="checkbox"/>	2. Used Oil Transporter Indicate Type(s) of Activity(ies)
<input type="checkbox"/>	3. Destination Facility for Universal Waste (Check all boxes below that apply for each of the three types of facilities above.)	<input type="checkbox"/>	Transporter
		<input type="checkbox"/>	Transfer Facility
		<input type="checkbox"/>	3. Used Oil Processor and/or Re-refiner Indicate Type(s) of Activity(ies)
		<input type="checkbox"/>	Processor
		<input type="checkbox"/>	Re-refiner
		<input type="checkbox"/>	4. Off-Specification Used Oil Burner
		<input type="checkbox"/>	5. Used Oil Fuel Marketer - Indicate Type(s) of Activity(ies)
		<input type="checkbox"/>	a. Marketer Who Directs Shipment of Off-Specification Oil
		<input type="checkbox"/>	b. Used Oil to Off-Specification Used Oil Burner

	<u>Generated</u>	<u>Accumulated</u>
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"/>

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.

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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: Complaint investigation
N	Containers?	

13. Name of Inspector(s)	Name of Inspector(s)	Date of Inspection/ Time (mm-dd-yyyy) (HH:MM)
Steven Roth		06/14/2007 11:00 AM - 12:00 PM

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)

**CONDITIONALLY EXEMPT SMALL QUANTITY GENERATOR REQUIREMENTS
COMPLETE AND ATTACH A PROCESS, WASTE, P2 SUMMARY SHEET**

CESQG: \leq 100Kg. (Approximately 25-30 gallons) of waste in a calendar month or $<$ 1 Kg. of acutely hazardous waste.

SQG: Between 100 and 1,000 Kg. (About 25 to under 300 gallons) of waste in a calendar month.

LQG: \geq 1,000 Kg. (~300 gallons) of waste in a calendar month or \geq 1 Kg. of acutely hazardous waste in a calendar month.

NOTE: To convert from gallons to pounds: Amount in gallons x Specific Gravity x 8.345 = Amounts in pounds.

Safety Equipment Used:

WASTE EVALUATION

1. Have all wastes generated at the facility been adequately evaluated? [3745-52-11] Yes No N/A

GENERATOR CLASSIFICATION

2. Does the generator produce $<$ 100 kg. of hazardous waste per month? [conditionally exempt small quantity generator ("CESQG")] Yes No N/A

NOTE: If quantities of hazardous waste accumulated on-site at any one time exceed 1,000 Kg. - or the generator produces between 100 and 1,000 Kg. of hazardous waste per month, it is operating as a Small Quantity Generator ("SQG"). If so, complete the Small Quantity Generator Requirements checklist.

OFF-SITE SHIPMENT OF HAZARDOUS WASTE

3. Does the CESQG ensure delivery of hazardous waste(s) to an off-site permitted TSD? [3734.02(F)] Yes No N/A

TREATMENT OF HAZARDOUS WASTE

- | | | | | | | | |
|----|---|-----|--------------------------|----|--------------------------|-----|-------------------------------------|
| a. | Container that meets 3745-66-70 to 3745-66-77? | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A | <input checked="" type="checkbox"/> |
| b. | Tank that meets 3745-66-90 to 3745-66-101 except 3745-66-97(C)? | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A | <input checked="" type="checkbox"/> |
| c. | Drip pads that meet 3745-69-40 to 3745-69-45? | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A | <input checked="" type="checkbox"/> |
| d. | Containment building that meets 3745-256-100 to 3745-256-102? | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A | <input checked="" type="checkbox"/> |

NOTE: Complete appropriate checklist for each unit.

NOTE: If the CESQG conducts treatment they are subject to the LQG requirements.

NOTE: If waste is treated to meet LDRs, use LDR checklist.

REMARKS

RMK# 1) Spent solvent (D001) from parts washer is mixed with used oil per OAC 3745-279-10(B)(3).



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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)? [3745-279-21(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# 8
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

RMK# 8) The two outdoor and the one indoor above ground used oil storage tanks were not properly labeled with the words "Used Oil."