

scouting 2 ID#s



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

October 1, 2009

Mr. Roger Adams
Vice President – Manufacturing
C B Manufacturing & Sales Co., Inc.
4455 Infirmary Rd.
P.O. Box 37
West Carrollton, Ohio 45449

RE: Complaint Investigation of C B Manufacturing

Dear Mr. Adams:

On September 29, 2009, Ohio EPA conducted a complaint investigation of C B Manufacturing's West Carrollton, Ohio facility. The complaint alleged that concrete floor moats in C B Manufacturing were old and broken allowing oil, coolants and other chemicals to spill into soil and ground water. C B Manufacturing was represented by Bob Lord, Darryl Layman, and you. Ohio EPA was represented by Bob Ostendorf from the Division of Surface Water and me from the Division of Hazardous Waste Management. Mr. Ostendorf will address surface water issues in a separate letter. We also investigated Certified Heat Treating and Certified Tool Grinding, both on the same property and owned by C B Manufacturing. Jim Carter represented Certified Tool Grinding. Mike Baker represented Certified Heat Treating.

Based on my investigation, I did not find any violations of Ohio's hazardous waste regulations. However, C B Manufacturing and Certified Heat Treating are in violation of the following used oil regulation:

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

C B Manufacturing and Certified Heat Treating failed to comply with OAC 3745-279-22(C) by not properly labeling used oil containers. **Therefore, C B Manufacturing and Certified Heat Treating are in violation of OAC 3745-279-22(C).**

According to your email on September 29, 2009, you have ordered used oil stickers for both facilities. When all containers and tanks are properly labeled, you will send picture documentation to me. Once I review the documentation verifying



Mr. Roger Adams
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compliance, I will send a return to compliance letter.

During the investigation, we also discussed Spill Prevention, Control and Countermeasures (SPCC) secondary containment requirements. I have included a fact sheet on SPCC requirements.

If you have any questions, please either call me at (937) 285-6093 or email at cathy.altman@epa.state.oh.us

Sincerely,



Cathy L. Altman
Division of Hazardous Waste Management

cc: \ DHWM Data Entry/Facility File \
Bob Ostendorf, DSW

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.



**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:	Website:	
Site Name	Name: C B Manufacturing	(Optional)	
Site Location Information	Street Address: 4455 Infirmary Rd, P.O. Box 37	State: OH	Zip Code: 45449
Site Land Type (check only one)	City, Town, or Village: West Carrollton	County Name: Montgomery	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	333515		

Facility Representative	First Name: Roger	MI:	Last Name: Adams
Additional names can be recorded in number 12	Phone Number: (937) 866-5986		Phone Number Extension:
Only provide address information if it is different than the site address	E-Mail Address:		Fax Number Extension:
	Fax Number: (937) 866-4477		
	Street or P.O. Box:		
	City, Town or Village:		
	State:		Zip Code:

Legal Owner And Operator of the Site.	Name of Site's Legal Owner:	Date Became Owner (mm/dd/yyyy):	
List Additional Owners and/or Operators in the Comment Section or on another copy of this form page	Merle F Wilberding, Trustee	Owner 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"/>	
	Type:	Street or P.O. Box: 33 W. 1st St, Suite 600	Owner Phone #:
		City, Town or Village: Dayton	Country: USA Zip Code: 45402
	State: Ohio	Name of Site's Operator:	Date Became Operator (mm/dd/yyyy):
		C B Manufacturing	Operator 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"/>
		Type:	Street or P.O. Box: 4455 Infirmary Rd, P.O. Box 37
			City, Town or Village: West Carrollton Operator Phone #:
			State: Ohio United States Zip Code: 45449

VIOLATIONS CITED? Yes No

TYPE OF HANDLER- A MINIMUM OF ONE BOX MUST BE CHECKED

<input checked="" type="checkbox"/> Not a HW Generator	<input type="checkbox"/> UNKNOWN: Cited for violation of 3745-52-11	<input type="checkbox"/> Large Quantity Generator (LQG)
		<input type="checkbox"/> Small Quantity Generator (SQG)
		<input type="checkbox"/> Conditionally Exempt Small Quantity Generator
		<input type="checkbox"/> U.S. Importer of Hazardous Waste
		<input type="checkbox"/> Mixed Waste (Hazardous and Radioactive) Generator

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 MANAGED (CHECK ALL BOXES THAT APPLY))

<input type="checkbox"/> Small Quantity Handler of Universal Waste	<input type="checkbox"/> Destination Facility for Universal Waste
<input type="checkbox"/> Large Quantity Handler of Universal Waste (accumulates 5,000 kg. or more)	

CHECK ALL BOXES BELOW THAT APPLY FOR THE TYPES OF UNIVERSAL WASTE THE FACILITY MANAGES

Batteries
 Pesticides
 Mercury containing equipment
 Lamps

USED OIL ACTIVITIES (INDICATE TYPE(S) OF ACTIVITY(S))

Used Oil Generator
 Used Oil Transporter
 Used Oil Transfer Facility
 Used Oil Processor
 Used Oil Re-refiner
 Off-Specification Used Oil Burner
 Used Oil Fuel Marketer Who Directs Shipment of Off-Spec. Oil
 Used Oil Fuel Marketer to Off-Specification Used Oil Burner

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 checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Other Comments:
Containers	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	

Name of Inspector(s)	Name of Inspector(s)	Date of Inspection/Time
Cathy Altman	Bob Ostendorf, DSW	(mm/dd/yyyy) (hh:mm) 9/29/2009 9:00 AM

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)
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**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. Site Name	EPA ID Number: Name: Certified Heat Treat	Website: (Optional)
Site Location Information	Street Address: 4475 Infirmary Rd City, Town, or Village: West Carrollton County Name: Montgomery	State: OH Zip Code: 45449
Site Land Type (check only one) NAICS code(s) www.census.gov/epcd/www/naics.html	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"/>	

Facility Representative Additional names can be recorded in number 12 Only provide address information if it is different than the site address	First Name: Roger Phone Number: (937) 866-5986 E-Mail Address: Fax Number: (937) 866-4477 Street or P.O. Box: City, Town or Village: State:	Mi: Last Name: Adams Phone Number Extension: Fax Number Extension: Zip Code:
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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: 1200 Partnership Owner Private County District Type: <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Street or P.O. Box: 4455 Infirmary Rd City, Town or Village: Dayton State: Ohio Name of Site's Operator:	Date Became Owner (mm/dd/yyyy): Federal Indian Municipal State Other <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Owner Phone #: Country: USA Zip Code: 45449 Date Became Operator (mm/dd/yyyy): Federal Indian Municipal State Other <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Operator Phone #: United States Zip Code:
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<input type="checkbox"/> Pesticides	
<input type="checkbox"/> Mercury containing equipment	
<input type="checkbox"/> Lamps	

USED OIL ACTIVITIES (INDICATE TYPE(S) OF ACTIVITY(S))	
<input checked="" type="checkbox"/> Used Oil Generator	
<input type="checkbox"/> Used Oil Transporter	
<input type="checkbox"/> Used Oil Transfer Facility	
<input type="checkbox"/> Used Oil Processor	
<input type="checkbox"/> Used Oil Re-refiner	
<input type="checkbox"/> Off-Specification Used Oil Burner	
<input type="checkbox"/> Used Oil Fuel Marketer Who Directs Shipment of Off-Spec. Oil	
<input type="checkbox"/> Used Oil Fuel Marketer to Off-Specification Used Oil Burner	

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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:
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Containers	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	

Name of Inspector(s)	Name of Inspector(s)	Date of Inspection/Time (mm/dd/yyyy) (hh:mm)
Cathy Altman	Bob Ostendorf, DSW	9/29/2009 9:00 AM

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)

March 2007

Understanding the Spill Prevention, Control and Countermeasure (SPCC) Requirements

If you handle oil or oil products, you could be subject to the Spill Prevention Control and Countermeasure (SPCC) regulations. These regulations are found in federal regulations (40 CFR Part 112) and require that certain procedures, methods and equipment be used to prevent and contain discharges of oil or petroleum products. This includes the development of an emergency action plan.

The regulations apply to non-transportation-related facilities that store oil or petroleum products in greater than threshold quantities.

Facilities are regulated if, due to their location, a discharge could reasonably be expected to reach a waterway (including sewer pathways).

This fact sheet has been prepared to help you determine if your business is subject to the SPCC requirements.

***** NOTE *****

Under the SPCC regulations, the definition of oil is very broad and includes animal, vegetable and soluble oils.

Other common oil and petroleum products that are regulated include: heating oil, crude oil, mineral oil, gasoline and diesel fuel.

How do I know if my facility is subject to these regulations?

First you need to determine the oil storage capacity at your facility. If you have any of the following storage capaci-

ties, you are subject to the SPCC regulations:

- A total aboveground storage capacity of 1,320 gallons; or
- More than 42,000 gallons of underground storage capacity. This excludes tanks regulated under 40 CFR Parts 280 or 281.

In Ohio these tanks are regulated by the State Fire Marshal's Bureau of Underground Storage Tank Regulations (BUSTR).

Storage tanks in basements are considered aboveground storage tanks rather than underground storage tanks.

It is important to note that the total capacity of your tanks or containers must be considered, not the actual amount of oil stored or the portion commonly used.

If you are storing oil in containers that are less than 55 gallons in size, you do not need to include these in calculating your SPCC storage capacity.

What are examples of SPCC regulated facilities?

Some examples of facilities covered by the SPCC program are listed below; however, other facilities may also be subject to the regulations:

- Vehicle maintenance and refueling facilities;
- Facilities that use, store, produce, gather or process oil or petroleum products;

- Oil drilling, production and refining facilities;
- Waste treatment facilities;
- Loading areas/racks, transfer hoses, loading arms and other equipment which are part of a non-transportation-related facility;
- Highway vehicles and railroad cars used to transport oil within the confines of a non-transportation-related facility; or
- Pipeline systems used to transport oil exclusively within the confines of a non-transportation-related facility.

Are there any exemptions?

The following are exempt from the SPCC regulations:

- Some transportation-related activities. These include highway vehicles, railroad cars, pipelines and breakout storage tanks needed for the continuous operation of a pipeline. Transportation facilities used for routine on-site storage may not be exempt;
- Containers less than 55 gallons;
- Underground storage tanks regulated in Ohio by BUSTR;
- Tanks used exclusively for wastewater treatment. The production, recovery or recycling of oil is not considered wastewater treatment, and

Understanding the Spill Prevention, Control and Countermeasure (SPCC) Requirements

- Onboard bulk storage containers used to power the movement of a motor vehicle or ancillary onboard oil-filled operational equipment.

How do I comply with the SPCC requirements?

If you are subject to the SPCC rules, there are two basic requirements:

- Provide adequate secondary containment for oil or petroleum product storage and transfer areas to contain any releases; and
- Prepare and implement a written SPCC plan.

What is adequate secondary containment?

The secondary containment system must be constructed so that a discharge from a storage tank or pipe will not escape before a cleanup occurs. To meet this criteria, containment systems are usually designed to hold 110 percent of the volume of the largest tank or container in the area.

Transfer areas also need to have sufficient containment capacity to hold at least the largest single compartment of the tank car or truck. Appropriate containment for onshore facilities may include:

- Impervious dikes, berms or retaining walls;
- Curbing;
- Culverts, gutters or other drainage systems;
- Weirs, booms or other barriers;
- Spill diversion or retention ponds;
- Sorbent materials; or

- Shop fabricated double-walled tanks meeting UL standards.

What are the requirements of a written SPCC plan?

In addition to secondary containment, if you are subject to the SPCC regulations you must have a written SPCC plan. The SPCC plan needs to describe all measures taken at your facility to prevent and control a release of oil or petroleum products, including:

- Facility operations, staffing, site security, spill history and documentation of annual oil-handling employee training;
- Oil release scenarios that include possible volume of the spill and the direction of flow;
- Notification procedures (including an emergency call down list);
- A facility site plan showing areas of oil storage and transfer;
- A description of containment structures or equipment used to prevent releases;
- A description of the procedures to stop, contain and clean up any released materials, including procedures for managing collected rain water;
- Oil storage inspection procedures;
- A written commitment of manpower, equipment and materials to expeditiously control and remove any amount of oil that may be spilled; and
- Written procedures for integrity and leak testing of tanks, containers, valves and piping.

The SPCC plan must be prepared and implemented before you begin operations, and it must be updated every five years or whenever significant changes in oil storage occur. In addition, your oil-handling employees need to be trained on the contents of the SPCC plan.

The SPCC plan must also be signed by your management and you must have the plan certified by a professional engineer (PE) familiar with your facility, unless you meet the requirements to self-certify your plan as described below. The PE is certifying that he is familiar with the SPCC requirements, that he or his agent has visited and examined your facility, that your SPCC plan has been prepared in accordance with the SPCC requirements and good engineering practices, that procedures for inspections and testing have been established, and your that plan is adequate for your facility.

You must document that your management has reviewed your plan every five years, even when there are no changes. Any technical modification to your plan also needs to be certified by a PE. Non-technical modifications, such as changes to the contact list or phone numbers, do not require a PE certification.

Your SPCC plan must be kept on site and be available for review if your facility is attended at least four hours per day.

Do I have to hire a PE to review and certify my plan?

If you meet the following criteria, you have the option to self-certify your SPCC plan instead of having your plan reviewed and certified by a PE:

- Have 10,000 gallons or less in aggregate aboveground oil storage capacity, and

Understanding the Spill Prevention, Control and Countermeasure (SPCC) Requirements

- For the three years prior to your plan's certification date, you have not had discharges of oil to waters of the state that exceed:

- A single discharge of 1,000 gallons of oil from your facility; or
- Two discharges of more than 42 gallons of oil in a 12-month period.

However, if you want to use alternative methods that provide equivalent environmental protection, or if you have determined that secondary containment is impractical, then a PE will need to review and certify those aspects of your plan. You can still self-certify the remaining portions of your plan.

Are there other reduced requirements for facilities that don't store a lot of oil?

Yes. If you meet the criteria mentioned in the previous paragraph you also have the option to use streamlined facility security and tank integrity inspections requirements designed for smaller facilities.

How will I know if my SPCC plan is adequate?

You can compare your plan to sample plans, available from a number of sources, such as the American Petroleum Institute (www.api.org). In addition, you can access resources to help you understand, develop, and implement your SPCC plan from U.S. EPA's Web site at www.epa.gov/oilspill/spcc.htm.

Does Ohio EPA have to approve my SPCC plan?

No, Ohio EPA does not approve SPCC plans. Rather, you verify through management sign-off and certification that your company's SPCC plan has been implemented and meets the requirements of the regulations.

Only facilities subject to the Facility Response Plan (FRP) portion of the SPCC regulations must have their plans approved by U.S. EPA or the Coast Guard in order to operate. FRP facilities are those that have one million gallons or more of oil storage capacity, or transfer oil over water in vessels that have oil storage capacities of 42,000 gallons or more.

Do I need to send my SPCC plan to the EPA?

After you complete your SPCC plan, you are not required to submit it to the EPA, unless either U.S. EPA or Ohio EPA specifically requests that you submit it, or if the following conditions exist:

- If a release of 1,000 gallons or more occurs from your facility; or
- You have two releases of more than 42 gallons each within a 12-month period.

In this case, you must submit specific information related to the release and, if requested, your SPCC plan, to U.S. EPA Region 5 and the appropriate Ohio EPA district office emergency response program.

However, you should note that either U.S. EPA or Ohio EPA may, at some time, inspect your facility and ask to see your SPCC plan. In this situation, it is important that you are able to locate and provide your plan for review.

What if my facility doesn't have a plan or hasn't followed the SPCC requirements?

Depending on the circumstances and degree of inadequacy, you may be able to reach compliance without facing fines. That's why it is important to contact Ohio EPA if you are unsure about your status of compliance with the SPCC regulations or how to develop a plan. In serious cases, though, a company can be subject to violations or penalties.

Are there other environmental regulations affecting my oil storage?

If your facility has any oily wastewater that flows through a treatment device such as an oil/water separator, a wastewater permit may be required for this unit. For more information, contact your Ohio EPA district office Division of Surface Water.

If you generate, collect, transport, burn or market used oil, you will also be subject to Ohio's used oil regulations. Contact the Division of Hazardous Waste Management at your Ohio EPA district office for more information.

If you store oil in underground tanks, you may be subject to BUSTR's regulations. Contact BUSTR at (614) 752-7938 for more information.

Where can I get more information on the SPCC program?

For more information on the SPCC program, contact the SPCC coordinator at your Ohio EPA district office, or visit U.S. EPA's Web site at www.epa.gov/oilspill.

Understanding the Spill Prevention, Control and Countermeasure (SPCC) Requirements

OhioEPA District Offices



Toll-free numbers are for citizens with questions or concerns about environmental issues. The regulated community should use the business line for routine business. Spills and emergencies should be reported to (800) 282-9378.

CDO Central District Office
50 W. Town St. Suite 700
Columbus, OH 43215
(614) 728-3778
(614) 728-3898 Fax
(800) 686-2330
www.epa.state.oh.us/cdo

NWDO Northwest District Office*
347 N. Dunbridge Rd.
Bowling Green, OH 43402
(419) 352-8461
(419) 352-8468 Fax
(800) 686-6930
www.epa.state.oh.us/nwdo

SEDO Southeast District Office
2195 Front St.
Logan, OH 43138
(740) 385-8501
(740) 3856490 Fax
(800) 686-7330
www.epa.state.oh.us/sedo

NEDO Northeast District Office
2110 E. Aurora Rd.
Twinsburg, OH 44087
(330) 963-1200
(330) 487-0769 Fax
(800) 686-6330
www.epa.state.oh.us/nedo

* For businesses in Ashland, Richland and Marion counties, contact the Central District Office.

SWDO Southwest District Office
401 E. Fifth St.
Dayton, OH 45402-6357
(937) 285-6357
(937) 285-6249 Fax
(800) 686-6357
<http://swdoweb.epa.state.oh.us>