



**Environmental
Protection Agency**

Ter. Solikland, Governor
Law. Fisher, Lt. Governor
Chris Koresko, Director

July 27, 2010

Hugh Brown, Fleet Manager
Beaver Excavating Company
2000 Beaver Place Ave., SW
P.O. Box 6059
Canton, OH 44706

RE: BEAVER EXCAVATING COMPANY, NOTICE OF VIOLATION (NOV)/RETURN TO COMPLIANCE (RTC), OHD981785272, CONDITIONALLY EXEMPT SMALL QUANTITY GENERATOR (CESQG), STARK COUNTY

Dear Mr. Brown:

On July 14, 2010, this writer and John Paquelet, representing Ohio EPA's Division of Hazardous Waste Management (DHWM), visited Beaver Excavating Company (BEC) located at 4650 Southway St. SW, Canton, Ohio. The purpose of the visit was to determine BEC's status as a generator of hazardous waste, provide you with technical assistance information and if applicable, determine BEC's compliance with Ohio's hazardous waste laws and rules as adopted under the Ohio Revised Code (ORC) Chapter 3734 and Chapter 3745 of the Ohio Administrative Code (OAC). You, Jamie Goist, Mike Garofalo, and Nathan "Chico" Estacion represented BEC.

The following represents Ohio EPA's findings:

On January 26, 1998, BEC notified the U. S. EPA of its small quantity generator (SQG) status. This location was assigned an identification number, OHD981785272. This number is used to track the generation and offsite management of hazardous waste. Please note that the OHD identification number remains with the site location address.

Ohio EPA understands that at this location BEC operates a maintenance facility for servicing BEC's vehicle fleet, construction equipment and earthmoving equipment. In the maintenance building BEC operates a paint booth, steam cleaning equipment, parts washers and a UST used oil collection system. BEC appears to be CESQG of hazardous waste at this time.

Enclosed is a copy of a Used Oil inspection checklist and a revised RCRA Subtitle C Site Identification/Verification Form.

Based upon the information gathered during this visit, Ohio EPA found the following violation of Ohio's hazardous waste rules or laws.

BEC failed to mark the UST used oil collection system with the words "Used Oil" as required by the Ohio Administrative Code (OAC) 3745-279-22(C).

On July 23, 2010, Ohio EPA received e-mail photos showing that the UST used oil collection system is labeled "Used Oil". Thus, BEC has abated the violation.

BEAVER EXCAVATING COMPANY
JULY 27, 2010
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Ohio EPA is providing you with the following guidance information which may help you in your daily operations:

- Guidance Document: Ohio Hazardous Waste Notifier, "DHWM Launches Lamp Initiative";
- Guidance Document: Ohio's Universal Waste rules: "Are You Handling Used Lamps Correctly";
- Guidance Document: "Burning Used Oil in a Space Heater-For Businesses";
- Guidance Document: "The Regulation of Used Oil: An Overview for Ohio Businesses Who Generate Used Oil".

Ohio EPA encourages you to establish a lamp management/recycle program.

Please visit the Division of Hazardous Waste Management's web site for additional information at: <http://epa.ohio.gov/dhwm>. Ohio EPA also has helpful information about pollution prevention at the following web address: <http://www.epa.ohio.gov/opp>. The Division of Hazardous Waste Management offers a free news service to provide you with timely updates on activities related to hazardous waste. You can find out more information and sign up for this service at www.epa.ohio.gov/dhwm/listsev.

Should you have any questions regarding this letter, please call me at (330) 963-1266. A response to this letter is not required.

Sincerely,



Kris Coder
Environmental Specialist
Division of Hazardous Waste Management

KC:ddw

Enclosure

ec: Nyll McKenna, NEDO, DHWM
John Paquelet, NEDO, DHWM

NOTICE: Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve your facility from its obligation to comply with all applicable regulations.

Send to Central Office



Ohio Environmental Protection Agency

For Ohio EPA use only

RCRA SUBTITLE C SITE
IDENTIFICATION/VERIFICATION FORMCompleted verification forms required to be submitted to CO should be e-mailed to paula.canter@epa.state.oh.us.

Site EPA ID No.	EPA ID Number: OHD981785272		
Site Name	Name: Beaver Excavating Company	Website: (Optional)	
Site Location Information	Street Address: 4650 Southway St. S.W.		
	City, Town, or Village: Canton	State: OH	
	County Name: Stark	Zip Code: 44706	
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: Hugh	MI: Last Name: Brown	
	Title: Fleet Manager		
	Phone Number: 330-478-2151	Phone Number Extension:	
	E-Mail Address: HUGHB@BEAVEREXCAVATING.COM		
	Fax Number: 330-478-2122	Fax Number Extension:	
	Street or P.O. Box: P.O. Box 6059		
	City, Town or Village: Canton	State: OH Zip Code: 44706	
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: Beaver Excavating Company	Date Became Owner (mm/dd/yyyy):	
	Owner Type: 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"/>		
	Street or P.O. Box: 4650 Southway St. SW		
	City, Town or Village: Canton	Owner Phone #:	
	State: OH	Country: USA	Zip Code: 44706
	Name of Site's Operator: Beaver Excavating Company	Date Became Operator (mm/dd/yyyy):	
	Operator Type: 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"/>		
	Street or P.O. Box: same as above		
	City, Town or Village:	Operator Phone #:	
	State:	Country:	Zip Code:

VIOLATIONS CITED?

 Yes No

TYPE OF HANDLER - MARK "X" AS APPROPRIATE

- | | | |
|---|--|---|
| <input 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"/> Short-Term Generator (generates from a short-term or one-time event and not from on-going processes). Check the box for the applicable generator status and provide a comment. | <input type="checkbox"/> Small Quantity Generator (SQG) | <input checked="" 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"/> Hazardous Waste Transporter | <input type="checkbox"/> Exempt Boiler and/or Industrial Furnace |
| <input type="checkbox"/> Hazardous Waste Transfer Facility | <input type="checkbox"/> Small Quantity On-Site Burner Exemption |
| <input type="checkbox"/> Treater, Storer or Disposer of Hazardous Waste | <input type="checkbox"/> Smelting, Melting, Refining Furnace Exemption |
| <input type="checkbox"/> Recycler of Hazardous Waste | <input type="checkbox"/> Underground Injection Control Facility |
| | <input type="checkbox"/> Receives Hazardous Waste from Off-site |

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 Used Oil
 Used Oil Fuel Marketer who first claims the Used Oil meets the specifications

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 or list them in the comments if more space is needed. If the waste codes are the same as listed in the most recent RCRAInfo source record, you do not need to list them. 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 Yes No Additional Facility Representatives:

Jamie Goist, Mike Garofalo, Nathan "Chico" Estacion

Tanks Yes No
Containers Yes No

Name of Inspector(s)
Kris Coder

Name of Inspector(s)
John Paquelet

Date of Inspection/Time
(mm/dd/yyyy) (hh:mm)
07/14/2010

Comments:

Used oil labeling violation, only, on the one used oil, ust.

**USED OIL INSPECTION CHECKLIST
GENERATORS, COLLECTION CENTERS AND AGGREGATION POINTS**

NOTE: 1. 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.

2. Inspectors can check BUSTR's web-site at https://www.comapps.ohio.gov/sfm/fire_apps/bust/bustr/PublicInquiry.asp to determine if a UST containing used oil is registered with BUSTR. Inspectors may call BUSTR at 614-752-7938 or a BUSTR site coordinator to report an unregistered UST or a UST that appears to not be in compliance with BUSTR regulations. A list of BUSTR coordinators by county are at: https://www.comapps.ohio.gov/sfm/fire_apps/bust/bustr/SearchByCounty.asp.

PROHIBITIONS

1.	Does the generator manage used oil in a surface impoundment or waste pile? If yes:	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
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a.	Is the surface impoundment or waste pile regulated as a hazardous waste management unit? [3745-279-12(A)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
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NOTE: For example, used oil contaminated scrap metal stored in a pile.

2.	Is used oil used as a dust suppressant? [3745-279-12(B)]	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
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3.	Is off-specification used oil fuel burned for energy recovery in devices specified in 3745-279-12(C)?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
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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 <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
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a.	Is the mixture managed as specified in 3745-279-10(B)? [3745-279-21(A)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
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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 <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
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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 <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
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7.	Are containers and aboveground tanks used to store used oil in good condition with no visible leaks? [3745-279-22(B)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
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8.	Are containers, above ground tanks, and fill pipes used for underground tanks clearly labeled or marked "Used Oil?" [3745-279-22(C)]	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/> See Note Below
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9.	Has the generator, upon detection of a release of used oil, done the following: [3745-279-22(D)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
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a.	Stopped the release?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
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b.	Contained the release?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
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c.	Cleaned up and properly managed the used oil and other materials?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
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d.	Repaired or replaced the containers or tanks prior to returning them to service, if necessary?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
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ON-SITE BURNING IN SPACE HEATER		
10.	Does the generator burn used oil in used-oil fired space heaters? [3745-279-23] If so:	
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 <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
b.	Is the heater designed to have a maximum capacity of not more than 0.5 million BTU per hour?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
c.	Are the combustion gases from heater vented to the ambient air?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
<i>NOTE: Ash accumulated in a space heater must be managed in accordance with 3745-279-10(E).</i>		
GENERATOR TRANSPORTATION		
11.	Does the generator have the used oil hauled only by transporters that have obtained a U.S. EPA ID#? [3745-279-24]	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
12.	If the generator self-transport used oil to an approved collection site or to an aggregation point owned by the generator: [3745-279-24]	
a.	Does the generator transport used oil in a vehicle owned by the generator or an employee of the generator? [3745-279-24]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
b.	Does the generator transport more than 55 gallons of used oil at any time? [3745-279-24]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
<i>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).</i>		
COLLECTION CENTERS AND AGGREGATION POINTS		
13.	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 <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
14.	Is the non-DIY used oil collection center registered with Ohio EPA? [3745-279-31]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
15.	Is the used oil aggregation point in compliance with the generator standards in 3745-279-20 to 3745-279-24? [3745-279-32]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
<i>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.</i>		

On July 23, 2010, Ohio EPA received copies of digital photos from Hugh Brown and Nathan "Chico" Estacion showing that the UST used oil collection system is appropriately marked with the words "Used Oil".