



State of Ohio Environmental Protection Agency

Northeast District Office

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

March 24, 2009

Terry W. Benson
Benson Trucking
3311 State Rd. South
Ashtabula, OH 44446-4804

**RE: BENSON TRUCKING, ASHTABULA COUNTY, COMPLAINT #7195
NOTICE OF VIOLATION/RETURN TO COMPLIANCE**

Dear Mr. Benson:

On March 2, 2009, I sent you a Notice of Violation addressed to Jim Riddell instead of you. I have corrected that error in this letter which shall be considered the official correspondence with you. My apologies for the error.

On February 5, 2009, the Ohio EPA, represented by Ed D'Amato and John Palmer, conducted a complaint inspection at Benson Trucking in Ashtabula, Ohio. The complaint alleged that Benson Trucking is not properly managing used oil.

Benson Trucking primarily recycles used oil by mixing it with diesel fuel and using it as transportation fuel for its trucks. Some has been saved in 55-gallon drums which are stored behind your shop.

No evidence was found to substantiate the allegation, however one violation was noted:

**1. Used Oil Storage Requirements for Generators (Labels)
OAC 3745-279-22(C)**

Containers and above ground tanks used to store used oil at generator facilities shall be labeled or marked clearly with the words "Used Oil"

There were several drums of used oil behind your shop that were not labeled per this rule. This violation was corrected at the time of the inspection when you properly labeled the drums.

You explained that you are considering the purchase of a used oil fired space heater. If you decide to purchase one, please contact Ed Fasko of Ohio EPA's Division of Air Pollution Control (DAPC) to discuss whether or not your space heater may require a permit. As we discussed, Adrienne LaFavre, Office of Compliance Assistance and Pollution Prevention, can also provide assistance. Both can be reached by calling (330) 963-1200.

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Enclosed is a copy of the checklist used for the inspection.

No response to this letter is required.

Failure to list specific deficiencies in this communication does not relieve Benson Trucking from the responsibility of complying with all applicable Ohio EPA laws and regulations. Please be advised that present or past instances of non-compliance can continue as subjects of pending or future enforcement actions.

Please feel free to contact me at (330) 963-1170 if you have any questions about the inspection or this letter.

Sincerely,



Edward J. D'Amato
Environmental Specialist
Division of Hazardous Waste Management

EJD:ddw

Enclosure

ec: Frank Popotnik, DHWM, NEDO
Adrienne LaFavre, OCAPP, NEDO
Ed Fasko, DAPC, NEDO

**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.

Benson Trucking

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

Corrected at time of inspection

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-transported 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