



State of Ohio Environmental Protection Agency

Northeast District Office

2110 East Aurora Rd.  
Twinsburg, Ohio 44087

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www.epa.state.oh.us

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

June 25, 2007

RE: CLINTON PETROLEUM CO., INC.  
CESQG  
PORTAGE COUNTY  
NOTICE OF VIOLATION and  
RETURN TO COMPLIANCE

Glenna Moyers, President  
Clinton Petroleum Company, Inc.  
3522 Alexander Road  
Randolph, OH 44265

Dear Ms. Moyers:

On April 23 and June 15, 2007, I visited your facility representing the Ohio EPA's Division of Hazardous Waste Management to conduct a complaint investigation of Clinton Petroleum. The Ohio EPA received a complaint that brine fluids were being disposed to the land surface and streams. On April 23<sup>rd</sup>, via a phone conversation, you permitted access to inspect outside areas. At that time personnel were not onsite to open buildings to allow access to inspect maintenance operations. These areas were thus inspected on June 15th. The inspections were performed relative to compliance with Ohio hazardous waste laws found in chapters 3734 of the Ohio Revised Code (ORC) and 3745 of the Ohio Administrative Code (OAC). Ohio EPA could not confirm the allegation of brine disposal. However, there was evidence of solid waste and construction debris disposal and open burning.

Demolition debris, construction wastes, solid waste disposal and open burning had been occurring on a hill east of your facility. Disposal of these materials also appears to have occurred to pits dug into the sandy soil at this location. There was also observed some oil staining and burned wastes in this area. These issues were referred to the local air and solid waste authorities. On June 8, 2007, the Ohio EPA received a letter from the Portage County Health District indicating that you must properly remove and dispose this debris to a licensed construction and demolition debris facility or a licensed solid waste facility. Per Ohio EPA's observations, the burned materials, solid wastes and oil stained ground that were observed, must be disposed to a licensed solid waste facility, as appropriate. Scrap metal (steel and aluminum) that was observed may be recycled.

Additionally, just west of the maintenance building, a well casing or pipe in the ground that was marked by a road sign on a post, and also protected from machinery by a truck tire, was observed. The casing was about 10 inches in diameter and open to the surface. The casing was full of oil and had overflowed, staining the adjoining ground several feet in a down-slope direction. You did not know what this pipe was or if it was connected to the underground 500 gallon used oil tank located about 25 feet away. You reported that your husband would remove and properly dispose the stained soil and that he would dig up the area with a backhoe to investigate. It appears that this petroleum stained soil may be properly disposed as a solid waste. There was also minor oil staining around the stickup pipe used to empty the used oil tank. You said this area would also be cleaned. It was recommended that you review removal/pumping procedures with your oil hauler to minimize or eliminate this staining.

## VIOLATION

1. OAC 3745-279-22(C)(2), Used Oil Storage Requirements for Generators (Labels): Your five hundred gallon underground storage tank for used oil was not labeled per this rule as "used oil".

During the inspection this violation was abated when you properly labeled the fill port location of this underground storage tank.

## CONCERNS and RECOMMENDATIONS

The following concerns and recommendations were noted that may require your action:

- 1) There is oil staining on the ground from what appears to be a well casing just west of the maintenance building. It is understood that you will identify this source and take necessary and proper action to prevent this oil from releasing to the environment. When it has been determined what this feature is, and the steps that will be taken to correct this matter, please inform me in writing how this matter will be corrected.
- 2) Solid waste debris, oil stained soils and burned material at the hill area must be removed for proper disposal. Solid waste items must be sent to a licensed solid waste facility.
- 3) **Fluorescent and high intensity discharge lamps** - These lamps are considered hazardous waste due to their mercury and lead content, unless determined otherwise. You must evaluate your lamps and dispose or recycle and manage them properly. Lamps that would be considered a hazardous waste must either be disposed as a hazardous waste or managed as a universal waste and sent for recycling.

Please indicate in writing whether you intend to manage lamps as a universal waste or hazardous waste. You must make proper disposal of all lamps that could be considered hazardous waste.

Spent lamps that are recycled are not subject to the hazardous waste rules. Refer to the Ohio EPA Fact Sheet "Universal Waste Rules for Handlers of Lamps": [http://www.epa.state.oh.us/dhwm/pdf/Universal\\_Waste\\_Rules\\_for\\_Handlers\\_of\\_Lamps.pdf](http://www.epa.state.oh.us/dhwm/pdf/Universal_Waste_Rules_for_Handlers_of_Lamps.pdf), and a list of lamp recyclers at: <http://www.epa.state.oh.us/dhwm/pdf/comp.lamp.ballast.list.pdf> and <http://www.epa.state.oh.us/dhwm/pdf/LampGuidance.pdf>. These guidance sheets are also enclosed.

CLINTON PETROLEUM CO., INC.  
JUNE 25, 2007  
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- 4) Burning of wastes is a violation of Ohio air pollution regulations. OAC 3745-19-04 (B) states that fires shall not be used for waste disposal purposes, and shall be the minimum size sufficient for their intended purpose; the fuel shall be chosen to minimize the generation and emission of contaminants. Materials that may not be burned anywhere in the state include: rubber, grease, asphalt, petroleum and petroleum made products such as tires, auto parts, plastics or plastic coated wire. The disposal of solid or fluid waste by open burning is prohibited. The Ohio EPA's Akron Air Division of Air Pollution Control was notified to determine appropriate follow-up.

Please submit the requested documentation to my attention **within 30 days** of receipt of this letter.

You can find copies of the rules and other information on the DHWM's web page at <http://www.epa.state.oh.us/dhwm>. Other useful information from Ohio EPA about pollution prevention may be found at <http://www.epa.state.oh.us/oppl>.

Should you have any questions, please feel free to contact me at (330) 963-1146 or at [ron.shadrach@epa.state.oh.us](mailto:ron.shadrach@epa.state.oh.us).

Sincerely,



Ronald J. Shadrach  
Environmental Specialist II  
Division of Hazardous Waste Management

RJS:ddw

Enclosure

ec: Frank Popotnik, Ohio EPA, DHWM, NEDO  
Harry Sarvis, Ohio EPA, DHWM, CO  
Frank Markunas, Akron Air Authority  
cc: Adam Harris, Portage County Health District

**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 [tammy.mcconnell@epa.state.oh.us](mailto:tammy.mcconnell@epa.state.oh.us) or mail it to Tammy McConnell, Central Office

2. Site EPA ID No.	EPA ID Number: CESQG								
3. Site Name	Name: Clinton Petroleum Company				Website: (Optional)				
4. Site Location Information	Street Address: 3522 Alexander Road								
	City, Town, or Village: Randolph				State: OH				
	County Name: Portage				Zip Code: 44265				
5. Site Land Type (check only one)	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"/>	
6. NAICS code(s) <a href="http://www.census.gov/epcd/www/naics.html">www.census.gov/epcd/www/naics.html</a>									
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: Glenna		MI:	Last Name: Moyers					
	Phone Number: 330-325-2245				Phone Number Extension:				
	E-Mail Address:								
	Fax Number: 330-325-0260				Fax Number Extension:				
	Street or P.O. Box: 364								
	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	Name of Site's Legal Owner:				Date Became Owner (mm/dd/yyyy):				
	Owner Type:	Private <input 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:								
	City, Town or Village:				Owner Phone #:				
	State:				Country:		Zip Code:		
	Name of Site's Operator:				Date Became Operator (mm/dd/yyyy):				
	Owner Type:	Private <input 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:								
	City, Town or Village:				Operator Phone #:				
	State:				Country:		Zip Code:		
9. Violations Cited?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No								
10A. Type of Regulated Waste Activity (Mark "X" in all of the appropriate boxes)									
<input type="checkbox"/> Not Regulated				<input checked="" type="checkbox"/> Conditionally Exempt Small Quantity Generator					
<input type="checkbox"/> UNKNOWN: Cited for violation of 3745-52-11				<input type="checkbox"/> United States Importer of Hazardous Waste					
<input type="checkbox"/> Large Quantity Generator (LQG)				<input type="checkbox"/> Mixed Waste (Hazardous and Radioactive) Generator					
<input type="checkbox"/> Small Quantity Generator (SQG)									
<input type="checkbox"/> Hazardous Waste Transporter				<input type="checkbox"/> Exempt Boiler and/or Industrial Furnace					
<input type="checkbox"/> Treater, Storer or Disposer of Hazardous Waste				<input type="checkbox"/> Small Quantity On-Site Burner Exemption					
<input type="checkbox"/> Recycler of Hazardous Waste				<input type="checkbox"/> Smelting, Melting, Refining Furnace Exemption					
<input type="checkbox"/> Underground Injection Control Facility									

10B. Universal Waste Activities (Indicate types of universal waste managed (check all boxes that apply))			
<input checked="" type="checkbox"/> Small Quantity Handler of Universal Waste		<input type="checkbox"/> Large Quantity Handler of Universal Waste (accumulates 5,000 kg. or more)	
<input type="checkbox"/> Destination Facility for Universal Waste			
Check all boxes below that apply for each of the three types of facilities above		10C. Used Oil Activities (Indicate Type(s) of Activity(ies))	
	<b>Managed</b>	<input checked="" type="checkbox"/> Used Oil Generator	<input type="checkbox"/> Off-Specification Used Oil Burner
Batteries	<input type="checkbox"/>	<input type="checkbox"/> Used Oil Transporter	<input type="checkbox"/> Used Oil Fuel Marketer Who Directs Shipment of Off-Spec. Oil
Pesticides	<input type="checkbox"/>	<input type="checkbox"/> Used Oil Transfer Facility	<input type="checkbox"/> Used Oil Fuel Marketer to Off-Specification Used Oil Burner
Mercury containing equipment	<input type="checkbox"/>	<input type="checkbox"/> Used Oil Processor	
Lamps	<input checked="" type="checkbox"/>	<input type="checkbox"/> Used Oil Re-refiner	
11. 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.			
12. 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 type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Other Comments: 500-gallon UST onsite for accumulation of used oil.
Containers	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
13. Name of Inspector(s)		Name of Inspector(s)	Date of Inspection/Time (mm/dd/yyyy) (hh:mm)
Ron Shadrach, DHWM, NEDO			4/23/2007 6/15/2007
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)

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 X 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 X RMK# \_\_\_
- 2. Is used oil being used as a dust suppressant? [3745-279-12(B)] Yes  No X 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 X RMK# \_\_\_

**USED OIL GENERATOR STANDARDS**

- 4. Does the generator mix hazardous waste with used oil only as provided in 3745-279-10(B)? [2745-279-21(A)] Yes X 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 X 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 X 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 X No  N/A \_\_\_ RMK# 1
- 8. Are containers, above ground tanks, and fill pipes used for underground tanks clearly labeled or marked "Used Oil?" [3745-279-22(C)] (ABATED) Yes \_\_\_ No X N/A \_\_\_ RMK# 2
- 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 X RMK# 3
  - b. Contained the release? Yes \_\_\_ No  N/A X RMK# \_\_\_
  - c. Cleaned up and properly managed the used oil and other materials? Yes \_\_\_ No  N/A X 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# \_\_\_

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#### REMARKS

1. Used oil in underground tank not visible for inspection. There is oil in a pipe and on the ground nearby. The O/O does not know source of this oil or purpose of this pipe. To be investigated by O/O.
2. Violation abated during 6/15/2007 site visit when fill port to used oil tank UST was properly labeled.
3. Need to determine source of oil from pipe to verify whether there has been a release.