

**Environmental
Protection Agency**

_____, Governor
_____, Lt. Governor
_____, Director

May 25, 2010

Stephen Fosnight
Colonial Rubber
706 Oakwood St
Ravenna, OH 44266

**RE: COLONIAL RUBBER, PORTAGE COUNTY, COMPLAINT #7310
NOTICE OF VIOLATION**

Dear Mr. Fosnight:

On May 20, 2010, the Ohio EPA, represented by Ed D'Amato, conducted a complaint investigation at Colonial Rubber. Colonial Rubber was represented by you.

Colonial Rubber is a manufacturer of specialty molded rubber products for fluid service applications. The complaint alleged possible mismanagement of used oil. A full compliance evaluation inspection was not conducted.

The following waste streams were identified at your facility:

1. One to two drums per year of used oil from hydraulics and machines.
2. Rags which are used with to clean molds.
3. Universal waste lamps.
4. Waste water from an industrial washing machine which is discharged to a ditch/stream on the premises.
5. Scrap rubber.

Colonial Rubber was found to be in violation of the following hazardous waste rules found in Chapter 3745 of the Ohio Administrative Code:

**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".

Approximately 24 drums of used oil were found that were not labeled per this rule. You explained that you are currently evaluating disposal options for the oil. To correct this violation, you must label all drums with the words "Used Oil", photograph them, and submit the photographs to this office.

In addition to the above violation, the following concern was noted:

1. You explained that spent fluorescent lamps are disposed in the trash, but had no spent lamps on site at the time of the investigation. Often these lamps contain mercury at a level that make

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them a hazardous waste if disposed. If the spent lamps are sent for recycling instead of disposal, they would be exempt from the hazardous waste management requirements.

To address this concern, you must notify this office, in writing, of how Colonial Rubber Equipment will manage spent fluorescent lamps from now on. During the inspection, you were given copies of Ohio EPA's Fluorescent Lamp Fact Sheet and a list of lamp recyclers.

The following information may be of interest. Please note that Ohio EPA does not recommend specific products, services or companies:

Non-tire rubber recycling:
<http://www.recycle.net/>

Spot prices for non-tire rubber:
http://www.recycle.net/Rubber/non_tire/index.html

Rubber recycling companies from Ohio EPA's Office of Compliance and Pollution Prevention:

Kurtz Brothers
6415 Granger Road
Independence, Ohio 44131
(216) 986-7000
<http://www.kurtz-bros.com/pages/waste/recycling/industrialbyproducts.html>

Grossman Group
5040 A Pine Creek Drive
Westerville, Ohio 43081
(614) 899-6759
steve@GrossmanEnvironmentalRecycling.com
<http://www.grossmanenvironmentalrecycling.com/services.aspx>

Midwest Elastomers Inc.
700 Industrial Drive
P.O. Box 412
Wapakoneta, Ohio 45895
(877) 786-3539 or (419) 738-8844
info@midwestelastomers.com
<http://www.midwestelastomers.com/scrap-rubber>

Phoenix Recycling Services
659 Marion Rd
Columbus, OH 43207
(614) 443-4801
phoenix@plasticscrap.us
<http://www.plasticscrap.us/product%20page.php?product=Rubber%20Foam%20Scrap>

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Harmony Industries, Inc.
6544 Middle Point Road
Archdale, NC 27263
(336) 886-7225
Fax: (336) 886-7586
info@harmonyrecycling.com
http://www.harmonyrecycling.com/rubber_recycling.html

The Ohio Department of Development offers assistance to companies with energy efficiency. More information can be found at:
<http://development.ohio.gov/Energy/Efficiency/IndustrialEfficiency.htm>

The US Department of Energy (USDOE) also has a variety of programs. More information can be found at:
<http://www1.eere.energy.gov/industry/>

USDOE also offers financial incentives for energy efficiency improvements:
<http://www1.eere.energy.gov/industry/financial/index.html>

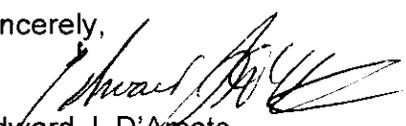
Enclosed is a copy of the checklist filled out after the investigation.

No response to this letter is required.

Failure to list specific deficiencies in this communication does not relieve Colonial Rubber 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:cl

ec. Frank Popotnik, DHWM, NEDO
Harry Sarvis, DHWM, CO
Natalie Oryshkewych, DHWM, NEDO

cc: Marlene Kinney, DHWM, NEDO

**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. *Colonial Rubber*

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"/>
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"/>

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"/>
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 type="checkbox"/> N/A <input checked="" type="checkbox"/>

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, <i>Possibly MEK (CESQG)</i>	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
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 type="checkbox"/>

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 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"/>
7.	Are containers and aboveground tanks used to store used oil in good condition with no visible leaks? [3745-279-22(B)]	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
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"/>
9.	Has the generator, upon detection of a release of used oil, done the following: [3745-279-22(D)]	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
a.	Stopped the release?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
b.	Contained the release?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
c.	Cleaned up and properly managed the used oil and other materials?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
d.	Repaired or replaced the containers or tanks prior to returning them to service, if necessary?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>

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 type="checkbox"/> N/A <input checked="" 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 checked="" 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 type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" 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 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 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 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>		