

**Environmental  
Protection Agency**

John R. Kasich, Governor  
Mary Taylor, Lt. Governor  
Scott J. Nally, Director

February 24, 2011

Patrick Gillespie  
Flat's Industrial Services, Inc.  
d.b.a. Dubro Oil Corporation  
2400 Mulberry Ave.  
Cleveland, OH 44113

**RE: FLAT'S INDUSTRIAL SERVICES/DUBRO OIL CORP., OHD 058 383 126,  
CUYAHOGA COUNTY**

Dear Mr. Gillespie:

On February 14, 2011, I received Dubro Oil Corporation's (Dubro Oil) response (dated February 8, 2011) to Ohio EPA's January 5, 2011 Partial Return to Compliance (PRTC) letter. Additionally, on February 16, 2011, Dubro Oil submitted information concerning the completion of profiles and analyzing used oil for total halogen content prior to acceptance.

The following is the status of the previously cited violations:

1. **ORC § 3734.02(E)&(F), Establishment of an Unlawful Hazardous Waste Facility, Unlawful Storage of Hazardous Waste, Transporting Hazardous Waste to an Unpermitted Facility and Causing Hazardous Waste to be Transported to an Unpermitted Facility:** Dubro Oil's February 8, 2011 and February 16, 2011 responses included documentation that a detailed profile will be completed prior to the acceptance of used oil, as well as other acceptance procedures to prevent the unlawful transportation or storage of hazardous waste. **No further response is necessary at this time.**
  
2. **OAC rule 3745-52-11, Waste Evaluation:** On October 7 and November 4, 2010, Dubro Oil submitted documentation concerning waste evaluation results and copies of manifests for the off-site shipment of wastes. This information indicated that Dubro Oil shipped off-site one, 55-gallon drum of hazardous waste (D001/D035) and nine, 55-gallon drums of non-hazardous waste.

Dubro Oil's September 22, 2010 and February 8, 2011 responses indicated that information obtained during the profile process, as well as waste characterization analyses will be used to evaluate wastes generated in the future. **Based upon**

**submitted documentation, this violation has been adequately abated. No further response is necessary.**

3. **OAC rule 3745-279-44(A)(B), Rebuttable Presumption for Used Oil Transporters:** Dubro Oil's February 8, 2011 and February 16, 2011 responses included documentation that a detailed profile will be completed prior to the acceptance of used oil. Additionally, total halogen content will be determined through analyzing a sample of the used oil using a Chlor-D-Tect 1000 test kit. **Based upon submitted documentation, this violation has been adequately abated. No further response is necessary.**
4. **OAC rule 3745-279-46(A)(1)-(5)(a), Tracking of Used Oil by Transporters:** Dubro Oil's February 8, 2011 response included a bill of lading to demonstrate that the facility was maintaining records of used oil shipments as required by this rule. **Based upon submitted documentation, this violation has been adequately abated. No further response is necessary.**
5. **OAC rule 3745-279-52(A)(1), General Facility Standards for Used Oil Processors and Re-refiners:** This violation was previously abated.
6. **OAC rule 3745-279-52(A)(2)(a), General Facility Standards for Used Oil Processors and Re-refiners:** Dubro Oil's February 8, 2011 response included documentation to demonstrate that a fire and burglar alarm system was installed. **Based upon submitted documentation, this violation has been adequately abated. No further response is necessary.**
7. **OAC rule 3745-279-52(A)(3), General Facility Standards for Used Oil Processors and Re-refiners:** Dubro Oil's February 8, 2011 response included copies of completed inspection forms to document all emergency equipment was inspected. **Based upon submitted documentation, this violation has been adequately abated. No further response is necessary.**
8. **OAC rule 3745-279-52(B)(1)(a)(2)(a)-(f)(3)(a)(b), General Facility Standards for Used Oil Processors and Re-refiners:** Dubro Oil's February 8, 2011 response included a copy of the facility's revised contingency plan. The plan was further revised to include a list of all emergency equipment and a brief outline of each item's capabilities. **Based upon submitted documentation, this violation has been adequately abated. No further response is necessary.**

As required by OAC rule 3745-279-52(B)(3), please submit documentation to demonstrate that the facility's contingency plan was distributed to emergency authorities.

9. **OAC rule 3745-279-53(A)(B), Rebuttable Presumption for Used Oil Processors and Re-refiners:** Dubro Oil's February 8, 2011, and February 16, 2011 responses included documentation that a detailed profile will be completed prior to the acceptance of used oil. Additionally, total halogen content will be determined through analyzing a sample of the used oil using a Chlor-D-Tect 1000 test kit. **Based upon submitted documentation, this violation has been adequately abated. No further response is necessary.**
10. **OAC rule 3745-279-54(F)(1), Used Oil Management by Processors and Re-refiners:** This violation was previously abated.
11. **OAC rule 3745-279-55(A), Analysis Plan at Used Oil Processing and Re-refining Facilities:** Dubro Oil's September 22, 2010 response included a used oil analysis plan. The used oil analysis plan requires Dubro Oil's customers to complete a detailed profile prior to acceptance of any used oil. Dubro Oil's February 8, 2011 and February 16, 2011 responses included documentation that a detailed profile will be completed prior to the acceptance of used oil. Additionally, total halogen content will be determined through analyzing a sample of the used oil using a Chlor-D-Tect 1000 test kit. **Based upon submitted documentation, this violation has been adequately abated. No further response is necessary.**
12. **OAC rule 3745-279-56(A)(1)-(6)(C), Tracking of Used Oil by Processors and Re-refiners:** Dubro Oil's February 8, 2011 response included a bill of lading to demonstrate that the facility was maintaining records of used oil shipments as required by this rule. **Based upon submitted documentation, this violation has been adequately abated. No further response is necessary.**
13. **OAC rule 3745-279-57(A)(1)(2)(a)(b)(B), Operating Record and Reporting for Used Oil Processors and Re-refiners**  
  
**Operating record, OAC rule 3745-279-57(A)(1)(2)(a)(b):** Dubro Oil's February 8, 2011 and February 16, 2011 responses included documentation to demonstrate that records will be maintained in compliance with this rule. **Based upon submitted documentation, this violation has been adequately abated. No further response is necessary.**  
  
**Reporting, OAC rule 3745-279-57(B):** This violation was previously abated.
14. **OAC rule 3745-279-59, Management of Residues by Used Oil Processors and Re-refiners:** This violation was previously abated.

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With respect to the Spill Prevention, Control and Countermeasure (SPCC) plan, the facility's aggregate aboveground oil storage capacity exceeds 10,000-gallons. Accordingly, self-certification of the SPCC plan does not appear appropriate. Under the SPCC rule, if a container has the requisite capacity, it does not matter whether the container is actually filled to that capacity. The storage capacity of a container is defined as the shell capacity of the container. Additional information concerning the SPCC rule may be found at:

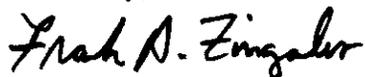
- [http://www.epa.gov/oem/docs/oil/spcc/guidance/SPCC\\_Guidance\\_fulltext.pdf](http://www.epa.gov/oem/docs/oil/spcc/guidance/SPCC_Guidance_fulltext.pdf)
- <http://www.epa.gov/oem/docs/oil/spcc/spccbluebroch.pdf>, or
- Contacting USEPA's Oil Information Center hotline at (800) 424-9346.

Dubro Oil is advised to review its SPCC plan to ensure compliance with 40 CFR Part 112.

Please be advised that due to the nature of the violations, Ohio EPA is considering escalated enforcement actions. Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve you from having to comply with all applicable regulations.

Should you have any questions, please contact me at (330) 963-1108.

Sincerely,



Frank A. Zingales  
Environmental Specialist  
Division of Hazardous Waste Management

FAZ:cl

ec: Kelly Smith, DHWM, CO  
Elissa Miller, Legal, CO  
Natalie Oryshkewych, DHWM, NEDO  
Nyall McKenna, DHWM, NEDO

cc: Marlene Kinney, DHWM, NEDO