

**Environmental
Protection Agency**

Pat. Brannan, Governor
Lee Brown, Lt. Governor
Dana DeBevoise, Director

January 5, 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., OHD058383126,
CUYAHOGA COUNTY, PRTC**

Dear Mr. Gillespie:

On September 22, 2010, I received Dubro Oil Corporation's (Dubro Oil) response to Ohio EPA's August 23, 2010 Notice of Violation (NOV) letter. Additionally, on October 7 and November 4, 2010, Dubro Oil submitted information concerning waste characterization, used oil inventories and Spill Prevention, Control and Countermeasures (SPCC) requirements.

On December 17, 2010, I conducted a re-inspection of the Dubro Oil facility. Dubro Oil was represented by Paul Stanley, Tom Gillespie and you. During the inspection, Dubro Oil provided a copy of the facility's contingency and SPCC plans.

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 September 22, 2010 response indicated that the facility will implement new policies to prevent the acceptance of hazardous waste from an off-site source. These policies will include requiring a generator to complete a detailed profile prior to acceptance of any used oil.

During the December 17, 2010 re-inspection, Ohio EPA reviewed several profiles. Ohio EPA's review revealed that the profiles were not completely and accurately filled out. In particular, the profiles did not specify the following:

- Profile number for the generator,
- USEPA ID number and generator classification (if applicable),
- Specific process generating material,
- Chemical composition of material,
- Flashpoint,
- Halogen content,
- Does the material qualify as used oil?

- Is the used oil mixed with listed or characteristic hazardous waste generated by a CESQG? If so, does the resulting mixture exhibit any characteristics of hazardous waste?
- Does the used oil contained >1000 PPM of halogens?

Dubro Oil must demonstrate that it has implemented sufficient policies to prevent the off-site receipt of hazardous waste. **Submit documentation which demonstrates how Dubro Oil has addressed this violation.**

2. OAC rule 3745-52-11, Waste Evaluation

On October 7, 2010, Dubro Oil submitted waste characterization results. Based on these results, as well as the profiling process, Dubro Oil indicated that the facility does not expect to generate any hazardous waste in the future. As previously noted under violation number one, Ohio EPA's review of the profiles revealed that they were not completely and accurately filled out.

Dubro Oil must demonstrate that it has sufficient information to evaluate all generated wastes in accordance with OAC rule 3745-52-11. **This violation will remain unabated until Dubro Oil submits documentation which demonstrates that it has complied with this rule.**

3. OAC rule 3745-279-44(A)(B), Rebuttable Presumption for Used Oil Transporters

Dubro Oil's September 22, 2010 response included documentation as how the facility will comply with the rebuttable presumption for used oil transporters. In particular, Dubro Oil indicated that its customers will be required to complete a detailed profile prior to acceptance of any used oil. As previously noted under violation number one, Ohio EPA's review of the profiles revealed that they were not completely and accurately filled out. **This violation will remain unabated until Dubro Oil submits documentation which demonstrates that it has complied with this rule.**

4. OAC rule 3745-279-46(A)(1)-(5)(a), Tracking of Used Oil by Transporters: (A)

Dubro Oil's September 22, 2010 response included documentation as how the facility will comply with the tracking requirements for used oil transporters. In particular, Dubro Oil indicated that used oil transported to the facility will be accompanied by a bill of lading which includes: (1) The name and address of the generator, transporter, or processor/re-refiner who provided the used oil for transport; (2) The U.S. EPA identification number (if applicable) of the generator, transporter, or processor/re-refiner who provided the used oil for transport; (3) The quantity of used oil accepted; (4) The date of acceptance; and (5) The signature and date of receipt of the generator, transporter, or processor/re-refiner who provided the used oil for transport.

During the December 17, 2010 re-inspection, Ohio EPA reviewed available bill of ladings. Ohio EPA's review revealed that the bills of lading were not completed as described above. Additionally, Ohio EPA was informed that bill of ladings were not being completed for all used oil shipments. **This violation will remain unabated until Dubro Oil submits documentation which demonstrates that it has complied with this rule.**

5. **OAC rule 3745-279-52(A)(1), General Facility Standards for Used Oil Processors and Re-refiners:**

Dubro Oil's September 22, 2010 response included documentation that the used oil release beneath Tank Nine was cleaned up. **This violation has been adequately abated. No further response is necessary.**

6. **OAC rule 3745-279-52(A)(2)(a), General Facility Standards for Used Oil Processors and Re-refiners**

Dubro Oil's September 22, 2010 response indicated that the facility will maintain the required communication equipment by means of an internal communication system (i.e., phone available at scene of operations) and provide an alarm system. A fire and burglar alarm system will be installed by Guardian Alarm. **This violation will remain unabated until Dubro Oil submits documentation that the fire alarm system has been installed.**

7. **OAC rule 3745-279-52(A)(3), General Facility Standards for Used Oil Processors and Re-refiners**

Ohio EPA's December 17, 2010 re-inspection revealed that Dubro Oil failed to test and maintain emergency equipment (i.e., communications or alarm systems, fire protection equipment and spill control equipment) as required by this rule. **This violation will remain unabated until Dubro Oil submits completed inspection forms that document all emergency equipment has been inspected.**

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:**

During the December 17, 2010 re-inspection, Dubro Oil provided a copy of the facility's contingency and Spill Prevention, Control and Countermeasure (SPCC) plans. Upon review of the facility contingency plan, the plan did not include a list of all emergency equipment (i.e., fire extinguishing systems) and did not include a brief outline of each item's capabilities.

This violation will remain unabated until Dubro Oil develops and submits a contingency plan that meets the requirements of OAC rule 3745-279-52(B). Additionally, the plan must be distributed to emergency authorities in accordance with OAC rule 3745-279-52(B)(3).

9. **OAC rule 3745-279-53(A)(B), Rebuttable Presumption for Used Oil Processors and Re-refiners:**

Dubro Oil's September 22, 2010 response included documentation as how the facility will comply with the rebuttable presumption for used oil processors. In particular, Dubro Oil indicated that its customers will be required to complete a detailed profile prior to acceptance of any used oil. As previously noted under violation number one, Ohio EPA's review of the profiles revealed that they were not completely and accurately filled out. **This violation will remain unabated until Dubro Oil submits documentation which demonstrates that it has complied with this rule.**

10. OAC rule 3745-279-54(F)(1), Used Oil Management by Processors and Re-refiners:

Dubro Oil's September 22, 2010 response included documentation and photographs to demonstrate that used oil tanks were labeled with the words "used oil." Ohio EPA's December 17, 2010 re-inspection revealed that Dubro Oil had labeled all containers with the words "used oil." **This violation has been adequately abated. No further response is necessary.**

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. As previously noted under violation number one, Ohio EPA's review of the profiles revealed that they were not completely and accurately filled out. **This violation will remain unabated until Dubro Oil submits documentation which demonstrates that it has fully implemented the used oil analysis plan as required by this rule.**

12. OAC rule 3745-279-56(A)(1)-(6)(C), Tracking of Used Oil by Processors and Re-refiners:

Dubro Oil's September 22, 2010 response included documentation as how the facility will comply with the tracking requirements for used oil processors. In particular, Dubro Oil indicated that used oil transported to the facility will be accompanied by a bill of lading which includes: (1) The name and address of the generator, transporter, or processor/re-refiner who provided the used oil for transport; (2) The U.S. EPA identification number (if applicable) of the generator, transporter, or processor/re-refiner who provided the used oil for transport; (3) The quantity of used oil accepted; (4) The date of acceptance; and (5) The signature and date of receipt of the generator, transporter, or processor/re-refiner who provided the used oil for transport.

During the December 17, 2010 re-inspection, Ohio EPA reviewed available bill of ladings. Ohio EPA's review revealed that the bills of lading were not completed as described above. Additionally, Ohio EPA was informed that bill of ladings were not being completed for all used oil shipments. **This violation will remain unabated until Dubro Oil submits documentation which demonstrates that it has complied with this rule.**

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): Ohio EPA's December 17, 2010 re-inspection revealed that Dubro Oil was not maintaining records or analyses as described in the used oil analysis plan. **This violation will remain unabated until Dubro Oil submits documentation which demonstrates that it has complied with this rule.**

Reporting, OAC rule 3745-279-57(B): Dubro Oil's September 22, 2010 response indicated that a letter report will be submitted to the director, on a biennial basis by March first of each even numbered year concerning used oil activities during the previous calendar year. **This violation has been adequately abated. No further response is necessary.**

14. OAC rule 3745-279-59, Management of Residues by Used Oil Processors and Refiners

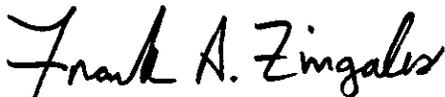
Dubro Oil's September 22, 2010 response indicated that any waste solids, sludges or water/liquid that are generated from the processing of used oil will be collected in 55-gallon drums. Generator knowledge provided by Dubro Oil's customers or analysis of the waste will be used to determine the appropriate management method. **Based on this response, this violation has been adequately abated. No further response is necessary.**

Ohio EPA, DHWM conducted a limited review of the facility's SPCC plan that was provided on December 17, 2010. Based on this review, it appears that the total oil storage capacity of the facility was inaccurately calculated. In particular, Table G-2 only identifies Tank #5 (4,000-gallon capacity), 275-gallon totes (5,500-gallon capacity) and 55-gallon drums (165-gallon capacity) for a total capacity of 9,665-gallons. The facility failed to include the storage capacity for tanks numbered one through four and six through nine. When including these additional tanks, the aggregate aboveground oil storage capacity far exceeds 10,000-gallons. Accordingly, self-certification of the SPCC plan does not appear appropriate. Dubro Oil must revise the SPCC plan to ensure compliance with 40 CFR Part 112. **After preparation and certification of your SPCC plan, please submit a copy to my attention.**

The above violations must be immediately addressed and all of the above requested documentation must be submitted to my attention at the Ohio EPA within 30 days of receipt of this letter. 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:ddw

ec: Kelly Smith, DHWM, CO
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