



State of Ohio Environmental Protection Agency

Northeast District Office

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

September 4, 2007

**RE: MGL ENTERPRISES  
COMPLAINT # 6820  
NOV/RTC**

Massimo Leone  
MGL Enterprises  
4860 Orchard Rd.  
Garfield Heights, OH 44128

Dear Mr. Leone:

The Ohio EPA Division of Hazardous Waste Management conducted an inspection of MGL Enterprises located at 4860 Orchard Road, Garfield Heights, Ohio on July 20, 2007, and August 15, 2007. The purpose was to investigate a complaint and to determine if MGL had violations of Ohio's hazardous waste and used oil laws as found in Chapter 3734 of the Ohio Revised Code (ORC) and Chapter 3745 of the Ohio Administrative Code (OAC).

The complaint alleged that drums were being stored outside and creating a water pollution source. You told me that the drums stored outside contained used oil generated from equipment maintenance. On July 20, 2007, there was used oil spilled on the concrete below these used oil drums.

The following violations were found:

1. OAC rule 3745-279-22(C) - Used oil labels.  
This rule requires containers and above ground tanks used to store used oil at generator facilities to be labeled or marked clearly with the words "Used Oil."

MGL violated this rule by having containers of used oil that were not labeled as used oil on July 20, 2007. You gave me a copy of a manifest showing the August 13, 2007 shipment of 16 drums of used oil to Akron Canton Waste Oil and on August 15, 2007, I saw that none of the drums still contained used oil. This documents your correction of this violation.

2. OAC rule 3745-279-22(D) - Response to releases of used oil.  
This rule requires that upon detection of a release of used oil to the environment, the generator must clean up and manage properly the released used oil and other materials.

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MGL violated this rule by having used oil on the concrete below the drums of used oil on July 20, 2007. On August 15, 2007, I saw that you had cleaned up this used oil spillage. This documents your correction of this violation.

You can find copies of the regulations and other information on the Division of Hazardous Waste Management web page at <http://www.epa.state.oh.us/dhwm/>.

If you have any questions, please contact me at (330) 963-1217, or [robert.almquist@epa.state.oh.us](mailto:robert.almquist@epa.state.oh.us).

Sincerely,



Robert Almquist  
Division of Hazardous Waste Management

RA:cl

- cc. Natalie Oryshkewych, DHWM, NEDO
- ec. Frank Popotnik, DHWM, NEDO  
Harry Sarvis, DHWM, CO  
Dan Bogoevski, DSW, NEDO  
Bill Wervey, Garfield Heights Building Commission

Notice:

Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve your facility from its obligation to comply with all applicable regulations.

## USED OIL INSPECTION CHECKLIST (Short Version)

### MGL Enterprises, 7-20-07 inspection

**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  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  RMK#
2. Is used oil being used as a dust suppressant? [3745-279-12(B)] Yes  No  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  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  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  RMK#  
No test data seen
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  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  No  N/A  RMK#
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  RMK#
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  RMK#

- b. Contained the release? Yes \_\_\_ xNo N/A \_\_\_RMK#
- c. Cleaned up and properly managed the used oil and other materials? Yes \_\_\_ No x□ N/A \_\_\_RMK#
- d. Repaired or replaced the containers or tanks prior to returning them to service, if necessary? Yes \_\_\_ No □ N/A \_\_\_RMK#  
Shouldn't use drum that do not have bung caps
10. Does the generator burn used oil in used fired space heaters? [3745-279-23] If so: Yes \_\_\_ No x 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 that 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 x 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