



State of Ohio Environmental Protection Agency

Northeast District Office

2110 East Aurora Rd.
Twinsburg, Ohio 44087

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

June 10, 2009

Jeff Henes
Vice President
MIRK Incorporated
7629 Chippewa Road
Orrville, OH 44667

RE: MIRK INCORPORATED, EPA ID NO. OHD 987 053 634, WAYNE COUNTY, CESQG COMPLIANCE INSPECTION, NOTICE OF VIOLATION (NOV), COMPLAINT NUMBER 7183

Dear Mr. Henes:

On May 2, 2009, I and John Paquelet, as representatives of the Ohio EPA's Division of Hazardous Waste Management, conducted an inspection of MIRK Incorporated (MIRK), located at 7629 Chippewa Road, Orrville, for compliance with Ohio's hazardous waste and used oil regulations. You represented MIRK during the inspection. Ohio EPA had received a complaint expressing concern that fuels and fluids at the facility were not being properly managed. No evidence of dumping or significant leaks of used oil in the equipment storage yard was found.

The facility's major activity activities are: rental and sales of aerial manlifts, digger trucks and other heavy equipment for construction and maintenance operations in the electrical utility business. The facility has a large inventory of used equipment (reportedly about a thousand pieces of equipment) stored outdoors in an open field. The facility operates a maintenance building for equipment and vehicle maintenance and a paint room for painting re-furbished vehicles and equipment in support of its leasing and sales business.

Spent solvent hazardous waste (D001, D008, F003, F005) is generated from clean-up of painting equipment. Facility also generates used oil from vehicle maintenance and used fluorescent lamps.

The inspection included a review of the facility's operations, as well as waste management practices and documentation. MIRK was inspected for the requirements of a conditional exempt small quantity generator (CESQG) of hazardous waste. MIRK's average monthly hazardous waste generation rate appears to be about 168 pounds per month for approximately the past 13 months. This is apparently less than the 220 pounds/calendar month borderline between small quantity generator (SQG) and conditional exempt small quantity generator (CESQG). At the time of the inspection there were approximately 2,200 pounds of hazardous waste on-site. Given the uncertainty in the exact amount of hazardous waste on-site at the time of the inspection, the inspection was based on the CESQG rules.

From the data on prior manifests reviewed, it appeared that MIRK might have had more than 2,200 pounds on-site in prior years and so has been a SQG for some months during that time. So long as MIRK does not generate in excess of 220 pounds of hazardous waste per calendar month or accumulate in excess of 2,200 pounds of hazardous waste on-site at any one time, it may comply with the CESQG rules. If MIRK exceeds those limits, it must comply with the SQG requirements for those months. A copy of a blank SQG checklist has been enclosed for reference.

Based on the facility documents reviewed and observations made during the facility walk-through, Ohio EPA has determined that MIRK has violated the following state hazardous waste and used oil regulations:

1. OAC Rule 3745-52-11 Waste Evaluation

OAC Rule 3745-52-11 requires "Any person who generates a waste...[to] determine if that waste is a hazardous waste..."

The facility generates used fluorescent lamps. The facility reported that used lamps are disposed in the trash. The facility did not provide evidence during the inspection that it had evaluated its used lamps to determine if they are hazardous wastes.

To return to compliance the facility must:

- Either manage discarded fluorescent lamps as universal waste, or evaluate all discarded lamps not managed as universal wastes, to determine if they exhibit any characteristic of hazardous waste.

You may use either generator knowledge based on documentation provided by the lamp manufacturer for that model number lamp or take a representative sample of the lamps for an analysis using the TCLP test.

- Only lamps that are determined to NOT exhibit any characteristic of hazardous waste may be placed in the trash dumpster. (Ohio EPA encourages recycling of these lamps.) All other discarded lamps must be managed in compliance with either the hazardous waste or universal waste rules. (Most generators of discarded lamps that cannot be disposed as trash elect to manage them as universal waste since this entails a lower regulatory burden.)
- Develop a plan that describes how MIRK plans to evaluate and manage discarded lamps.

Submit a copy of the plan to this office within 30 days of receipt of this letter.

Here is a link to an Ohio EPA factsheet on used lamps that you might wish to review when responding to this violation:

http://www.epa.state.oh.us/dhwm/pdf/Universal_Waste_Rules_for_Handlers_of_Lamps.pdf

2. Used Oil Marketer Rules

OAC Rule 3745-279-72(A) Analysis of used oil fuel.

OAC Rule 3745-279-72 (B) Used Oil Marketer Must Retain Records For At Least Three Years.

OAC Rule 3745-279-74(B)(1-4) Used Oil Marketer Must Maintain Records of On-Spec Used Oil Delivery.

OAC Rule 3745-279-74(C) Used Oil Marketer Must Retain Records For At Least Three Years.

OAC Rule 3745-279-72(A) requires that prior to managing used oil as "on-spec" used oil, one of the parties in the chain of custody (e.g., a generator, transporter or burner) must determine that the used oil meets the "on-spec" fuel specifications of OAC Rule 3745-279-11 by performing analyses or obtaining copies of analyses or other information documenting that the used oil fuel meets the specifications.

OAC Rule 3745-279-72(B) requires that the generator, transporter or burner, who first claims that used oil meets the "on-spec" fuel specifications keep copies of analyses of the used oil (or other information used to make the determination) for three years.

OAC Rule 3745-279-74(B) requires that a generator, transporter, processor/re-refiner, or burner who first claims that used oil that is to be burned for energy recovery meets on-spec fuel specifications must keep a record of the information identified in the rule for each shipment of used oil to an on-specification used oil burner.

MIRK transports used oil that it generates to its sister facility Toombs Truck & Equipment Co. in Columbus where it reportedly is burned for building space heating. The facility estimates that it transports about 1,500 gallons per trip and that it makes 2 or 3 trips per year. The facility did not offer any analytical data or any other records to substantiate a generator knowledge determination that its used oil is on-spec used oil. Apparently no party has met the requirements of OAC Rule 3745-279-72.

Toombs Truck, like any other facility may burn any used oil that it generates on-site without determining whether it is on-spec used oil. However, all used oil acquired from another facility (e.g., MIRK) for burning in the Toombs Trucking space heater must be on-spec used oil, as Toombs Trucking does not meet the regulatory requirements to burn "off spec" used oil. While either MIRK or Toombs Truck may make the determination that the used oil from MIRK is on-spec used oil, this determination is best made prior to the oil leaving MIRK, as it might minimize the used oil transporter and marketer rules that MIRK must comply with.

To return to compliance the facility must either:

- Cease transporting used oil to Toombs Truck and utilize a commercial used oil recycler; **OR**,
- Develop a plan to determine that used oil from MIRK that is to be burned for Toombs Truck space heating is on-spec used oil by performing analyses or obtaining copies of analyses or other information documenting that the used oil fuel meets the specifications. One way this could be done is by an initial analysis of a representative sample for the parameters in OAC Rule 3745-279-11, followed by annual verification that the process generating the waste has not changed.
- Develop a plan to comply with the recordkeeping rules of OAC Rule 3745-279-72(B) and OAC Rule 3745-279-74(B).
- Submit a copy of the above plan and the analytical results of the first sampling and analysis event or generator knowledge documentation to this office within 30 days of receipt of this letter.

MIRK should be aware that if the data should indicate that the used oil from MIRK is not "on-spec" used oil, MIRK may be the subject of additional citations for non-compliance with the used oil rule requirements for transportation, marketing and burning of "off-spec" used oil.

3. Used Oil Transporter Rules

OAC Rule 3745-279-46(A)(1) Used Oil Transporter Must Maintain Records Of Name And Address Of Party That Provided Used Oil

OAC Rule 3745-279-46(A)(2) Used Oil Transporter Must Maintain Records Of USEPA Id Number (If Applicable) Of Party That Provided Used Oil

OAC Rule 3745-279-46(A)(3) Used Oil Transporter Must Maintain Records Of Quantity Of Used Oil Accepted

OAC Rule 3745-279-46(A)(4) Used Oil Transporter Must Maintain Records Of Date Used Oil Was Accepted

OAC Rule 3745-279-46(A)(5)(a) Used Oil Transporter Must Maintain Records Of Signature Of Party That Provided Used Oil

OAC Rule 3745-279-46(B)(1) Used Oil Transporter Must Maintain Records Of Name And Address Of Used Oil Receiving Facility

OAC Rule 3745-279-46(B)(2) Used Oil Transporter Must Maintain Records Of USEPA Id Number Of Used Oil Receiving Facility

OAC Rule 3745-279-46(B)(3) Used Oil Transporter Must Maintain Records Of Quantity Of Used Oil Delivered

OAC Rule 3745-279-46(B)(4) Used Oil Transporter Must Maintain Records Of Delivery Date To Receiving Facility

OAC Rule 3745-279-46(B)(5)(a) Used Oil Transporter Must Maintain Records Of Delivery Signature Of Receiving Facility

OAC Rule 3745-279-46(D) Used Oil Transporter Must Retain Records For At Least Three Years

Used oil transporter rules apply to parties that transport used oil, except for used oil that has been shown to be "on-spec" used oil. MIRK transports used oil that it generates to its sister facility Toombs Truck & Equipment Co. in Columbus where it reportedly is burned for building space heating. The facility did not offer any analytical data or any other records to substantiate a generator knowledge determination that its used oil is "on-spec" used oil.

MIRK did not provide any of the records required by the above rules.

To return to compliance MIRK must either:

- Cease transporting used oil to Toombs Truck and utilize a commercial used oil recycler; **OR**,
- Provide data that used oil from MIRK, that is to be burned for Toombs Truck space heating, is on-spec used oil. This could be done by responding to NOV No. 2 above, provided that the analyses or other information provided documents that the used oil fuel meets the on-spec standards; **OR**,
- Develop a plan to comply with the transporter recordkeeping rules cited above; **AND**,
- Identify the option that the facility has chosen and submit a plan for implementing that option to this office within 30 days of receipt of this letter.

Here are links to some Ohio EPA used oil fact sheets and rules that you might wish to review prior to responding to NOVs No. 2 and 3:

http://www.epa.state.oh.us/dhwm/pdf/Used_Oil_Transporters_Guidance.pdf

http://www.epa.state.oh.us/dhwm/pdf/Used_Oil_Generators_Guidance.pdf

http://www.epa.state.oh.us/dhwm/dhwmrules/megasetrules_final/3745-279-11.pdf

3. Fill pipe to Underground Storage Tank not labeled as required by OAC 3745-279-22 (C)(2).

Used oil from vehicle maintenance (e.g., vehicle oil changes) is drained by floor sumps that convey the oil into an underground tank in the Maintenance Building. OAC 3745-279-22 (C)(2) requires that "Fill pipes used to transfer used oil into underground storage tanks at generator facilities shall be labeled or marked clearly with the words "Used Oil." None of the inlet sumps were labeled.

To return to compliance, MIRK must:

- Place a label that contains the words "**Used Oil**" near each floor sump that conveys used oil into the underground tank. MIRK is also encouraged to label the tank cover.
- Submit a photograph of a typical labeled sump inlet to this office within 30 days of receipt of this letter.

All requested documentation must be submitted to this office within 30 days of receipt of this letter.

Other Issues

Concerns With Used Oil Storage

In Ohio, underground storage tanks, including those storing used oil, are regulated by the State Fire Marshall's Bureau of Underground Storage Tanks (BUSTR). I have sent an email to BUSTR alerting them to this tank. BUSTR may conduct an inspection of the Maintenance Building underground tank.

Other Information

A list of Ohio EPA DHWM guidance documents can be found at the following Internet site: <http://www.epa.state.oh.us/dhwm/guidancedocuments.html>. You can find copies of Ohio's hazardous waste laws and regulations at our web page at: <http://www.epa.state.oh.us/dhwm/Law&Reqs.html>.

The Division of Hazardous Waste Management has created an electronic news service to provide you with updates related to hazardous waste activities in Ohio. You can find more information and sign up for this free service at the following Web link: http://ohioepa.custhelp.com/cgi-bin/ohioepa.cfg/php/enduser/doc_serve.php?2=subscriptionpage.

The OEPA strongly encourages pollution prevention as the preferred approach for waste management. The first priority of pollution prevention is to eliminate the generation of wastes and pollutants at the source (source reduction). For those wastes and pollutants that are generated, the second priority is to recycle or reuse them in an environmentally sound manner. You can benefit economically, help preserve the environment and improve your public image through pollution prevention. More information about pollution prevention can be found on our website at <http://www.epa.state.oh.us/ocapp/ocapp.html>.

Should you have any questions regarding this letter, please contact me at (330) 963-1165.

Sincerely,



Neil J. Wasilk
Environmental Specialist
Division of Hazardous Waste Management

NJW:ddw

Enclosure

ec: Nyall McKenna, Ohio EPA, DHWM, NEDO
Harry Sarvis, Ohio EPA, DHWM, CO

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.

Ohio Environmental Protection Agency
**RCRA SUBTITLE C SITE
IDENTIFICATION/VERIFICATION FORM**

For Ohio EPA use only

E-mail this completed form to kristina.durnell@epa.state.oh.us
or mail it to Kristina Durnell, Central Office

Site EPA ID No.	EPA ID Number: OHD987053634	
Site Name	Name: MIRK INC.	Website: (Optional)
Site Location Information	Street Address: 7629 CHIPPEWA RD	State: OH
	City, Town, or Village: ORRVILLE	Zip Code: 44667
	County Name: WAYNE	
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"/>
NAICS code(s)		
www.census.gov/epod/www/naics.html		

Facility Representative	First Name: Jeff	MI:	Last Name: Henes
Additional names can be recorded in number 12	Phone Number: (330) 669-2000	Phone Number Extension:	
	E-Mail Address:	Fax Number Extension:	
	Fax Number:	Zip Code:	
	Street or P.O. Box:		
	City, Town or Village:		
Only provide address information if it is different than the site address:	State:		

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: MIRK INC.		Date Became Owner (mm/dd/yyyy):	
	Owner Type:	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"/>		
	Street or P.O. Box:	Owner Phone #:		
	City, Town or Village:	Country:		Zip Code:
	State:	Date Became Operator (mm/dd/yyyy):		
	Name of Site's Operator:	Operator Phone #:		
	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:	United States		Zip Code:
	City, Town or Village:			
	State:			

VIOLATIONS CITED? Yes No

TYPE OF HANDLER-- A MINIMUM OF ONE BOX MUST BE CHECKED

<input type="checkbox"/> Not a HW Generator	<input type="checkbox"/> UNKNOWN: Cited for violation of 3745-52-11	<input type="checkbox"/> Large Quantity Generator (LQG)
		<input type="checkbox"/> Small Quantity Generator (SQG)
		<input checked="" type="checkbox"/> Conditionally Exempt Small Quantity Generator
		<input type="checkbox"/> U.S. Importer of Hazardous Waste
		<input type="checkbox"/> Mixed Waste (Hazardous and Radioactive) Generator

TYPE OF REGULATED WASTE ACTIVITY (MARK "X" IN ALL OF THE APPROPRIATE BOXES)

Recycler of Hazardous Waste
 Underground Injection Control Facility
 Hazardous Waste Transporter
 Treater, Storer or Disposer of Hazardous Waste

Exempt Boiler and/or Industrial Furnace
 Small Quantity On-Site Burner Exemption
 Smelting, Melting, Refining Furnace Exemption

UNIVERSAL WASTE ACTIVITIES (INDICATE TYPES OF UNIVERSAL WASTE MANAGED)
(CHECK ALL BOXES THAT APPLY)

Small Quantity Handler of Universal Waste
 Large Quantity Handler of Universal Waste (accumulates 5,000-lb. or more)
 Destination Facility for Universal Waste

CHECK ALL BOXES BELOW THAT APPLY FOR THE TYPES OF UNIVERSAL WASTE THE FACILITY MANAGES

Batteries
 Pesticides
 Mercury containing equipment
 Lamps

USED OIL ACTIVITIES (INDICATE TYPE(S) OF ACTIVITY(S))

Used Oil Generator
 Used Oil Transporter
 Used Oil Transfer Facility
 Used Oil Processor
 Used Oil Re-refiner
 Off-Specification Used Oil Burner
 Used Oil Fuel Marketer Who Directs Shipment of Off-Spec. Oil
 Used Oil Fuel Marketer to Off-Specification Used Oil Burner

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, F001, U111). 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.

D001 D008 F003 F005

COMMENTS. USE THIS AREA TO DESCRIBE WHETHER THE INSPECTION WAS ANNOUNCED, WHETHER THE WASTE IS STORED IN TANKS OR CONTAINERS, ETC.

Announced Yes No Additional Facility Representatives:

Tanks Yes No Other Comments: An unannounced inspection visit was made on 5-5-09. However

Containers Yes No Mr. Henes was not present that day and inspection was re-scheduled for 5-12-09.

Name of Inspector(s) Name of Inspector(s) Date of Inspection/Time (mm/dd/yyyy) (hh:mm)

N. Wasil J. Paquelet 5-12-09 09:05 a.m.

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)

MIRK

CONDITIONALLY EXEMPT SMALL QUANTITY GENERATOR REQUIREMENTS
COMPLETE AND ATTACH A PROCESS, WASTE, P2 SUMMARY SHEET

CESQG: #100Kg. (Approximately 25-30 gallons) of waste in a calendar month or < 1 Kg. of acutely hazardous waste.

SQG: Between 100 and 1,000 Kg. (About 25 to under 300 gallons) of waste in a calendar month.

LQG: \leq 1,000 Kg. (~300 gallons) of waste in a calendar month or \leq 1 Kg. of acutely hazardous waste in a calendar month.

NOTE: To convert from gallons to pounds: Amount in gallons x Specific Gravity x 8.345 = Amounts in pounds.

Safety Equipment Used:

WASTE EVALUATION

1. Have all wastes generated at the facility been adequately evaluated? [3745-52-11] Yes No N/A

GENERATOR CLASSIFICATION *USED FLUORESCENT LAMPS NOT EVALUATED*

2. Does the generator produce <100 kg. of hazardous waste per month? [conditionally exempt small quantity generator ("CESQG")] Yes No N/A

NOTE: If quantities of hazardous waste accumulated on-site at any one time exceed 1,000 Kg. - or the generator produces between 100 and 1,000 Kg. of hazardous waste per month, it is operating as a Small Quantity Generator ("SQG"). If so, complete the Small Quantity Generator Requirements checklist.

OFF-SITE SHIPMENT OF HAZARDOUS WASTE

3. Does the CESQG ensure delivery of hazardous waste(s) to an off-site permitted TSD? [3734.02(F)] Yes No N/A

TREATMENT OF HAZARDOUS WASTE

4. Does the generator treat hazardous waste in a:
- a. Container that meets 3745-66-70 to 3745-66-77? Yes No N/A
 - b. Tank that meets 3745-66-90 to 3745-66-101 except 3745-66-97(C)? Yes No N/A
 - c. Drip pads that meet 3745-69-40 to 3745-69-45? Yes No N/A
 - d. Containment building that meets 3745-256-100 to 3745-256-102? Yes No N/A

NOTE: Complete appropriate checklist for each unit.

NOTE: If the CESQG conducts treatment they are subject to the LQG requirements.

NOTE: If waste is treated to meet LDRs, use LDR checklist.

REMARKS

MIRK

USED OIL INSPECTION CHECKLIST - MARKETERS

NOTE: 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.

PROHIBITIONS

1.	Does the Used Oil Marketer 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, scrap metal contaminated with used oil or used oil managed in a surface impoundment (i.e., pond).

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: All used oil burned for energy recovery is presumed to be off-specification until all requirements of OAC rule 3745-279-11 have been met.

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).

4.	Does the used oil fuel marketer initiate shipments of off-spec used oil only to a used oil burner that has a U.S. EPA ID# and burns the used oil in an industrial furnace or boiler identified in 3745-279-61(A)? [3745-279-71]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> <i>OIL NOT EVALUATED TO DETERMINE IF OFF-SPEC.</i>
5.	Does the generator, transporter, processor/re-refiner, or burner who first claims that the used oil meets the specification for used oil fuel under 3745-279-11 keep copies of analyses of the used oil (or other information used to make the determination) for at least three years? [3745-279-72(B)]	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
6.	Has the used oil marketer notified Ohio EPA or U.S. EPA and obtained a U.S. EPA ID#? [3745-279-73(A)]	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
7.	Does the used oil marketer keep a record of each shipment of off-spec used oil directed to a used oil burner? [3745-279-74(A)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> <i>OIL NOT EVALUATED TO DETERMINE</i>
a.	Does each record include the name and address of the transporter who delivers the used oil to the burner? [3745-279-74(A)(1)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> <i>IF OFF SPEC.</i>
b.	Does each record include the name and address of the burner who receives the oil? [3745-279-74(A)(2)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
c.	Does each record include the U.S. EPA ID# of the transporter that delivers the used oil to the burner? [3745-279-74(A)(3)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
d.	Does each record include the U.S. EPA ID# of the burner? [3745-279-74(A)(4)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
e.	Does each record include the quantity of the used oil shipped? [3745-279-74(A)(5)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
f.	Does each record include the date of shipment? [3745-279-74(A)(6)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
8.	Does the generator, transporter, processor/re-refiner, or burner who first claims that the used oil meets the fuel specifications under 3745-279-11 keep a record of each shipment of used oil to an on-spec used oil burner? [3745-279-74(B)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
a.	Does each record include the name and address of the facility receiving the shipment? [3745-279-74(B)(1)]	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
b.	Does each record include quantity of used oil fuel delivered? [3745-279-74(B)(2)]	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
c.	Does each record include date of shipment or delivery? [3745-279-74(B)(3)]	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
d.	Does each record include a cross-reference to the record of used oil	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>

[Facility Name/Inspection Date]

[ID Number]

	analysis or other information used to make the determination that the used oil meets the specification as required in 3745-279-72(A)? [3745-279-74(B)(4)]	
9.	Are the records described in 3745-279-74(A) and (B) maintained for at least three years? [3745-279-74(C)]	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
10.	Before the used oil generator, transporter or processor/re-refiner directs the first shipment of off-spec used oil to a burner, does he obtain a one time written and signed notice from the burner certifying that: <i>DIG NOT EVALUATED TO DETERMINE</i>	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
	a. The burner has notified Ohio EPA stating the location and general description of the used oil management activities? [3745-279-75(A)(1)] <i>IF OFF-SPEC.</i>	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
	b. The burner will burn the off-spec used oil only in an industrial furnace or boiler identified in 3745-279-61(A)? [3745-279-75(A)(2)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
11.	Is the certification maintained for at least three years from the date the last shipment of off-spec used oil was shipped to the burner? [3745-279-75(B)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>

MIRK INC.

**USED OIL INSPECTION CHECKLIST
GENERATORS, COLLECTION CENTERS AND AGGREGATION POINTS**

NOTE: 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.

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,	Yes <input type="checkbox"/> No <input checked="" 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 checked="" 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 checked="" 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 - BURNED IN COLUMBUS AT TOWN'S TRUCKING

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 checked="" 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"/>

NOTE: Ash accumulated in a space heater must be managed in accordance with 3745-279-10(E).

GENERATOR TRANSPORTATION

11.	Does the generator have the used oil hauled only by transporters that have obtained a U.S. EPA ID#? <i>HAVE OWNED ID #</i>	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input 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] <i>FOR TRANSPORTATION</i>	<i>SEE INSPECTION LETTER</i>
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"/>

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).

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 checked="" 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"/>

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.

NIRK
**USED OIL INSPECTION CHECKLIST
 TRANSPORTER AND TRANSFER FACILITIES**

NOTE: 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.

PROHIBITIONS

1.	Does the transporter or transfer facility 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, scrap metal contaminated with used oil or used oil managed in a surface impoundment (i.e., pond).

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).

TRANSPORTER AND TRANSFER FACILITIES

4.	Does the used oil transporter process used oil or store used oil for greater than 35 days? [3745-279-41(A)] If so:	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
	Is the used oil transporter in compliance with the requirements for processors/re-refiners in 3745-279-50 to 3745-279-59 (except as provided in 3745-279-41(B) and (C))? [3745-279-41(A)] (Complete Used Oil Processor/Re-refiner checklist.)	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
5.	Has the used oil transporter notified Ohio EPA or U.S. EPA and obtained a U.S. EPA ID#? [3745-279-42(A)]	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
6.	Has the used oil transporter delivered all used oil to:	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
a.	Another used oil transporter that has a U.S. EPA ID#? [3745-279-43(A)(1)]	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
b.	A used oil processing/re-refining facility that has a U.S. EPA ID#? [3745-279-43(A)(2)]	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
c.	An off-spec used oil burning facility that has a U.S. EPA ID#? [3745-279-43(A)(3)]	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
d.	An on-spec used oil burning facility? [3745-279-43(A)(4)]	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
7.	Has the used oil transporter complied with all applicable USDOT regulations (49 CFR 171 to 180)? [3745-279-43(B)] <i>NOT KNOWN</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
8.	Has the used oil transporter had a discharge of used oil? If yes: [OAC rule 3745-279-43(C)]	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
a.	Did they take immediate action to protect human health and the environment? [3745-279-43(C)(1)]	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
b.	Did they give notice (phone call), if required, to the national response center? [3745-279-43(C)(3)(a)]	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
c.	Did they report in writing to DOT per 49 CFR 171.16? [3745-279-43(C)(3)(b)]	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
d.	Did they give notice (phone call) to Ohio EPA - DERR? [3745-279-43(C)(3)(c)]	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
e.	If a water transporter, did they give notice per 33 CFR 153.203? [3745-279-43(C)(4)]	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>

[Facility Name/Inspection Date]

[ID Number]

Used Oil Checklist for Transporters/June 2008

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	f.	Did they clean up any used oil discharged during transportation or take any necessary action so the discharge no longer presents a hazard to human health or the environment? [3745-279-43(C)(5)]	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
9.		Has the used oil transporter determined whether the total halogen content of the used oil being transported or stored at a transfer facility is above or below 1000 ppm? [3745-279-44(A)] If yes, then;	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
	a.	How did transporter determine halogen level content:	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
	i.	Testing (approved SW-846 method)? or	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
	ii.	Applying knowledge of the halogen content of the used oil in light of the materials or processes used?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
<i>NOTE: If determination was not made by one of the two methods, then determination is not valid.</i>			
	b.	If halogens are equal to/above 1000 ppm, did the transporter successfully rebut the presumption the used oil was mixed with a listed hazardous waste?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
		If yes, what method did transporter use to rebut the presumption (e.g., testing, exclusion, generator process information, etc.) (describe below)	
		If no, did the transporter manage the material as a hazardous waste? [ORC 3734.02(E) and/or (F)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
<i>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.</i>			
10.		Does the transporter retain all records of analyses and information used to comply with 3745-279-44 for at least three years? [3745-279-44(D)]	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
11.		Does the owner/operator of a used oil transfer facility:	
	a.	Store used oil in tanks; or containers; or a unit(s) subject to regulation as a hazardous waste management unit? [3745-279-45(B)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
	b.	Store used oil in containers and aboveground tanks that are in good condition, with no visible leaks? [3745-279-45(C)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
	c.	Provide secondary containment for containers used to store used oil as required by 3745-279-45(D)? [3745-279-45(D)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
	d.	Provide secondary containment for existing aboveground tanks required by 3745-279-45(E)? [3745-279-45(E)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
	e.	Provide secondary containment for new aboveground tanks as required by 3745-279-45(F)? [3745-279-45(F)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
	f.	Label all containers, aboveground tanks, and fill pipes used for underground tanks with the words "Used Oil?" [3745-279-45(G)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
	g.	Upon detection of a release of used oil: [3745-279-45(H)]	
	i.	Stopped the release?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
	ii.	Contained the release?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
	iii.	Cleaned up and managed the used oil and other materials?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
	iv.	Repaired or replaced the containers or tanks prior to returning them to service, if necessary?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
12.		Does the used oil transporter keep a record of each shipment of used oil? [3745-279-46(A)]	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
	a.	Does each record include the name and address of the generator, transporter or processor/re-refiner who provides the used oil for transport? [3745-279-46(A)(1)]	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>

	b.	Does each record include the U.S. EPA ID# of the generator, transporter or processor/re-refiner (if applicable) that provides the used oil for transport? [3745-279-46(A)(2)]	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
	c.	Does each record include the quantity of used oil accepted? [3745-279-46(A)(3)]	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
	d.	Does each record include the date of acceptance? [3745-279-46(A)(4)]	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
	e.	Does each record include the signature of a representative of the generator, transporter, processor/re-refiner that provided the used oil for transport? [3745-279-46(A)(5)]	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
13.		Does the used oil transporter keep a record of each shipment of used oil that is delivered to another used oil transporter, burner, processor/re-refiner, or disposal facility? [3745-279-46(B)]	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
	a.	Does each record include the name and address of the receiving facility or transporter? [3745-279-46(B)(1)]	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
	b.	Does each record include the U.S. EPA ID# of the receiving facility or transporter? [3745-279-46(B)(2)]	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
	c.	Does each record include the quantity of used oil delivered? [3745-279-46(B)(3)]	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
	d.	Does each record include the date delivered? [3745-279-46(B)(4)]	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
	e.	Does each record include the signature of a representative of the receiving facility or transporter (intermediate rail transporters are not required to sign a record of delivery)? [3745-279-46(B)(5)]	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
14.		Does the used oil transporter who exports used oil to a foreign country comply with 3745-279-46(B)(1) to (B)(4)? [3745-279-46(C)]	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
15.		Does the used oil transporter retain all records required under 3745-279-46 for at least three years? [3745-279-46(D)]	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
16.		Does the used oil transporter generate residues from the storage or transportation of used oil?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
		If so, are they managed as specified in 3745-279-10(E)? [3745-279-47]	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>