



**Environmental
Protection Agency**

John Kasich, Governor
Robert Sprague, Lt. Governor
John P. Sweeney, Director

July 20, 2010

RE: RICK OLIVER PROPERTY
COMPLAINT # 7293
STARK COUNTY
NON GENERATOR/OHD004464871

Mr. Rick Oliver
2414 3rd Street SE
Canton, OH 44717

Dear Mr. Oliver:

On June 2, 2010, John Paquelet and I of the Ohio EPA Division of Hazardous Waste Management conducted a hazardous waste complaint investigation at a business located on your property at 2414 3rd Street S.E., Canton, Ohio. The purpose of the visit was to investigate a complaint received by Ohio EPA alleging that an individual running a business at the back of the building was scrapping automobiles and dumping oil and antifreeze on the ground. You represented the former business during the inspection.

You verified that the former tenant had been scrapping cars. As we walked around the back of the property we could see oil stained soil, numerous piles of tires, an uncovered drain pan filled with used oil, piles of plastic scrap (fans, etc), small piles of metal scrap, a pile of bricks, a few 5 gallon pails containing more used oil, and small piles of unidentifiable scrap. You informed us that you were in the process of cleaning up the clutter since the former tenant had passed away.

Based on our conversation and walk through of the property, the complaint appears to be valid. We did note that the front of the property where two small mechanic shops are operating did not have any stained soil or piles of miscellaneous scrap.

I have enclosed copies of the inspection checklists used for this investigation and copies of the pictures that I took.

The following violations were noted:

- 1. Ohio Administrative Code (OAC) 3745-279-22(C)(1); Containers and above ground tanks that are used to store used oil must be labeled with the words, "Used Oil".**

A drain pan and other pails were noted to contain used oil. To abate this violation you must consolidate all used oil on the property into a container and label that container with the words "Used Oil". Please provide a picture of the labeled container.

2. OAC 3745-279-22(D); Generator must respond to used oil releases and perform cleanup steps.

We observed areas of gravel/soil along the driveway by the back garage which were heavily stained with what appeared to be used oil.

OAC rule 3745-279-22(D) requires that a generator of used oil, upon detection of a release of used oil, must stop the release, contain the release, and clean up and properly manage the used oil and other materials generated during clean up.

As we discussed during the site visit, contaminated soil and debris from the clean up may be managed as solid waste in a trash dumpster, provided that this is acceptable to your trash hauler.

Ohio EPA uses a visual standard when determining whether a cleanup of released used oil and any media absorbing that used oil is adequate. Ohio EPA does not require confirmatory soil sampling and analysis to demonstrate that the release has been cleaned up.

To return to compliance with this violation you must:

- a. clean up and remove all releases of used oil and contaminated soils identified by me and any additional releases you may find,
- b. contain all used oil in a closed container that is in good condition and labeled with the words used oil; and
- c. Provide photos of the areas after clean up.

Concerns/Recommendations

1. We noted many scrap tires which must be removed from your property. You will need to keep the receipts from their removal for your files. Additionally, please send a copy of the receipts to me as well as photographs documenting that all the tires have been removed. I have enclosed a list of licensed scrap tire facilities and registered scrap tire transporters for your use.
2. All piles of scrap metal, plastic, and miscellaneous material should be removed from your property. Please send photographs documenting that the site has been cleaned up.
3. Vogt Polishing & Plating Company was a plating business formerly operating at this location and had been assigned a U.S. EPA identification number, OHD004464871. When the company closed, the ID number was deactivated.

Send to Central Office <input type="checkbox"/>	Ohio Environmental Protection Agency RCRA SUBTITLE C SITE IDENTIFICATION/VERIFICATION FORM	For Ohio EPA use only
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Completed verification forms required to be submitted to CO should be e-mailed to paula.canter@epa.state.oh.us.

Site EPA ID No.	EPA ID Number: OHD004464871	
Site Name	Name: Rick Oliver Property	Website: (Optional)
Site Location Information	Street Address: 2414 3rd Street S.E.	
	City, Town, or Village: Canton	State: OH
	County Name: Stark	Zip Code: 44717
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/epcd/www/naics.html		

Facility Representative	First Name: Rick	MI:	Last Name: Oliver
	Title: Owner of the property		
Additional names can be recorded in number 12	Phone Number: 330-453-2090 c330-323-3852	Phone Number Extension:	
	E-Mail Address:		
Only provide address information if it is different than the site address	Fax Number:	Fax Number Extension:	
	Street or P.O. Box: 2414 3rd Street S.E.		
	City, Town or Village: Canton		Zip Code: 44717
	State: Ohio		

Legal Owner And Operator of the Site.	Name of Site's Legal Owner: Rick Oliver		Date Became Owner (mm/dd/yyyy): May 2005	
List Additional Owners and/or Operators in the Comment Section or on another copy of this form page	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: 2414 3rd Street S.E.		Owner Phone #: c 330-323-3852	
	City, Town or Village: Canton		Country: USA Zip Code: 44717	
	State: Ohio			
	Name of Site's Operator:		Date Became Operator (mm/dd/yyyy):	
	Operator 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:		Operator Phone #:	
	City, Town or Village:		Country	
	State:		Zip Code:	

VIOLATIONS CITED? Yes No

TYPE OF HANDLER - MARK "X" AS APPROPRIATE

<input checked="" type="checkbox"/> Not a HW Generator	<input type="checkbox"/> UNKNOWN: Cited for violation of 3745-52-11 <input type="checkbox"/> Short-Term Generator (generates from a short-term or one-time event and not from on-going processes). <i>Check the box for the applicable generator status and provide a comment.</i>	<input type="checkbox"/> Large Quantity Generator (LQG) <input type="checkbox"/> Small Quantity Generator (SQG) <input 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
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TYPE OF REGULATED WASTE ACTIVITY (MARK "X" IN ALL OF THE APPROPRIATE BOXES)

- | | |
|---|--|
| <input type="checkbox"/> Hazardous Waste Transporter | <input type="checkbox"/> Exempt Boiler and/or Industrial Furnace |
| <input type="checkbox"/> Hazardous Waste Transfer Facility | <input type="checkbox"/> Small Quantity On-Site Burner Exemption |
| <input type="checkbox"/> Treater, Storer or Disposer of Hazardous Waste | <input type="checkbox"/> Smelting, Melting, Refining Furnace Exemption |
| <input type="checkbox"/> Recycler of Hazardous Waste | <input type="checkbox"/> Underground Injection Control Facility |
| | <input type="checkbox"/> Receives Hazardous Waste from Off-site |

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

- | | |
|---|---|
| <input type="checkbox"/> Small Quantity Handler of Universal Waste | <input type="checkbox"/> Destination Facility for Universal Waste |
| <input type="checkbox"/> Large Quantity Handler of Universal Waste
(accumulates 5,000 kg. or more) | |

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, F007, U112). Use an additional page or list them in the comments if more space is needed. If the waste codes are the same as listed in the most recent RCRAinfo source record, you do not need to list them. Instead just indicate the date of the most recent source record.

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
 Containers Yes No

Name of Inspector(s)
Marlene Kinney

Name of Inspector(s)
John Paquet

Date of Inspection/Time
 (mm/dd/yyyy) (hh:mm)
06/02/2010

Comments:

Rick Oliver owns this property. He can lease space to 3 small businesses and has two tenants operating auto mechanic shops, mostly working on brakes, do not do oil changes. The third area that can be leased was the area subject to the complaint. Former tenant had been scrapping cars and caused a release of used oil. Former tenant passed away. Rick Oliver is working on the clean up. Cited used oil violation. Potential solid waste violations so Canton Health Department notified.

**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.

PROHIBITIONS

1. Does the generator manage used oil in a surface impoundment or waste pile? If yes: Yes No N/A

a. Is the surface impoundment or waste pile regulated as a hazardous waste management unit? [3745-279-12(A)] Yes No N/A

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 No N/A

3. Is off-specification used oil fuel burned for energy recovery in devices specified in 3745-279-12(C)? Yes No N/A

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 No N/A

a. Is the mixture managed as specified in 3745-279-10(B)? [3745-279-21(A)] Yes No N/A

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 No N/A

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 No N/A

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

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 *Not using containers or tanks*

9. Has the generator, upon detection of a release of used oil, done the following: [3745-279-22(D)] Yes No N/A

a. Stopped the release? Yes No N/A

b. Contained the release? Yes No N/A

c. Cleaned up and properly managed the used oil and other materials? Yes No N/A

d. Repaired or replaced the containers or tanks prior to returning them to service, if necessary? *need to place used oil in a closed container* Yes No N/A

[Facility Name/Inspection Date]

[ID Number]

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 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"/>
<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 checked="" type="checkbox"/> N/A <input type="checkbox"/>
12.	If the generator self-transported 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 checked="" 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 checked="" 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 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"/>
<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>		