



State of Ohio Environmental Protection Agency

Northeast District Office

2110 East Aurora Rd.  
Twinsburg, Ohio 44087

TELE: (330) 963-1200 FAX: (330) 487-0769  
www.epa.state.oh.us

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

April 9, 2008

RE: SMITH & THOMPSON TREE SERVICE  
COLUMBIANA COUNTY  
CESQG, COMPLAINT NO. 7094  
NOTICE OF VIOLATION

Diana and Chuck Smith  
Smith & Thompson Tree Service  
46368 Y&O Road  
East Liverpool, OH 43920

**CERTIFIED MAIL**

Dear Mr. Smith:

On March 29, 2008, representing the Ohio EPA's Division of Hazardous Waste Management, I conducted a complaint investigation at your facility (46368 Y&O Road in Glenmoor) due to a reported release onto a neighboring property. Diana Smith represented the facility during the inspection.

**Complaint**

The complaint alleged that oils and fuel had discharged onto a neighboring residence. A previous complaint, #6744, reported that Smith & Thompsons dumping over the hillside was killing the neighboring grass and bushes.

**Facility Operations and Visual Inspection**

Facility services and operations are understood to include tree trimming/removal, snow plowing, salting and vehicle refueling and maintenance operations. During a previous inspection of the maintenance garage, two parts washers were identified. A gallon container of "Crossfire Fast Reducer" was observed at the parts washers. The can indicated it contained methyl ethyl ketone, toluene and acetone. When disposed, this solvent would be considered a hazardous waste and must be disposed accordingly. At the time of that inspection, disposal of vehicle antifreeze was observed being made to a floor drain in the central vehicle maintenance area. The drain was reported to discharge to storm water. At the time, you could not show me where spent coolants were collected but claimed this was the first time anything was drained to this drain. I asked that this drain trap or sump, if present, be pumped of all fluids for proper disposal.

During the current inspection a parts washer was observed present. Below a vehicle under the westernmost drain, the concrete surrounding this drain had been stained with oil but had been cleaned up.

This facility does not have a sanitary connection, holding tank or septic system. My previous letter, dated January 5, 2006, identified that the discharge of fluids, wash and rinse waters, or sanitary waste water to drains or surface water at this property is a violation of ORC 3734-6111-03. It was asked that this drain be plugged and that you permanently eliminate all such discharge points to avoid further action in this matter by the Ohio EPA.

Prior to construction it was reported the site area was low and swampy and your building tends to flood from storm water run-on. This flooding appears to exacerbate the releases. In addition, there appears to be a footer and/or storm drain that is connected to floor drains. In any manner, this connection appears to be illegal whether connected to storm, septic or a sanitary system. This connection must be immediately corrected and the storm water properly conveyed.

## NOTICE OF VIOLATION

The following violation of Ohio's hazardous waste regulations were found during the inspection:

1. **OAC 3745-279-22(D) Response to Releases of Used Oil:** "Upon the detection of a release of used oil to the environment, a generator shall...stop the release and ...clean up and manage properly the released used oil..." Visibly oily stained ground having a fuel odor was observed contaminating a neighboring residence. You and I observed that the source fluid, in a pipe from your building, had an oily sheen on it. This pipe was reported to be connected to the floor drains in your maintenance building.

To return to compliance:

- 1) Immediately stop the release and remove and properly dispose of all oil and oily fuel stained ground on and adjoining your property. Proper clean up requires all visually stained ground be removed and properly disposed. Contamination containing only "Used Oil" is typically disposed as a solid waste at a licensed and permitted solid waste facility.
- 2) Restore the ground surface to the pre-existing condition and insure that a suitable clean fill material is used.
- 3) Immediately disconnect the floor drain from the storm/footer drain piping. The floor drain must be permanently plugged or any discharge captured for proper disposal.
- 4) Eliminate all process water, wash/rinse water and fluid discharge to the environment from the facility.
- 5) Provide receipt documentation or management information that shows antifreeze, parts washer fluid, used oils and fluorescent lamps have been properly disposed and managed since the time of the last inspection.

Please provide photos and written documentation that each of the above items have been completed. Please send this to my attention **within 30 days** of receipt of this letter.

I have been in contact with your neighbor Mr. Clark Wilson and he appears agreeable to allow you access to have his property cleaned up and restored. Mr. Wilson may be reached at: (330) 385-4568 to make the necessary arrangements and agreements.

## CONCERNS

The following concerns were included in the first inspection and Notice of Violation letter dated January 5, 2006:

1. Radiator coolant was observed being disposed to a floor drain in the maintenance building that connects to a storm drain. The building is understood not to have a sanitary connection or holding tank. Vehicle fluids and wash or rinse waters should not be disposed to septic or storm systems. **This disposal is a violation of ORC 3734-6111-03.** You were asked to remove from the drain any amount of fluid that could be captured for proper disposal. This drain should be immediately plugged. Joe Trocchio, of the Ohio EPA Division of Surface Water (DSW) may have additional requirements or recommendations. Mr. Trocchio may be reached at (330) 963-1200.

SMITH & THOMPSON TREE SERVICE  
APRIL 9, 2008  
PAGE - 3 -

2. Based on the quantity of fuel and fuel oil stored (>1,320 gallons) you may be required to develop a Spill Prevention Control and Countermeasure (SPCC) plan. A Fact Sheet regarding the Understanding of SPCC Requirements is found at: <http://www.epa.state.oh.us/derr/ersis/er/spcc.html> or <http://www.epa.state.oh.us/sbao/publications/spcc.pdf>. and at: [epa.gov/oilspill](http://epa.gov/oilspill). Bruce Miller of the Ohio EPA's Division of Emergency Response has been notified of this concern.

Enclosed please find a copy of the Used Oil Inspection Checklist and the Inspection Checklist for Conditionally Exempt Small Quantity Generators that was completed for the inspection. Also enclosed are photos that show the approximate extent of the affected area. You can find copies of the rules and other information on the DHWM's web page at <http://www.epa.state.oh.us/dhwm>. Other useful information from Ohio EPA about pollution prevention may be found at <http://www.epa.state.oh.us/opp>.

If you have any questions, please feel free to contact me at (330) 963-1146 or at: [ron.shadrach@epa.state.oh.us](mailto:ron.shadrach@epa.state.oh.us).

Sincerely,



Ronald J. Shadrach  
Environmental Specialist  
Division of Hazardous Waste Management

RJS:ddw

Enclosures

ec: Jim Irwin, ER, NEDO  
Joe Trocchio, DSW, NEDO  
Frank Popotnik, DHWM, NEDO  
Bruce Miller, DERR, NEDO  
Harry Sarvis, DHWM, CO

<p><b>NOTICE:</b> Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve your company from having to comply with all applicable regulations.</p>
--

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

For Ohio EPA use only

E-mail this completed form to [tammy.mcconnell@epa.state.oh.us](mailto:tammy.mcconnell@epa.state.oh.us) or mail it to Tammy McConnell, Central Office

- 2. ~~Site EPA ID No~~
- 3. Site Name
- 4. Site Location Information
- 5. Site Land Type (check only one)
- 6. NAICS code(s)
- 7. Facility Representative

Additional names can be recorded in number 12

Only provide address information if it is different from the site address

8. 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

EPA ID Number: CESQG									
Name: Smith & Thompson Tree Service					Website: (Optional)				
Street Address: 46368 Y&O Road									
City, Town, or Village: Glenmoor (East Liverpool)					State: OH				
County Name: Columbiana					Zip Code: 43920				
Private	County	District	Federal	Indian	Municipal	State	Other		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
First Name: Chuck or Diana			MI:	Last Name: Smith					
Phone Number: 330-386-9345					Phone Number Extension:				
E-Mail Address:									
Fax Number:					Fax Number Extension:				
Street or P.O. Box:									
City, Town or Village:									
State:					Country:			Zip Code:	
Name of Site's Legal Owner:					Date Became Owner (mm/dd/yyyy):				
Owner Type:	Private	County	District	Federal	Indian	Municipal	State	Other	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Street or P.O. Box:									
City, Town or Village:					Owner Phone #:				
State:					Country:			Zip Code:	
Name of Site's Operator:					Date Became Operator (mm/dd/yyyy):				
Owner Type:	Private	County	District	Federal	Indian	Municipal	State	Other	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Street or P.O. Box:									
City, Town or Village:					Operator Phone #:				
State:					Country:			Zip Code:	

9. Violations Cited?

10A. Type of Regulated Waste Activity (Mark 'X' in all of the appropriate boxes)

<input type="checkbox"/> Not Regulated	<input type="checkbox"/> Conditionally Exempt Small Quantity Generator
<input type="checkbox"/> UNKNOWN: Cited for violation of 3745-52-11	<input type="checkbox"/> United States Importer of Hazardous Waste
<input type="checkbox"/> Large Quantity Generator (LQG)	<input type="checkbox"/> Mixed Waste (Hazardous and Radioactive) Generator
<input type="checkbox"/> Small Quantity Generator (SQG)	
<input type="checkbox"/> Hazardous Waste Transporter	<input type="checkbox"/> Exempt Boiler and/or Industrial Furnace
<input type="checkbox"/> Treater, Storer or Disposer of Hazardous Waste	<input type="checkbox"/> Small Quantity On-Site Burner Exemption
<input type="checkbox"/> Recycler of Hazardous Waste	<input type="checkbox"/> Smelting, Melting, Refining Furnace Exemption
<input type="checkbox"/> Underground Injection Control Facility	

9B 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  
 Destination Facility for Universal Waste (accumulates 5,000 lbs or more)

Check all boxes below that apply for each of the three types of facilities above

	Managed	10C Used Oil Activities (Indicate Types) or Activities	
Batteries	<input type="checkbox"/>	<input checked="" type="checkbox"/> Used Oil Generator	<input type="checkbox"/> Off-Specification Used Oil Burner
Pesticides	<input type="checkbox"/>	<input type="checkbox"/> Used Oil Transporter	<input type="checkbox"/> Used Oil Fuel Marketer Who Directs Shipment of Off-Spec. Oil
Mercury containing equipment	<input type="checkbox"/>	<input type="checkbox"/> Used Oil Transfer Facility	<input type="checkbox"/> Used Oil Fuel Marketer to Off-Specification Used Oil Burner
Lamps	<input checked="" type="checkbox"/>	<input type="checkbox"/> Used Oil Processor	
		<input type="checkbox"/> Used Oil Re-refiner	

11. 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 prescribed in the regulations (e.g., D001, D003, F007, U112). 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 RCRA title source record, you do not need to list them all. Instead just indicate the date of the most recent source record.

D001 F005

12. Comments: Use this area to describe whether the inspection was announced, whether the waste is stored in tanks or containers, etc.

Announced	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Additional Facility Representatives:
Tanks	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Other Comments: Complaint inspection #7094
Containers	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	

13. Name of Inspector(s) Name of Inspector(s) Date of Inspection Time (mm/dd/yyyy) (hh:mm)  
**Ron Shadrach, DHWM, NEDO** 3/29/2008 11:15

14. 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)

### USED OIL INSPECTION CHECKLIST (Short Version)

**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# \_\_\_
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# 1
- b. Contained the release? Yes \_\_\_ No  N/A \_\_\_ RMK# 1
- c. Cleaned up and properly managed the used oil and other materials? Yes \_\_\_ No  N/A \_\_\_ RMK# 1

- d. Repaired or replaced the containers or tanks prior to returning them to service, if necessary? Yes \_\_\_ No  N/A  RMK# \_\_\_
10. Does the generator burn used oil in used fired space heaters? [3745-279-23] If so: Yes \_\_\_ No  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 than 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 \_\_\_ No  N/A \_\_\_ RMK# 2

#### 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# \_\_\_

C:\Documents and Settings\RShadrach\My Documents\iFolder\Complaints\Smith&Thompson\2nd complaint\USED OIL.SHORT2.wpd

#### REMARKS

1. Used oil and fuel mix apparently released into facility floor drains discharged through a combined storm and floor drain pipe onto a neighboring property. Photos attached in file.
2. You must ensure Used Oil is transported only by transporters that have a U.S. EPA identification number. You may self transport no more than 55 gallons of used oil at any time.

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

CESQG:  $\leq 100$  Kg. (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:  $\geq 1,000$  Kg. (~300 gallons) of waste in a calendar month or  $> 1$  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**

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**

Some use oil fluids mixed with fuels have been released to the environment through facility drains. An NOV letter dated April 2008 requested that the facility demonstrate proper management and disposal of universal and hazardous waste.