



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

October 15, 2009

**RE: TIGER SAND AND GRAVEL
OHD 990 834 129
COMPLAINT # 7242
NOTICE OF VIOLATION**

Steve DiPietro
Tiger Sand and Gravel
4141 Southway St. SW
Canton, OH 44706

Dear Mr. DiPietro:

On September 17, 2009, Patricia Natali and I of the Ohio EPA, Division of Hazardous Waste Management, conducted an inspection of Tiger Sand and Gravel located at 411 Oberlin Road SW, Massillon, Ohio. We met with Mike Bobkoskie and Joe Halter. The purpose was to investigate a complaint and to determine if Tiger Sand and Gravel was in compliance with 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 a possible corrosive material is being applied to the roads at the facility to control dust. It was also alleged that brine is pumped into an old Republic Steel tank that is labeled "hydrofluoric acid". Mr. Bobkoskie explained that there are gas wells on this property and that a contractor removes brine from these wells, transports it off site and, on occasion, at the request of Tiger Sand and Gravel, will spray it on the roads to control dust. He said this is allowed by the Ohio Department of Natural Resources regulations. He also stated the old Republic Steel tank had been used in the past to store the brine but is currently only sprayed from the contractor's truck onto roads or shipped off site.

On the phone on October 7, 2009, you told me that brine is not sprayed and that you sometimes have a company spray water to control dust.

If you plan to spray brine in the future, I suggest you contact Tom Tomastik of the Ohio Department of Natural Resources regarding regulations that may apply to such spraying. His phone number is (614) 265-1032 and his e-mail is tom.tomastik@dnr.state.oh.us.

OAC 3745-51-04(B)(5) states that drilling fluids, produced waters, and other wastes associated with the exploration, development, or production of crude oil, natural gas or geothermal energy are not hazardous wastes. Therefore, the brine from your gas wells is not regulated by Ohio EPA's Division of Hazardous Waste Management.

Steve DiPietro
Tiger Sand and Gravel
October 15, 2009
Page 2

The following violation was found during the inspection. A written response to this violation is required within 30 days.

1. 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. I have enclosed our Used Oil Generator Guidance which can be found at http://www.epa.ohio.gov/dhwm/used_oil.aspx.

Tiger Sand and Gravel violated this rule by having what appeared to be used oil on the ground at the used oil tank next to the maintenance building and at the main door of this building. The contaminated soil/gravel must now be removed and disposed of properly. If it is only contaminated with used oil, then it may be disposed of as a solid waste. **Please send me a photograph showing that this has been done.**

COMMENTS:

1. We saw a burn barrel next to the maintenance garage which had some unburned plastic in it. I was told the plastic will be removed before a fire is started. I have enclosed a fact sheet regarding Ohio's open burning regulations which can also be found at <http://www.epa.ohio.gov/dapc/general/openburning.aspx>.
2. We saw what appeared to be a storm drain grate and sump just outside the main door of the maintenance garage. It had a green liquid in it. We were told that it is a sump with no outlet drains and that a contractor pumps out and disposes of the liquid and sludge when needed. **Please send me a copy of the shipping papers for the last time this was done.** The fact sheet Do You Know Where Your Floor Drains Go? Is enclosed.
3. Mr. Bobkoskie told us that no waste fluorescent lamps have been generated. I have enclosed a fact sheet called Universal Waste Rules for Handlers of Lamps which can also be found at <http://www.epa.ohio.gov/dhwm/fluorescent.aspx>. When waste lamps are generated you should follow the rules listed in that fact sheet which, on the most basis level, require them to be stored in containers to prevent breakage and eventually have a company pick them up for recycling.

My understanding is that Tiger Sand and Gravel now owns both the former Massillon Stainless facility located at 411 Oberlin Road, SW and the former Republic Technologies facility located at 410 Oberlin Road, SW. Both of these facilities had EPA hazardous waste identification numbers: OHD 990 834 129 for Massillon Stainless and OHD 066 034 729 for Republic Technologies. EPA hazardous waste identification numbers stay associated with a particular piece of property but, in order to be used, the

Steve DiPietro
Tiger Sand and Gravel
October 15, 2009
Page 3

current owner should notify the EPA. The company name, contact information, owner name, etc. associated with these identification numbers can be changed by calling Kristina Durnell at (614) 644-2917, or on our web site at <http://www.epa.ohio.gov/dhwm/notiform.aspx>.

If this facility generates over 220 pounds of hazardous waste during a calendar month, then you would need to notify Ohio EPA at the above contact(s).

Other Information and Suggestions:

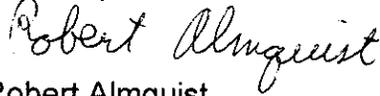
- I have enclosed the document Adding a Filter to Your Parts Washer which can also be found at <http://www.iwrc.org/downloads/pdf/partsWasher1x1.pdf>. Adding such a filter may extend the useful life of your parts washing solvent and save you money on buying new.
- Ohio EPA's Office of Compliance Assistance and Pollution Prevention (OCAPP) provides compliance and pollution prevention assistance on environmental issues (including sources of funding) related to air, land, and water. They can be contacted at (800) 329-7518 or <http://www.epa.ohio.gov/ocapp>
- Entrepreneurs for Sustainability is a group that seeks to "build a sustainable regional economy in Northeast Ohio that will create prosperity and total community health." They offer workshops, conferences, a business to business directory and more. Their web site is at <http://www.e4s.org/content/index.asp>.
- ENERGY STAR is a government-backed program helping businesses and individuals protect the environment through superior energy efficiency. Their web site is at: <http://www.energystar.gov/>.
- The Clean Air Resource Center offers help in understanding EPA air quality requirements. In addition, if your business is required to purchase new equipment, they can offer better-cost financing with special tax incentives. Their phone number is (800) 225-5051 and web site is <http://www.ohioairquality.org/>.

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

Steve DiPietro
Tiger Sand and Gravel
October 15, 2009
Page 4

If you have any questions, please contact me by phone at (330) 963-1217, or e-mail at robert.almquist@epa.state.oh.us.

Sincerely,



Robert Almquist
Division of Hazardous Waste Management

RA:cl
Enclosures

cc: Marlene Kinney, DHWM, NEDO
Mike Bobkoskie, Tiger Sand and Gravel
Rebecca Florjancic, HzW Environmental

ec: Frank Popotnik, DHWM, NEDO
Harry Sarvis, DHWM, CO
Natalie Oryshkewych, DHWM, NEDO
Bill Lutz, DHWM, NEDO
Kristina Durnell, DHWM, CO
Phil Rhodes, DSW, NEDO
Tom Tomastik, Ohio Department of Natural Resources

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.

Process and Waste Summary for:				
Tiger Sand and Gravel, OHD 990 834 129, nongenerator, 9-17-09 inspection				
#	Process generating the waste	Waste details	On-site management	Off-site management
1	Equipment and vehicle maintenance	Used oil	Burned in space heater	
2	Runoff from maintenance building	Green liquid	Stored in outside sump	Picked up for disposal
3	Parts washing	Waste solvent	Burned in a space heater	

**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 <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 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 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"/>
----	--	--

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 checked="" type="checkbox"/> No <input 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 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 type="checkbox"/> No <input checked="" 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		
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 checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
b.	Is the heater designed to have a maximum capacity of not more than 0.5 million BTU per hour?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
c.	Are the combustion gases from heater vented to the ambient air?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input 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 type="checkbox"/> N/A <input checked="" 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]	
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 checked="" 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"/>
<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>		