



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

July 31, 2008

RE: VALENTINE CONTRACTORS
STARK COUNTY
NON-NOTIFER
NOTICE OF VIOLATION (NOV)
COMPLAINT NUMBER 7053

Mr. James E. Valentine
Valentine Contractors
7680 Whipple Ave. NW
North Canton, OH 44720

Dear Mr. Valentine:

On July 16, 2008, I, as a representative of the Ohio EPA Division of Hazardous Waste Management, conducted an inspection of Valentine Contractors, located at 7680 Whipple Ave. NW, North Canton, Ohio, for compliance with Ohio's hazardous waste and used oil regulations. You represented Valentine Contractors during the inspection. Ohio EPA had received a complaint alleging that the facility was storing about fifty 55-gallon drums and about one hundred 5-gallon pails of unknown contents near the fence on its property.

The facility's primary use at this time is for materials storage, equipment storage and maintenance for a masonry construction business. Previously the facility was used for materials storage, equipment storage and maintenance for a concrete construction business. The cement business ceased operating several years ago. Many of the drums and containers that were the subject of the complaint were reportedly from materials left from the concrete construction business.

The local fire department (Jackson Township Fire Department) apparently had also been notified about the drums and containers that were the subject of the complaint, as the fire department had visited the facility around January of this year. As a result of that visit the facility had begun to address the drums and containers. Some of the non-hazardous wastes and used oils had been disposed. The facility was working with Vexor to evaluate the others. Nearly all of the drums and containers were being stored indoors.

Materials observed to be present included approximately 135 5-gallon pails on 5 pallets in the warehouse. These are mostly materials from the concrete business that are being held for Vexor to sample and/or evaluate. The facility reported that some of the materials in the containers were still usable by someone in the concrete business. However, the facility will discard now as it is no longer in that business. I also observed several drums of materials outdoors that should be evaluated to see if they are wastes, and if so, if they are hazardous wastes.

The inspection included a review of the facility's operations, as well as the waste management practices and documentation. Valentine Contractors Equipment was inspected to determine compliance with the requirements for a conditionally exempt small quantity generator (CESQG) of hazardous waste. If as Valentine Contractors evaluates containers still onsite it is determined that the quantity of hazardous waste on-site exceeded 2,200 pounds, additional violations may be cited.

Based on observations made during the facility walk-through, Ohio EPA has determined that Valentine Contractors 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..."

Valentine Contractors has not yet evaluated the approximately 135 5-gallon pails on 5 pallets in the warehouse as required by OAC Rule 3745-52-11.

Valentine Contractors has not yet determined if the following materials located outdoors are wastes, and if so, whether they are hazardous wastes:

- One blue plastic drum about 20 gallons from "State Chemical".
- Two white 55-gallon drums with no labels.
- One 55-gallon drum in containment box for diesel tank.
- One 5-gallon pail of ZEP brake wash.

To return to compliance the facility must:

- Evaluate all wastes identified above to determine if they are hazardous wastes;
- Determine if there are any other wastes currently at the facility that are not named above, and if so, evaluate all such wastes to determine if they are hazardous wastes;
- Dispose all hazardous wastes in accordance with the hazardous waste rules;
- Provide a list of which of these wastes were usable prior to disposal, so that generator category can be determined (on site storage of less than 2,200 pounds of waste is required to retain the CESQG status).
- Provide documentation of results of the waste evaluation and waste disposal to this office within 30 days of receipt of this letter.

2. OAC 3745-279-22(C)(1) Used oil containers and tanks must be labeled with the words Used Oil

Valentine Contractors collects used oil from servicing its vehicles and equipment. I observed two 55-gallon drums holding used oil at the facility.

Neither of the drums was marked with the words "Used Oil".

To return to compliance, Valentine Contractors must:

- Determine if any other containers or tanks of used oil are on-site in addition to those observed by me;
- Label all containers holding used oil with the words "Used Oil"; and,
- Provide photos of all used oil containers labeled with the words "Used Oil" to this office within 30 days of the date of this letter.

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

I observed a small patch of soil near the rack holding the 55-gallon drums with tops cut out in the rear of the warehouse that was heavily stained with what appeared to be recent releases of used oil.

OAC rule 3745-279-22(D) requires Valentine Contractors, as a generator of used oil, to respond to releases of used oil by cleaning up and managing properly the released used oil and other materials.

Contaminated soils and debris from the clean up may be managed as solid waste in trash dumpster, provided that this is acceptable to your trash hauler.

Ohio EPA uses a visual standard when determining whether a clean up 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, Valentine Contractors must:

- Clean up soil near the rack holding the 55-gallon drums in the rear of the warehouse that was heavily stained with released used oil; and,
- Provide photos of the area after clean up to this office within 30 days of the date of this letter.

All above requested documentation is to be submitted to this office within 30 days of the date of this letter.

Enclosed you will find a copy of the checklists completed during the inspection.

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&Regs.html>.

VALENTINE CONTRACTORS
JULY 31, 2008
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The Division of Hazardous Waste Management has created an electronic news service to provide you with quick and timely updates on events and news related to hazardous waste activities in Ohio. If you haven't already, we encourage you to sign up for this free service. You can find more information at the following Web link <http://www.epa.state.oh.us/dhwm/listserv.html>.

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

cc: Natalie Oryshkewych, 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
tammy.mcconnell@epa.state.oh.us or mail it to Tammy
McConnell, Central Office

2. Site EPA ID No.	EPA ID Number:	
3. Site Name	Name: Valentine Contractors	Website: (Optional)
4. Site Location Information	Street Address: 7680 Whipple Ave. NW	
	City, Town, or Village: North Canton	State: OH
	County Name: Stark	Zip Code: 44720
5. Site Land Type (Check only one)	Private <input checked="" type="checkbox"/>	County <input type="checkbox"/>
6. NAICS code(s) www.census.gov/epcd/www/naics.html	District <input type="checkbox"/>	Federal <input type="checkbox"/>
	Indian <input type="checkbox"/>	Municipal <input type="checkbox"/>
	State <input type="checkbox"/>	Other <input type="checkbox"/>
7. Facility Representative	First Name: James	MI: E.
Additional names can be recorded in number 11	Phone Number: 330-244-1506	Last Name: Valentine
	E-Mail Address:	Phone Number Extension:
	Fax Number:	Fax Number Extension:
Only provide address information if it is different than the site address	Street or P.O. Box:	
	City, Town or Village:	Country:
	State:	Zip Code:
8. Legal Owner and Operator of the Site List all owners and/or operators in Commerce Section of another copy of this form	Name of Site's Legal Owner: Valco Partnership	
	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: 7680 Whipple Ave. NW	
	City, Town or Village: North Canton	Owner Phone #:
	State: OH	Country: USA
	Name of Site's Operator:	Zip Code: 44720
	Date Became Operator (mm/dd/yyyy):	
	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:	
	City, Town or Village:	Operator Phone #:
	State:	Country:
	Zip Code:	
9. Violations Cited?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
10A. Type of Regulated Waste Activity (Mark "X" in all of the appropriate boxes)		
<input type="checkbox"/> Not Regulated	<input checked="" type="checkbox"/> Conditionally Exempt Small Quantity Generator	
<input checked="" 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		

10B. 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

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

	Managed	10C. Used Oil Activities (Indicate Type(s) of Activity)	
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 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 presented in the regulation (e.g., D001, F007, U112). Use an additional page if more space is needed. If there are more than 7 waste codes and they are 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.

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

Announced	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Additional Facility Representatives:	James Valentine
Tanks	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Other Comments:	
Containers	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No		

13. Name of Inspector(s) _____ Date of Inspection (mm/dd/yyyy) _____
 Neil Wasilk _____ 7/16/2008 1:40 p.m.

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
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 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
- 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

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
- 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? Yes No N/A

ON-SITE BURNING IN SPACE HEATER

10. Does the generator burn used oil in used-oil fired space heaters? [3745-279-23] If so: Yes No N/A
- 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
- b. Is the heater designed to have a maximum capacity of not more than 0.5 million BTU per hour? Yes No N/A
- c. Are the combustion gases from heater vented to the ambient air? Yes No N/A

GENERATOR TRANSPORTATION

11. If the generator self-transport used oil to an approved collection site or to an aggregation point owned by the generator: [3745-279-24] Yes No N/A
- a. Does the generator transport used oil in a vehicle owned by the generator or an employee of the generator?[3745-279-24] Yes No N/A
- b. Does the generator transport more than 55 gallons of used oil at any time?[3745-279-24] Yes No N/A

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

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
13. Is the non-DIY used oil collection center registered with Ohio EPA? [3745-279-31] Yes No N/A
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

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.

Keyword: UsedOilChecklistforGenerators.Oct.2007.doc

VACANTINE CONTRACTORS
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.

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

LQG: >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: $\text{Amount in gallons} \times \text{Specific Gravity} \times 8.345 = \text{Amounts in pounds}$.

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 - NO SHIPMENTS OF HAZ. 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: If the CESQG conducts treatment they are subject to the LQG requirements.

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

REMARKS

QUANTITY OF HAZ WASTE ON-SITE TO BE DETERMINED BY RESULTS OF RESPONSE TO ~~THE~~ OAC 3745-52-11 VIOLATION.