



State of Ohio Environmental Protection Agency

Northeast District Office

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Twinsburg, Ohio 44087

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

March 20, 2007

RE: FORMER ROYAL CHINA FACILITY  
MAHONING COUNTY  
COMPLAINT No. 6835  
**SECOND NOTICE OF VIOLATION**

Mr. Jerry McHugh  
Zee-Tech Warehousing, Inc.  
101 S. 15<sup>th</sup> Street  
Sebring, OH 44672

**SUBJECT: WASTE OIL, OIL CONTAMINATED SOIL AND PIT FLUIDS**

Dear Mr. McHugh:

The Ohio EPA Division of Hazardous Waste Management (DHWM) has not received any correspondence in regard to this matter since December 20, 2006. Ohio EPA has not received confirmation that the 38 totes of waste oil has been sent off site and properly disposed or recycled. In addition you have not returned phone calls made in January and February by this office.

**NOTICE OF VIOLATION**

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...clean up and manage properly the released used oil...".

There were observed areas of oil release to the ground surface and into concrete pits that contained water.

**To abate this violation**, Zee-Tech must remove and properly dispose all oil stained ground and contaminated fluids (**please notify OhioEPA in advance of removal of the contaminated pit fluid so that a representative may be onsite during this activity**). The cleanup standard for soil stained by "Used Oils" is a visual standard. All visually observably stained soil must be removed. Soil contamination of only "Used Oil" can typically be disposed to a licensed solid waste landfill facility.

However, since soils in the area of the release are known to contain **elevated levels of lead**, additional sampling and analysis is required. It is recommended that you remove all visually stained soil and place this material in a lined and covered roll-off box. The removed soil should then be representatively sampled and analyzed for RCRA metals by the Toxicity Characteristic Leaching Procedure (TCLP) test Method 1311. Should the **level of lead or other RCRA constituents exceed the regulatory level, the material must be disposed as a hazardous waste**.

Regarding the **oil contaminated water**, any oily source area leaking to the pits should be stopped and immediately cleaned up. It was reported that the pit water appears to remain at a constant level year round. The following is recommended:

- Seal, plug or bypass any surface or drain inflow and outflow that may be acting to regulate or contribute water.
- Inflow and outflow lines should be investigated for possible contamination and cleaned up as needed.
- Remove the oil contaminated water using a licensed used oil transporter or approved wastewater treatment facility.
- Inspect and clean the pits of oily contamination as indicated.
- Backfill and level the pits to prevent further human health or environmental concerns.

**Zee-Tech must provide the following:**

1. Photographs and written documentation that all oil stained soil was removed.
2. Analytical data and sampling information that demonstrates the removed soils were adequately characterized, and
3. Copies of waste manifests, disposal tickets and bills of lading that show the oil, oil stained soil and contaminated materials were properly disposed.

**And, in regard to the oily contaminated water in pits provide documentation and receipts that:**

1. Oil contaminated fluid has been properly removed.
2. Sources or potential discharges have been identified, cleaned and eliminated.
3. Provide documentation, hauling tickets, bills of lading of proper disposal.

Oils that cannot be taken by an oil hauler/recycler must be properly evaluated and characterized in accordance with the disposal requirements of OAC 3745-52-11.

Generalized regulations for understanding management of used oil are presented in the previously enclosed *Fact Sheet* on "The Regulation of Used Oil:" and may be found at: <http://www.epa.state.oh.us/dhwm/pdf/UsedOilGen.pdf>.

**CONCERNS and RECOMENDATIONS**

1. Immediately place oil absorbent booms or a similar containment down gradient of the oil stained soils until the cleanup effort is completed. Investigate down gradient areas visually for oil staining at or just below the surface in the drainage way and clean up and properly dispose all materials as needed.

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2. Maintain a copy of all records and costs for your files.
3. Guidance regarding the regulation of used oil is enclosed and may be referenced through the following: <http://www.epa.state.oh.us/dhwm/guidancedocs.html#used>.
4. Based on the amount of oil stored on site for this and other operations, a Spill Prevention Control and Countermeasure (SPCC) plan may be required. Attached is a Fact Sheet regarding the Understanding of SPCC Requirements also found at: <http://www.epa.state.oh.us/ocapp/sb/publications/spcc.pdf> .

Please submit the requested documentation to my attention within 30 days of receipt of this letter. Should you have any questions, please feel free to contact me at (330)963-1146.

Sincerely,

*Ron Shadrach*

Ronald J. Shadrach  
Environmental Specialist  
Division of Hazardous Waste Management

RJS:ddw

ec: Frank Popotnik, DHWM, NEDO  
Vanessa Steigerwald Dick, DERR, NEDO  
John Schmidt, DSIWM, NEDO  
Bruce Miller, DERR, NEDO  
cc: Misty Koletich, Mahoning County Health Department

**NOTICE:**

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.