



State of Ohio Environmental Protection Agency

Southeast District Office

2195 Front Street
Logan, Ohio 43138

TELE: (740) 385-8501 FAX: (740) 385-6490
www.epa.state.oh.us

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

September 10, 2008

**ADAMS COUNTY
GENERAL FILE
(BJ'S GARAGE)
DHWM/SEDO
NON-NOFITIER**

Mr. Benjamin McCann
BJ's Garage
230 Roberts Road
Peebles, Ohio 45660

Dear Mr. McCann:

On September 3, 2008, Melody Stewart and I inspected your garage at 230 Roberts Road to investigate a complaint that was received by Ohio EPA on August 22, 2008. The complaint alleged used oil was being improperly managed and dumped onto the ground at your garage. This letter will summarize the conclusions of the complaint investigation. It will also explain any violations of Ohio's hazardous waste laws as found in Ohio Revised Code (ORC) Chapter 3734 and Ohio Administrative Code (OAC) Chapter 3745 that were discovered during the inspection, and what you need to do to correct them.

During our inspection, you indicated that your garage does automobile maintenance and repair work. Used oil generated from repairs is collected in containers and transferred to 55-gallon drums or to a small tank, and is taken off-site approximately once every two months for recycling. We observed the area outside the garage where your used oil is stored. Although we saw oil-stained soil at the back corner of the garage near the 55-gallon used oil drums (apparently from spillage while adding oil to the drums), we did not observe any evidence of intentional mismanagement or dumping of used oil at your garage. Ohio EPA considers the complaint to be resolved.

However, we found the following violations of Ohio's hazardous waste laws that were not related to the complaint. In order to correct these violations you must do the following and send me the required information **within 30 days** of your receipt of this letter:

- (1) **OAC Rule 3745-279-22(C)(1), Used Oil Storage Requirements for Generators (Labels).** Containers and above ground tanks used to store used oil at generator facilities must be labeled or clearly marked with the words "Used Oil."

During the inspection, we observed several 55-gallon drums and one small tank containing used oil that were not labeled with the words "Used Oil".

Mr. Benjamin McCann
BJ's Garage
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In order to abate this violation, you must label the 55-gallon drums and the tank containing used oil with the words "Used Oil", and send a photograph of the properly labeled drums and tank to me at this office.

- (2) **OAC Rule 3745-279-3745-22(D)(3), Used Oil Storage Requirements for Generators (Response to Releases).** Upon detecting a release of used oil, a generator must stop the release, contain the released used oil, and clean up and properly manage the released used oil and other materials used in the clean up.

During the inspection we observed oil-stained soil at the back corner of the garage near the 55-gallon used oil drums, apparently from spillage while adding oil to the drums. The release of used oil was not cleaned up and properly managed.

In order to abate this violation, you must clean up and properly manage the oil-contaminated soil in this area, and send a photograph of the cleaned up area to me at this office. As we discussed during the inspection, the oil-contaminated soil and any materials used in the clean up can be placed in a garbage bag and disposed of in your regular trash as a solid waste.

Enclosed, you will find a copy of the checklist that was completed as a result of the inspection. You can find copies of the hazardous waste rules and other information on our division's web page at <http://www.epa.state.oh.us/dhwm>. Compliance assistance information and pollution prevention information can be found at <http://www.epa.state.oh.us/ocapp/ocapp.html>.

If you should have any questions regarding this letter, please feel free to call me at (740) 380-5237.

Sincerely,



Vicky D. German
Environmental Specialist
Division of Hazardous Waste Management
Ohio EPA, Southeast District Office

VDG/mlm

Enclosure

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.

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

For Ohio EPA use only

E-mail this completed form to
kristina.durnell@epa.state.oh.us or mail it to
Kristina Durnell, Central Office

Site EPA ID No.	EPA ID Number: Non-Notifier							
Site Name	Name: BJ's Garage					Website: (Optional)		
Site Location Information	Street Address: 230 Roberts Road							
	City, Town, or Village: Peebles				State: OH			
	County Name: ADAMS				Zip Code: 45660			
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 Additional names can be recorded in "Comments" below Only provide address information if it is different than the site address	First Name: Benjamin			MI:		Last Name: McCann		
	Phone Number: Unavailable/Unlisted				Phone Number Extension:			
	E-Mail Address:							
	Fax Number:				Fax Number Extension:			
	Street or P.O. Box:							
	City, Town or Village:							
	State: OH				Country: USA		Zip Code:	
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	Name of Site's Legal Owner: Benjamin McCann				Date Became Owner (mm/dd/yyyy):			
	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: same as above							
	City, Town or Village:				Owner Phone #:			
	State: OH				Country: USA		Zip Code:	
	Name of Site's Operator: Benjamin McCann				Date Became Operator (mm/dd/yyyy):			
	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: same as above							
	City, Town or Village:				Operator Phone #:			
	State: OH				Country: USA		Zip Code:	
Violations Cited?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No							
Type of Generator:								
<input checked="" 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)								
Type of Regulated Waste Activity (Mark "X" in all of the appropriate boxes)								
<input type="checkbox"/> Recycler of Hazardous Waste				<input type="checkbox"/> Exempt Boiler and/or Industrial Furnace				
<input type="checkbox"/> Underground Injection Control Facility				<input type="checkbox"/> Small Quantity On-Site Burner Exemption				
<input type="checkbox"/> Hazardous Waste Transporter				<input type="checkbox"/> Smelting, Melting, Refining Furnace Exemption				
<input type="checkbox"/> Treater, Storer or Disposer of Hazardous Waste								

Universal Waste Activities (Indicate types of universal waste generated and/or accumulated (check all boxes that apply))				
<input type="checkbox"/> Small Quantity Handler of Universal Waste		<input type="checkbox"/> Large Quantity Handler of Universal Waste (accumulates 5,000 kg. or more)		
<input type="checkbox"/> Destination Facility for Universal Waste				
(Check all boxes below that apply for each of the three types of facilities above)		Used Oil Activities (Indicate Type(s) of Activity(ies))		
	Generated	Accumulated	<input checked="" type="checkbox"/> Used Oil Generator	<input type="checkbox"/> Off-Specification Used Oil Burner
Batteries	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Used Oil Transporter	<input type="checkbox"/> Used Oil Fuel Marketer Who Directs Shipment of Off-Spec. Oil
Pesticides	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Used Oil Transfer Facility	<input type="checkbox"/> Used Oil Fuel Marketer to Off-Specification Used Oil Burner
Thermostats	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Used Oil Processor	
Lamps	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Used Oil Re-refiner	
Waste Codes for Federally Regulated Hazardous Wastes: Please list the codes for the federally regulated hazardous waste handled at your site. List them in the order they are presented 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 RCRAInfo source record, you do not need to list them all. 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	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Additional Facility Representatives:	
Tanks	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Other Comments:	
Containers	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Inspected as result of anonymous complaint. Used oil generator only. Tanks/containers hold used oil.	
Name of Inspector(s)		Name of Inspector(s)		Date of Inspection/Time (mm/dd/yyyy) (hh:mm)
Vicky German, DHWM-SEDO		Melody Stewart, DHWM-SEDO		09/03/2008 10:30 a.m.
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 GENERATOR COLLECTION CENTER, AND AGGREGATION POINT REQUIREMENTS

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

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

Several 55-gallon drums and one small tank that contained used oil were not labeled with the words "Used Oil".

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

Oil-stained soil was noted at the back corner of the garage near the 55-gallon used oil drums, apparently from spillage while adding oil to the drums. The oil-contaminated soil had not yet been cleaned up and properly managed.

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 HEATERS

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

NOTE: Ash accumulated in a space heater must be managed in accordance with 3745-279-10(E).

GENERATOR TRANSPORTATION

11. Does the generator have the used oil hauled only by transporters that have obtained a U.S. EPA ID#?

Yes No N/A

12. If the generator self-transported used oil to an approved collection site or to an aggregation point owned by the generator:

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

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 No N/A

14. Is the non-DIY used oil collection center registered with Ohio EPA? [3745-279-31]

Yes No N/A

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 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.