



Environmental
Protection Agency

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

Re: Shafer's Truck & RV Sales
Complaint #3041
Fulton County
Hazardous Waste
Notice of Violation/Partial Return to Compliance

March 7, 2011

Mr. Terry Shafer
Shafer's Truck & RV Sales
3293 County Road 10
Delta, Ohio 43515

Dear Mr. Shafer:

On February 23, 2011, the Ohio Environmental Protection Agency (Ohio EPA) conducted a complaint investigation and compliance evaluation inspection of Shafer's Truck & RV Sales (Shafer's) located at 3293 County Road 10 in Delta, Ohio. The Ohio EPA received a complaint that you were pouring five to ten gallons of lacquer thinner every week into the dumpster located on your property and setting it on fire. The complainant also indicated that paint is also burned.

Wendy Miller and I inspected Shafer's to determine its compliance with Ohio's hazardous waste laws as found in Chapter 3734 of the Ohio Revised Code (ORC) and Chapter 3745 of the Ohio Administrative Code (OAC). This letter will explain the validity of the complaint, the violations we found as a result of our inspection/complaint investigation, and what you need to do to correct these violations.

During our visit, we spoke with you and your employees and inspected your facility operations. Shafer's sells used trucks, new motor homes, new trailers and new campers. Shafer's does some body work and limited painting on the various vehicles. A small amount of used oil is generated as a result of maintenance work done on your own equipment. The used oil is stored in a 55-gallon drum. You stated that the used oil is taken home by one of your employees. The used oil filters are hot-drained and managed as solid waste. Shafer's does painting on-site and generates approximately three gallons of waste paint solvent (D001, F003, F005) per month. Shafer's cleans the paint spray guns by hand and adds the spent solvent into a five gallon satellite container located in the paint mixing area. When full, the five gallon container is emptied into a 55-gallon storage drum located inside the building. Shafer's has one large paint booth that can accommodate large vehicles such as motor homes and campers and changes the booth filters every two or three months depending on how often the paint booth is used. The spent paint booth filters are managed as a solid waste. Shafer's also generates spent fluorescent bulbs that are managed as universal waste. At the time of our inspection, Shafer's was operating as a conditionally exempt small quantity generator (CESQG) of hazardous waste.

We found the following violations of Ohio's hazardous waste and used oil laws. 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 3745-52-11: Waste Evaluation:

Any person who generates a waste must determine if that waste is a hazardous waste by using generator knowledge or by testing the waste.

At the time of the inspection, Shafer's did not have waste evaluation documentation for the spent paint booth filters. Shafer's has historically disposed of this spent material as a non-hazardous waste. Shafer's must immediately cease disposing of the waste paint booth filters as non-hazardous waste until a proper waste evaluation has been completed.

Shafer's must obtain a representative sample of the spent paint booth filter waste stream and have it analyzed for Toxic Characteristic Leaching Procedure (TCLP) Resource Conservation and Recovery Act (RCRA) metals (SW-846 Method 1311/6010) and volatile organics (SW-846 Method 1311/8260). To abate this violation, Shafer's must submit a copy of the analytical results to Ohio EPA. Once analytical results have been reviewed, Ohio EPA will advise you on proper disposal options as well as plans for the future management of this waste stream.

Ohio EPA may use the data you collect, in part, to make regulatory decisions concerning the waste(s) tested. A data review process, referred to as data validation, may be utilized to confirm the validity of the data. This data validation can include a review of the following components: sampling techniques, sample containers, representativeness of sample, laboratory test methods, laboratory data completeness, documentation of holding time(s), chain(s) of custody and quality assurance/quality control (QA/QC) data. Please include data sufficient for Ohio EPA to perform the data validation review. Information on conducting a data validation can be obtained from Ohio EPA's web page: http://www.epa.state.oh.us/dhwm/tier_i_data_validation_manual.html.

Ohio EPA will review the submitted waste evaluation information and determine if there is a change in Shafer's generator status. Additional violations may be cited based upon your determined generator status. You will be notified of any additional violations in a separate letter.

2. OAC Rule 3745-279-22(C)(1): Labeling:

Containers, aboveground tanks, and fill pipes used for underground storage tanks shall be labeled or marked clearly with the words "used oil."

Shafer's had one 55-gallon drum of used oil that was not properly labeled.

At the time of our inspection, Shafer's properly labeled the 55-gallon drum with the words "used oil". A copy of the fact sheet, The Regulation of Used Oil: An Overview for Ohio Businesses Who Generate Used Oil, was given to you at the time of our inspection. Please review this information and contact me if you have any questions.

Therefore, this violation is considered abated.

3. OAC Rule 3745-279-24: Off-Site Shipment:

Generators shall ensure that their used oil is transported only by transporters who have obtained an EPA identification number.

Shafer's has been giving the used oil they generated to an employee to take home.

Shafer's must immediately cease giving used oil to any person or transporter who does not have an EPA identification number.

In order to correct this violation, Shafer's must notify Ohio EPA with how you plan to manage your used oil in the future and provide the applicable documentation for review. A list of used oil recyclers was given to you at the time of our inspection. Please review this list and contact me if you have any questions.

On March 2, 2011, Shafer's submitted, via electronic mail, a copy of a receipt for the used oil that was picked up by DISC Environmental Service, Inc. (DISC) on February 28, 2011. Shafer's plans on having DISC manage the used oil generated in the future.

With this information, this violation is considered abated.

4. OAC Rule 3745-273-14(E): Universal Waste: Fluorescent Lamp Labeling:

All packages and containers holding spent fluorescent lamps/bulbs are to be labeled with the words "Universal Waste - Lamps", "Waste Lamps" or "Used Lamps".

Shafer's did not have their spent fluorescent bulbs properly labeled. A copy of Fluorescent Lamps: What You Should Know, was given to you at the time of my inspection. I recommend that you review this document and contact me if you have any questions.

On March 2, 2011, Shafer's submitted, via electronic mail, photographic documentation showing the cardboard box properly labeled with the words "Used Lamps".

With this information, this violation is considered abated.

Ohio EPA will issue an EPA ID number to track our inspection activity. Shafer's cannot use this number for manifesting hazardous waste shipments. If Shafer's wants to use an EPA ID number for manifesting and other hazardous waste, used oil or universal waste activities, you must complete and submit a Notification of Regulated Waste Activity form (*EPA Form 9029 (Rev. 11/2002)*) to Ohio EPA.

Mr. Terry Shafer
March 7, 2011
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This form is available on our web page at <http://www.epa.state.oh.us/dhwm/notiform.html> or you can call me at (419)373-3066 or the Division of Hazardous Waste Management, Central Office, RIS at (614)644-2977 and we will mail you a copy.

Ohio EPA has helpful information about compliance assistance and pollution prevention at the following web address: <http://www.epa.ohio.gov/ocapp>. In addition, you can find copies of the rules and other information on the division's web page at: <http://www.epa.ohio.gov/dhwm/>.

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

In regards to the complaint investigation, the Ohio EPA did not find evidence to support the complainant's allegations; therefore, the Ohio EPA considers the complaint investigation closed.

Should you have any questions or if I can be of assistance, please contact me at (419) 373-3066.

Sincerely,



Melissa L. Boyers
Division of Hazardous Waste Management

/lir

Enclosures

pc: Cindy Lohrbach, DHWM, NWDO
Colleen Weaver, DHWM, NWDO
~~■DHWM;NWDO-2011-Fulton County File (w/original enc.)■~~

ec: Melissa Boyers, DHWM, NWDO

Notice:

Ohio's 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.

Send to Central Office <input type="checkbox"/>	Ohio Environmental Protection Agency RCRA SUBTITLE C SITE IDENTIFICATION/VERIFICATION FORM	For Ohio EPA use only
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Completed verification forms required to be submitted to CO should be e-mailed to brad.hauser@epa.state.oh.us.

Site EPA ID No. Site Name	EPA ID Number: _____ Website: _____ (Optional)																	
Site Location Information	Street Address: 3293 County Road 10																	
Site Land Type (check only one) NAICS code(s) www.census.gov/epcd/www/naics.html	City, Town, or Village: Delta	State: OH																
	County Name: Fulton	Zip Code: 43515																
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Facility Representative Additional names can be recorded in number 12 Only provide address information if it is different than the site address	First Name: Terry MI: _____ Last Name: Shafer	
	Title: _____	
	Phone Number: 419-337-5851	Phone Number Extension: _____
	E-Mail Address: _____	
	Fax Number: _____	Fax Number Extension: _____
	Street or P.O. Box: _____	
	City, Town or Village: _____	
	State: _____	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: _____ Date Became Owner (mm/dd/yyyy): _____																			
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	Street or P.O. Box: _____																			
	City, Town or Village: _____																			
	State: _____	Country: _____ Zip Code: _____																		
	Name of Site's Operator: _____ Date Became Operator (mm/dd/yyyy): _____																			
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	Street or P.O. Box: _____																			
	City, Town or Village: _____																			
	State: _____	Country: _____ Zip Code: _____																		

VIOLATIONS CITED?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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TYPE OF HANDLER - MARK "X" AS APPROPRIATE		
<input type="checkbox"/> Not a HW Generator	<input type="checkbox"/> UNKNOWN: Cited for violation of 3745-52-11 <input type="checkbox"/> Short-Term/Temporary Generator (generates from a short-term or one-time event and not from on-going processes). <i>Check the box for the applicable generator status and provide a comment.</i>	<input type="checkbox"/> Large Quantity Generator (LQG) <input type="checkbox"/> Small Quantity Generator (SQG) <input checked="" type="checkbox"/> Conditionally Exempt Small Quantity Generator <input type="checkbox"/> U.S. Importer of Hazardous Waste <input type="checkbox"/> Mixed Waste (Hazardous and Radioactive) Generator

TYPE OF REGULATED WASTE ACTIVITY (MARK "X" IN ALL OF THE APPROPRIATE BOXES)

- | | |
|---|--|
| <input type="checkbox"/> Hazardous Waste Transporter | <input type="checkbox"/> Exempt Boiler and/or Industrial Furnace |
| <input type="checkbox"/> Hazardous Waste Transfer Facility | <input type="checkbox"/> Small Quantity On-Site Burner Exemption |
| <input type="checkbox"/> Treater, Storer or Disposer of Hazardous Waste | <input type="checkbox"/> Smelting, Melting, Refining Furnace Exemption |
| <input type="checkbox"/> Recycler of Hazardous Waste | <input type="checkbox"/> Underground Injection Control Facility |
| <input type="checkbox"/> 72-Hour Recycler | <input type="checkbox"/> Receives Hazardous Waste from Off-site |

UNIVERSAL WASTE ACTIVITIES (INDICATE TYPES OF UNIVERSAL WASTE MANAGED (CHECK ALL BOXES THAT APPLY))

- | | |
|--|---|
| <input checked="" type="checkbox"/> Small Quantity Handler of Universal Waste | <input type="checkbox"/> Destination Facility for Universal Waste |
| <input type="checkbox"/> Large Quantity Handler of Universal Waste (accumulates 5,000 kg. or more) | |

CHECK ALL BOXES BELOW THAT APPLY FOR THE TYPES OF UNIVERSAL WASTE THE FACILITY MANAGES

- Batteries
 Pesticides
 Mercury containing equipment
 Lamps

USED OIL ACTIVITIES (INDICATE TYPE(S) OF ACTIVITY(S))

- Used Oil Generator
 Used Oil Transporter
 Used Oil Transfer Facility
 Used Oil Processor
 Used Oil Re-refiner
 Off-Specification Used Oil Burner
 Used Oil Fuel Marketer who directs shipment of Off-Spec Used Oil
 Used Oil Fuel Marketer who first claims the Used Oil meets the specifications

Eligible Academic Entities with Laboratories: Facility has previously notified that they are opting into managing laboratory hazardous waste pursuant to OAC rules 3745-52-200 through 3745-52-216. Check the box(es) below to indicate the laboratory type.

- College or University
 Teaching hospital that is owned by or has a formal written affiliation agreement with a college or university
 Non-profit Institute that is owned by or has a formal written affiliation agreement with a college or university

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 regulations (e.g., D001, D003, F007, U112). Use an additional page or list them in the comments if more space is needed. If the waste codes are the same as listed in the most recent RCRAInfo source record, you do not need to list them. Instead just indicate the date of the most recent source record.

D001 F003 F005

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:	Todd Shafer
Tanks	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No		
Containers	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No		

Name of Inspector(s)
Melissa Boyers

Name of Inspector(s)
Wendy Miller

Date of Inspection/Time
(mm/dd/yyyy) (hh:mm)
02/23/2011 1:45

Comments:
52-11 cited for paint booth filters. If hazardous, volume will not change generator status.

PROCESS DESCRIPTION/WASTE ACTIVITIES SUMMARY

Facility Name: Shafer's Truck & RV Sales

Facility Type: LQG/SQG/CESQG/TSD

EPA ID#:

<i>Description of Waste</i>				<i>On-Site Management</i>			<i>Off-Site Management</i>
Process/Activity Generating Waste <small>(e.g. plating bath, machining, baghouse, painting, etc)</small>	Waste Generated <small>(e.g. sludge, spent solvent, ash, etc)</small>	EPA Waste Code	QTY Generated per Month	Type of Accumulation / Storage <small>(e.g. container, tank, etc)</small>	Type of On-Site Treatment <small>(recycle, wwt, etc)</small>	Waste Location <small>(Include map if possible)</small>	Name, state, and type of activity occurring at the facility.
1	Lighting	Spent Fluorescent Bulbs					Managing as universal waste.
2	Painting	Spent Solvent	D001, F003, F005	3 or 4 gallons	55-gallon drum	Located inside the building near the paint mixing area.	Environmental Management Services, Inc.
3	Painting	Spent Paint Booth Filters		Booth Filters changed every 3 months			Currently managing as a solid waste.
4	Vehicle Maintenance	Used Oil			55-gallon drum		Employee was taking it home. DISC now picking it up (2/28/11).

**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 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: >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)] Environmental Management Services, Inc. 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

#1 - Paint Booth Filters

**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 <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 checked="" 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 checked="" 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"/>
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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 <u>containers</u> , above ground tanks, and fill pipes used for underground tanks clearly labeled or marked "Used Oil?" [3745-279-22(C)]	Yes <input type="checkbox"/> No <input checked="" 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)]	
	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 checked="" type="checkbox"/> No <input 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:	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
	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 type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>

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

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 <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
12.		If the generator self-transported 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 checked="" type="checkbox"/>

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 <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"/>

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.