



State of Ohio Environmental Protection Agency

Southeast District Office

2195 Front Street
Logan, Ohio 43138

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www.epa.state.oh.us

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

July 14, 2009

**GALLIACOUNTY
GENERAL FILE
(DAVIS BROTHERS CONSTRUCTION)
DHWM/SEDO
NON NOTIFIER**

Mr. Jim Davis
Davis Brothers Construction Co.
91 Flamingo Drive
Gallipolis, Ohio 45631

Dear Mr. Davis:

On July 9, 2009, Ohio EPA received a complaint alleging that used oil has been dumped on your property on Flamingo Drive. On July 9, 2009, Donna Goodman and I performed a complaint investigation of your property to determine the validity of the complaint and to determine its compliance with Ohio's hazardous waste laws and regulations as found in Chapter 3734 of the Ohio Revised Code (ORC) and Chapter 3745 of the Ohio Administrative Code (OAC).

During the investigation, we found two drums of used oil; one is in poor condition and both have oil staining around/underneath them. We also saw oil or fuel spilled or dumped on the ground near a small container and four or so one-gallon cans of house-paint thrown into the vegetation located at the property.

Based on these observations, Ohio EPA has determined your facility is in violation of the following hazardous waste regulations. Please provide the requested information within thirty days of the date of this letter:

- (1) **Used oil storage requirements for generators, OAC Rule 3745-279-22(D)**: Upon detection of a release of used oil... a generator shall perform the following cleanup steps: (1) stop the release; (2) contain the released used oil; (3) clean up and properly manage the released used oil and other materials; and (4) if necessary, to prevent future releases, repair or replace any leaking used oil storage containers or tanks prior to returning them to service.

Used oil has been released to soil around the drums. The used oil must be placed into sound containers and the contaminated soils must be removed and disposed at a solid waste landfill (placed into the trash). Please provide photographs of these areas once the contaminated soils and leaking containers have been removed.

- (2) **Used oil storage requirements for generators, OAC rule 3745-279-22(C):**
Paragraph (C): Containers and aboveground tanks used to store used oil at generator facilities shall be marked clearly with the words "Used Oil."

The used oil drums were not labeled. Once the used oil is in a sound container, it must be properly labeled until it is properly transported to a used oil recycler. Compliance with this rule can be demonstrated by a photograph of the properly labeled drum.

Other compliance issues:

- (a) Four, one-gallon cans of latex paint were observed disposed on your property, if they are to be disposed, they should be allowed to dry out or filled with sawdust, cat litter or other absorbent material and then placed into the trash.

A list of used oil recyclers that operate in Ohio can be found at <http://www.epa.state.oh.us/dhwm/formslitchklist.html#UsedOil>.

Additional information on the hazardous waste rules, pollution prevention assessments and other useful information is available on Ohio EPA's website at www.epa.state.oh.us. If you have any questions regarding waste management or pollution prevention activities, please call me at (740) 380-5278.

Sincerely,



Richard Stewart
District Representative
Division of Hazardous Waste Management

RS/mlm

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: Davis Brothers Construction					Website: (Optional)			
Site Location Information	Street Address: Flamingo Drive								
	City, Town, or Village: Gallipolis					State: OH			
	County Name: Gallia					Zip Code: 45631			
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 number 12 Only provide address information if it is different than the site address	First Name: Jim			MI:	Last Name: Davis				
	Phone Number: 740-441-2707				Phone Number Extension:				
	E-Mail Address:					Fax Number Extension:			
	Fax Number:					Fax Number Extension:			
	Street or P.O. Box:								
	City, Town or Village:					State:		Country:	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:								
	Same				Date Became Owner:				
	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:								
	City, Town or Village:				Owner Phone #:				
	State:				Country:		Zip Code:		
	Name of Site's Operator:				Date Became Operator (mm/dd/yyyy):				
	Same								
	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:			
Violations Cited?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No								
Type of Generator									
<input 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 checked="" 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 type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Other Comments:		
Containers	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No			
Name of Inspector(s)		Name of Inspector(s)		Date of Inspection/Time (mm/dd/yyyy) (hh:mm)	
Rich Stewart		Donna Goodman		7/9/09 13:00	
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)