



Environmental  
Protection Agency

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

OH2000164657

FILE COPY

July 21, 2011

Mr. Jerry Paul  
Paul's Marine, Inc.  
6140 Columbus Pike  
Lewis Center, OH 43035

**Re: Paul's Marine, Inc.  
Used Oil Generator  
Delaware County, CDO  
NOV**

Dear Mr. Paul:

On July 1, 2011, Ohio EPA received a complaint about the mismanagement of used oil and gasoline at Paul's Marine, Inc. (Paul's Marine) in Lewis Center, Ohio. The complainant alleged that the company is washing old gasoline and used oil down a drain, which discharges directly to a creek; there are oil stains all over the property; used oil filters are being thrown into the trash and dumpster out back without being completely drained first; the company is using oil and gasoline to kill weeds on the property; and numerous used oil drums are being stored out back endangering the birds.

On July 15, 2011, I inspected Paul's Marine to investigate the complaint and determine compliance with Ohio's used oil laws and rules as found in Chapter 3734 of the Ohio Revised Code (ORC) and Chapter 3745 of the Ohio Administrative Code (OAC). Mike Sapp from Ohio EPA's Division of Surface Water (DSW) was also present to investigate the complaint. Thank you for assisting us with our inspection.

Paul's Marine sells new and used boats, operates a boat maintenance and repair shop, and has a boating parts and accessories shops, as well as a gun shop, at this Lewis Center location. During the inspection, I found the following violations of Ohio's used oil rules. 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 aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words "Used Oil."

Used oil is vacuum-sucked out of boats into an 80-gallon reservoir tank in the repair shop. From this tank, the used oil is pumped into either one of two used oil tanks or one of two used oil totes outside next to the shop for storage. Used oil filters are drained into pans and drums in the repair shop. At the time of the inspection, none of the facility's used oil tanks (reservoir or storage), totes, or drums were labeled or marked clearly with the words "Used Oil."

- Paul's Marine must label or mark all of the containers and aboveground tanks used to store used oil (as mentioned above) with the words "Used Oil" and submit photographic documentation to me **within 30 days** of receipt of this letter to demonstrate compliance with this rule.

2. **OAC Rule 3745-279-22(D)(3), Used oil storage requirements for generators – responses to releases:** Upon detection of a release of used oil to the environment, a generator must clean up and manage properly the released used oil and other materials.

At the time of the inspection, there was a small patch of oil-stained gravel (approximately 3' x 1') next to the residual exhaust tank that had resulted from a spill during tank cleanout.

- Paul's Marine must clean up the used oil on the ground next to the residual exhaust tank and submit photographic documentation to me demonstrating that the spill has been cleaned up **within 30 days** of receipt of this letter to demonstrate compliance with this rule.

3. **OAC Rule 3745-279-24, Off-site shipments of used oil by generators:** Generators must ensure that their used oil is transported only by transporters who have obtained U.S. EPA identification numbers.

According to information obtained during the inspection and inspection follow-up, the used oil hauler that transports the facility's used oil has not obtained a U.S. EPA identification number.

- Paul's Marine must immediately begin using a registered Used Oil Transporter for all off-site shipments of used oil. Please submit documentation, such as a written contract, e-mail agreement, shipping paper, or other record, detailing who will be transporting used oil shipments from the facility in the future. Please include the transporter's U.S. EPA identification number in this correspondence. Submit this documentation to me **within 30 days** of receipt of this letter to demonstrate compliance with this rule.

Mr. Jerry Paul  
Paul's Marine, Inc.  
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**General Comments:**

If you would like a free, non-regulatory on-site pollution prevention assessment or if you would like more information about pollution prevention, please contact Ohio EPA's Office of Compliance Assistance and Pollution Prevention (OCAPP) at 1 (800) 329-7518 or visit the following web address: <http://www.epa.ohio.gov/ocapp>.

Enclosed is a copy of the checklists that I completed as a result of the inspection. You can find Ohio's hazardous waste rules and other information on the division's web page at: <http://www.epa.ohio.gov/dhwm/>.

Should you have any questions, please feel free to call me at (614) 728-3887.

Sincerely,



Melissa M. Storch  
Environmental Specialist  
Division of Materials and Waste Management  
Central District Office

Enclosure

c: Mike Sapp, DSW/CDO  
CDO File

MMS/nsm Pauls Marine NOV Ltr July 2011

**NOTICE:**

Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve your company from having to comply with applicable regulations.



Send to Central Office <input checked="" type="checkbox"/>	<b>Ohio Environmental Protection Agency</b> <b>RCRA SUBTITLE C SITE</b> <b>IDENTIFICATION/VERIFICATION FORM</b>	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](mailto:brad.hauser@epa.state.oh.us).

<b>Site EPA ID No.</b> <b>Site Name</b>	EPA ID Number: _____ Name: <b>Paul's Marine, Inc.</b>		Website: <b>www.paulsmarine.com</b> (Optional)	
<b>Site Location Information</b>	Street Address: <b>6140 Columbus Pike</b>		State: <b>OH</b>	
<b>Site Land Type</b> (check only one)	City, Town, or Village: <b>Lewis Center</b>	County Name: <b>Delaware</b>		Zip Code: <b>43035</b>
<b>NAICS code(s)</b> <a href="http://www.census.gov/epcd/www/naics.html">www.census.gov/epcd/www/naics.html</a>	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"/>

<b>Facility Representative</b>  Additional names can be recorded in number 12  Only provide address information if it is different than the site address	First Name: <b>Jerry</b>		MI: _____	Last Name: <b>Paul</b>	
	Title: <b>Owner, CEO</b>				
	Phone Number: <b>740-549-1999</b>		Phone Number Extension: _____		
	E-Mail Address: <b>p_jerry@yahoo.com</b>				
	Fax Number: _____		Fax Number Extension: _____		
	Street or P.O. Box: _____				
	City, Town or Village: _____		State: _____		
	State: _____		Zip Code: _____		

<b>Legal Owner And Operator of the Site.</b> List Additional Owners and/or Operators in the Comment Section or on another copy of this form page	Name of Site's Legal Owner: <b>Jerry Paul</b>		Date Became Owner (mm/dd/yyyy): _____		
	Owner Type: <input checked="" type="checkbox"/> 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		
	Street or P.O. Box: <b>6140 Columbus Pike</b>				
	City, Town or Village: <b>Lewis Center</b>		Owner Phone #: <b>740-549-1999</b>		
	State: <b>OH</b>		Country: <b>USA</b>		Zip Code: <b>43035</b>
	Name of Site's Operator: <b>Paul's Marine, Inc.</b>		Date Became Operator (mm/dd/yyyy): _____		
	Operator Type: <input checked="" type="checkbox"/> 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		
	Street or P.O. Box: <b>6140 Columbus Pike</b>				
	City, Town or Village: <b>Lewis Center</b>		Operator Phone #: <b>740-549-1999</b>		
	State: <b>OH</b>		Country: <b>USA</b>		Zip Code: <b>43035</b>

**VIOLATIONS CITED?**  Yes  No

**TYPE OF HANDLER - MARK "X" AS APPROPRIATE**

<input checked="" type="checkbox"/> Not a HW Generator	<input type="checkbox"/> UNKNOWN; Cited for violation of 3745-52-11	<input type="checkbox"/> Large Quantity Generator (LQG)
	<input type="checkbox"/> Short-Term/Temporary Generator (generates from a short-term or one-time event and not from on-going processes). Check the box for the applicable generator status and provide a comment.	<input type="checkbox"/> Small Quantity Generator (SQG)
		<input 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 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 RCRA Info source record, you do not need to list them. 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	
Containers	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	

Name of Inspector(s)	Name of Inspector(s)	Date of Inspection/Time (mm/dd/yyyy) (hh:mm)
Melissa Storch, DMWM/CDO	Mike Sapp, DSW/CDO	7/15/2011 8:45am

**Comments:**  
Used oil complaint investigation.

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**PROCESS DESCRIPTION SECTION**

Give a general process description (include all processes at the facility)

Paul's Marine, Inc. (Paul's Marine) sells new and used boats, operates a boat maintenance and repair shop, and has a boating parts and accessories shop, as well as a gun shop, at this Lewis Center location. Ohio EPA inspected Paul's Marine to investigate a used oil complaint.

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**WASTE ACTIVITIES AND P2 SUMMARY SECTION**

For each of the processes listed above that generate a waste give the following information: (1) name of process generating waste, (2) name or description of waste generated (e.g. sludge, solvent, ash, used oil, spent lamps, etc.), (3) EPA waste codes, if applicable, (4) quantity generated per month, (5) type of accumulation (container, tank, etc.) (6) waste accumulation location in facility, (7) type of on-site treatment (if used), (8) name of off-site management facility and type of waste management activity occurring there, (9) Current P2 activities, and (10) P2 opportunities.

Paul's Marine generates used oil. In the repair shop, used oil is vacuum-sucked out of boats into an 80-gallon reservoir tank that automatically shuts off when the used oil reaches a certain level. From this tank, the used oil is pumped into either one of two used oil tanks or one of two used oil totes outside next to the garage for storage. A company by the name of "Your Neighborhood Mechanic" hauls Paul's Marine's used oil off site about once every three months. As for the shop's used oil filters, all of them are hot-drained and then disposed of in the dumpster.



**USED OIL INSPECTION CHECKLIST  
GENERATORS, COLLECTION CENTERS AND AGGREGATION POINTS**

**NOTE:** 1. 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.

2. Inspectors can check BUSTR's web-site at [https://www.comapps.ohio.gov/sfm/fire\\_apps/bust/bustr/PublicInquiry.asp](https://www.comapps.ohio.gov/sfm/fire_apps/bust/bustr/PublicInquiry.asp) to determine if a UST containing used oil is registered with BUSTR. Inspectors may call BUSTR at 614-752-7938 or a BUSTR site coordinator to report an unregistered UST or a UST that appears to not be in compliance with BUSTR regulations. A list of BUSTR coordinators by county are at:

[https://www.comapps.ohio.gov/sfm/fire\\_apps/bust/bustr/SearchByCounty.asp](https://www.comapps.ohio.gov/sfm/fire_apps/bust/bustr/SearchByCounty.asp).

**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 containers, above ground tanks, and fill pipes used for underground tanks clearly labeled or marked "Used Oil?" [3745-279-22(C)] <b>At the time of the inspection, none of the facility's used oil tanks, totes or drums were labeled with the words "Used Oil."</b>	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)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
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? <b>At the time of the inspection, there was a patch of oil-stained gravel next to the residual exhaust tank that had resulted from a spill during tank cleanout.</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
d.	Repaired or replaced the containers or tanks prior to returning them to	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>

	service, if necessary?	
<b>ON-SITE BURNING IN SPACE HEATER</b>		
10.	Does the generator burn used oil in used-oil fired space heaters? [3745-279-23] If so:	
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"/>
<i>NOTE: Ash accumulated in a space heater must be managed in accordance with 3745-279-10(E).</i>		
<b>GENERATOR TRANSPORTATION</b>		
11.	Does the generator have the used oil hauled only by transporters that have obtained a U.S. EPA ID#? [3745-279-24] <b>According to information obtained during the inspection and inspection follow-up, the used oil hauler that transports the facility's used oil does not appear to have a U.S. EPA ID#.</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
12.	If the generator self-transport 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"/>
<i>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).</i>		
<b>COLLECTION CENTERS AND AGGREGATION POINTS</b>		
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"/>
<i>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.</i>		