



State of Ohio Environmental Protection Agency

Southeast District Office

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

July 25, 2007

**LAWRENCE COUNTY
JAMES MATNEY TRUCKING
DHWM/SEDO
OHT400014445**

Mr. James Matney
James Matney Trucking
787 High Street
Coal Grove, OH 45638

Dear Mr. Matney:

On July 19, 2007, Ohio EPA conducted a compliance evaluation inspection at your facility located at 109 Pike Street in Coal Grove to determine compliance with Ohio's hazardous waste laws and regulations as found in the Ohio Revised Code (ORC) and the Ohio Administrative Code (OAC). During the inspection we also helped James Matney Trucking identify ways to prevent pollution by reducing waste. This letter will explain the violations we found, what you need to do to correct the violations, other general concerns we have and what you need to do to respond to our general concerns.

We found the following violations of Ohio's hazardous waste 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 3745-279-22(B), Used Oil Storage Requirements for Generators:

Containers and aboveground tanks used to store used oil at generator facilities shall be in good condition (no severe rusting, apparent structural defects or deterioration); and not leaking (no visible leaks).

During the inspection, it was observed that several 5 gallon and/or 55 gallon containers of used oil were leaking onto the ground, and this leakage had not been addressed, in violation of this rule. To abate this violation, James Matney Trucking must clean up the spilled used oil and manage the cleanup debris as a solid waste. Please provide documentation to my attention at this office in the form of picture(s) of the drum storage area after cleanup, and receipt(s) for the disposal of the cleanup debris.

(2) OAC Rule 3745-279-22(D), Used Oil Storage Requirements for Generators:

Response to releases. Upon detection of a release of used oil to the environment, a generator shall perform the following cleanup steps:

- a. Stop the release;
- b. Contain the released used oil;
- c. Clean up and manage properly the released used oil and other materials;
and
- d. If necessary, repair or replace any leaking used oil storage containers or tanks prior to returning them to service.

During the inspection, it was observed that several 5 gallon and/or 55 gallon containers of used oil were leaking onto the ground, and this leakage had not been addressed, in violation of this rule. To abate this violation, James Matney Trucking must clean up the spilled used oil and manage the cleanup debris as a solid waste. Please provide documentation to my attention at this office in the form of pictures of the drum storage area after cleanup, and receipts for the disposal of the cleanup debris.

- (3) OAC Rule 3745-279-24, Off-Site Shipments of Used Oil by Generators:**
Except as provided in paragraphs (A) to (C) of this rule, generators must ensure that their used oil is transported only by transporters who have obtained U.S. EPA identification numbers.

During the inspection you informed us that James Matney Trucking gives its used oil to Eastern States Pump & Equipment, Inc. who burns it in a used oil furnace. Eastern States Pump & Equipment does not have a U.S. EPA identification number, in violation of this rule. To abate this violation, James Matney Trucking must use a transporter with a U.S. EPA identification number, and submit a receipt from a recent pickup as documentation, or meet one of the self transportation conditions outlined in paragraph (A) to (C) of this rule. Additional information on the self transportation conditions are outlined in the general comments below.

GENERAL COMMENTS

- (a) During the inspection you asked whether James Matney Trucking could transport its own used oil. Generators can self transport used oil under the following conditions:
1. Self-transportation of small amount to approved collection centers. Generators may transport, without a U.S. EPA identification number, used oil that is generated at the generator's site and used oil collected from household do-it-yourselfers to a used oil collection center provided that:
 - a) The generator transports the used oil in a vehicle owned by the generator or owned by an employee of the generator;

- b) The generator transports no more than fifty-five gallons of used oil at any time; and
- c) The generator transports the used oil to a used oil collection center that is registered with Ohio EPA to manage used oil.

Attached is a listing of used oil collection centers that are registered with Ohio EPA.

If Matney Trucking wants to send or give the used oil to a facility that will burn it in a used oil fired space heater, the used oil has to meet the specifications in OAC 3745-279-11. The specifications are as follows:

<u>Constituent</u>	<u>Allowable Level</u>
Arsenic	5 ppm maximum
Cadmium	2 ppm maximum
Chromium	10 ppm maximum
Lead	100 ppm maximum
Flash Point	100 degF minimum
Total Halogens	4,000 ppm maximum

You or the receiving facility would have to test the used oil to determine if the specifications are being met. This entails submitting a sample of the used oil to a laboratory for analysis.

- (b) A lot of scrap metal and other debris were located outside where the used oil drums were stored. Ohio EPA recommends that the scrap be removed and be recycled to make it easier to clean up the used oil.

As discussed during the inspection, you may be able to reduce the waste your company generates. If you find ways to recycle, reduce, or altogether eliminate the amount of waste that your company generates, you may be able to reduce treatment and disposal costs, and you may possibly reduce your regulatory requirements. The Ohio EPA strongly encourages pollution prevention as the preferred approach for waste management. The first priority of pollution prevention is to eliminate the generation of wastes and pollutants at the source (source reduction). For wastes or pollutants that are generated, the second priority is to recycle or reuse them in an environmentally sound manner. You may benefit economically, help preserve the environment, and improve your public image by implementing pollution prevention programs. You can find more information about pollution prevention, including fact sheets, at the following web address: http://www.epa.state.oh.us/ocapp_recycle.html. If you would like to be considered for an in-depth on-site pollution prevention assessment, or if you would like more information about pollution prevention assessments, please contact me.

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Enclosed, you will find a copy of the checklists that were completed during the inspection. Should you have any questions, please feel free to contact me at (740) 380-5288. You can find copies of the rules and other information on the division's web page at <http://www.epa.state.oh.us/dhwm>.

Sincerely,



Scott N. Bergreen
Environmental Specialist
Division of Hazardous Waste Management

SNB/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.

REMARKS-GENERAL INFORMATION

General Process Information:

James Matney Trucking operates a trucking terminal at the corner of Pike Street and SR 243 in Coal Grove. Maintenance is performed on the trucks at this location which generates used oil, spent batteries, antifreeze, and parts washer solvent (mineral spirits based solvent is used at the facility). The facility consists of an office and a truck maintenance garage where repairs are conducted. An outside storage yard contains vehicles and drums of used oil/spent parts washer solvent.

Regulatory/Enforcement History:

James Matney Trucking was last inspected on March 4, 2003.

Additional P2 remarks and information:

Would this facility be interested in a P2 assessment? Yes _____ No X

PROCESS, WASTE, P2 SUMMARY SHEET

Facility Name: James Matney Trucking	Facility Type: CESQG	Date of Inspection: 7/19/07	EPAID #: OHT400014445
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Waste Generated			On- or Off-Site Management		P2 Activities	
Process/Activity Generating Waste <small>(e.g. plating bath, machining, baghouse, painting, general maintenance, etc)</small>	Waste Description <small>(e.g. sludge, solvent, ash, used oil, spent lamps, etc.) and EPA Waste Code, if applic.</small>	QTY Generated per Month, Type of Accumulation <small>(container, tank, etc) and location of waste accumulation area</small>	Type of On-Site Treatment <small>(recycle, wwt, etc)</small>	Name, state, and type of activity occurring at the off-site facility.	Current P2 Activities	P2 Opportunities
1 Maintenance	Used Oil	40 – 55 gallons	N/A	Eastern States Pump & Equipment	Recycling	
2 Maintenance	Spent Parts Washer Solvent D001	<2 gallons	N/A	Keep for re-use	Re-used	
3 Maintenance	Used Antifreeze	<10 gallons	N/A	Keep for re-use	Re-used	
4 Maintenance	Spent Batteries	Varies	N/A	Reinhart's Wheelersburg, OH	Recycled	

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

For Ohio EPA use only

E-mail this completed form to tammy.mcconnell@epa.state.oh.us or mail it to Tammy McConnell, Central Office

2. Site EPA ID No.	EPA ID Number: OHT400014445									
3. Site Name	Name: James Matney Trucking					Website: (Optional)				
4. Site Location Information	Street Address: 109 Pike Street									
	City, Town, or Village: Coal Grove					State: OH				
	County Name: Lawrence					Zip Code: 45638				
5. 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"/>		
6. NAICS code(s) www.census.gov/epcd/www/naics.html										
7. Facility Representative Additional names can be recorded in number 12 Only provide address information if it is different than the site address	First Name: Brett			MI:	Last Name: Allen					
	Phone Number: (740) 533-3987				Phone Number Extension:					
	E-Mail Address:									
	Fax Number:				Fax Number Extension:					
	Street or P.O. Box: 109 Pike Street									
	City, Town or Village: Coal Grove					State: OH			Country: USA	Zip Code: 45638
8. 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: Mr. James Matney					Date Became Owner (mm/dd/yyyy):				
	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: 787 High Street									
	City, Town or Village: Coal Grove					Owner Phone #:				
	State: OH					Country: USA			Zip Code: 45638	
	Name of Site's Operator: James Matney Trucking					Date Became Operator (mm/dd/yyyy):				
	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: 109 Pike Street									
	City, Town or Village: Coal Grove					Operator Phone #:				
	State: OH					Country: USA			Zip Code: 45638	
9. Violations Cited?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No									
10A. Type of Regulated Waste Activity (Mark "X" in all of the appropriate boxes)										
<input type="checkbox"/> Not Regulated				<input checked="" 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)										
<input type="checkbox"/> Hazardous Waste Transporter				<input type="checkbox"/> Exempt Boiler and/or Industrial Furnace						
<input type="checkbox"/> Treater, Storer or Disposer of Hazardous Waste				<input type="checkbox"/> Small Quantity On-Site Burner Exemption						
<input type="checkbox"/> Recycler of Hazardous Waste				<input type="checkbox"/> Smelting, Melting, Refining Furnace Exemption						
<input type="checkbox"/> Underground Injection Control Facility										

10B. 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"/> 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		10C. Used Oil Activities (Indicate Type(s) of Activity(ies))	
	Managed	<input checked="" type="checkbox"/> Used Oil Generator	<input type="checkbox"/> Off-Specification Used Oil Burner
Batteries	<input checked="" 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"/> Used Oil Transfer Facility	<input type="checkbox"/> Used Oil Fuel Marketer to Off-Specification Used Oil Burner
Mercury containing equipment	<input type="checkbox"/>	<input type="checkbox"/> Used Oil Processor	
Lamps	<input type="checkbox"/>	<input type="checkbox"/> Used Oil Re-refiner	
11. 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 if more space is needed. If there are more than 7 waste codes and they are the same as listed in the most recent RCRA Info source record, you do not need to list them all. Instead just indicate the date of the most recent source record.			
D001			
12. 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:	Mr. James Matney
Tanks	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Other Comments:	
Containers	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
13. Name of Inspector(s)	Name of Inspector(s)	Date of Inspection/Time (mm/dd/yyyy) (hh:mm)	
Scott Bergreen	Rich Stewart	7/19/2007 10:30 - 11:30 a.m.	
14. 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)	

**CONDITIONALLY EXEMPT SMALL QUANTITY GENERATOR REQUIREMENTS
COMPLETE AND ATTACH A PROCESS, WASTE, P2 SUMMARY SHEET**

CESQG: ≤ 100 Kg. (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: $\geq 1,000$ 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)] 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

USED OIL INSPECTION CHECKLIST (Short Version)

NOTE: *This checklist does not include requirements for used oil transporters and transfer facilities, processors and re-refiners, burners, and marketers.*

PROHIBITIONS

1. Is used oil being managed in a surface impoundment or waste pile? If so: Yes ___ No N/A ___ RMK# ___
Is the surface impoundment or waste pile being regulated under OAC 3745-54 to 3745-57 and 3745-205 or 3745-65 to 3745-69 and 3745-256? [3745-279-12(A)] Yes ___ No N/A RMK# ___
2. Is used oil being used as a dust suppressant? [3745-279-12(B)] Yes No N/A ___ RMK# ___
3. Is off-specification used oil fuel burned for energy recovery only in devices specified in 3745-279-12(C)? Yes ___ No N/A RMK# ___

USED OIL GENERATOR STANDARDS

4. Does the generator mix hazardous waste with used oil only as provided in 3745-279-10(B)? [2745-279-21(A)] Yes ___ No N/A RMK# ___
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 RMK# ___
6. Does the generator only store used oil in tanks, containers, or units subject to OAC 3745-54 to 3745-57 and 3745-205 or 3745-65 to 3745-69 and 3745-256? [3745-279-22(A)] Yes No N/A ___ RMK# ___
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 ___ RMK# 1
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 ___ RMK# ___
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 ___ RMK# 2
- b. Contained the release? Yes ___ No N/A ___ RMK# 2

- c. Cleaned up and properly managed the used oil and other materials? Yes ___ No N/A ___ RMK# 2
- d. Repaired or replaced the containers or tanks prior to returning them to service, if necessary? Yes ___ No N/A ___ RMK# 2
10. Does the generator burn used oil in used fired space heaters? [3745-279-23] If so: Yes ___ No N/A ___ RMK# ___
- 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 RMK# ___
- b. Is the heater designed to have a maximum capacity of not more than 0.5 million BTU per hour? Yes ___ No N/A RMK# ___
- c. Are the combustion gases from heater vented to the ambient air? Yes ___ No N/A RMK# ___
11. Does the generator have the used oil hauled only by transporters that have obtained U.S. EPA ID#, unless the generator qualifies for an exemption pursuant to 3745-279-24 (self transportation or tolling agreements)? [3745-279-24] Yes ___ No N/A ___ RMK# 3

USED OIL COLLECTION CENTERS AND AGGREGATION POINTS

12. 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 RMK# ___
13. Is the non-DIY used oil collection center registered with Ohio EPA? [3745-279-31] Yes ___ No N/A RMK# ___
14. 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 RMK# ___

WASTE EVALUATION

15. Have all wastes generated at the facility been evaluated? [3745-52-11] Yes No N/A ___ RMK# ___

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REMARKS

- #1) Several 5 gallon buckets were leaking used oil onto the ground
 #2) Matney Trucking did not stop, contain, and clean up the release of used oil.
 #3) Matney Trucking is using a transporter that does not have an ID number.