



State of Ohio Environmental Protection Agency

**Southeast District Office**

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

July 3, 2008

**MORGAN COUNTY  
GENERAL FILE  
(ZEMAR)  
DHWM/SEDO  
NON NOTIFIER**

Mr. Joe Robb, Owner  
Zemar  
5225 State Route 60 North  
McConnelsville, OH 43756

Dear Mr. Robb:

I received Zemar's response to my May 19, 2008 Notice of Violation (NOV) letter on June 16, 2008. Zemar's letter was not dated or signed by a company official, so it is not clear who was responding on behalf of Zemar. The documentation submitted included photographs of properly labeled used oil containers, a manifest for disposal of unusable paint and a container of spent paint thinner discovered during the inspection, as well as additional containers of unusable paint and spent paint thinner which were discovered by your company after my inspection; a receipt from Heartland Oil for recycling of 210 gallons of used oil; a quote from Safety Kleen for disposal of "containerized waste" (no further description was provided) and oil filters; and three analytical results containing information on 19 incoming "regulators" which were tested for PCBs.

My review of this document reveals that Zemar has adequately demonstrated abatement of the following violations discovered during the May 6, 2008 inspection:

- (1) **OAC Rule 3745-279-22 (C), Used Oil Storage Requirements for Generators;**
- (2) **Ohio Revised Code (ORC 3734.02(E)(F)), Prohibitions;**
- (3) **OAC Rule 3745-52-11, Waste Evaluation.**

However, Zemar remains in violation of the following hazardous waste laws:

- (4) **OAC Rule 3745-279-22 (A), On-specification Used Oil Fuel:** The generator shall determine if used oil that has to be burned for energy recovery meets the fuel specifications of OAC Rule 3745-279-11 by performing analysis or obtaining copies of analyses or other information documenting that used oil fuel meets the specifications.

Zemar has failed to determine if used transformer oil burned in an onsite used oil furnace is on or off specification, in accordance with OAC Rule 3745-279-11. Specifically, Zemar must have the oil analyzed to determine if it meets the regulatory limits in the above-cited rule for Total halogens, flash point, lead, cadmium, chromium and arsenic.

In order to abate this violation, Zemar must submit to this office analytical results that document whether transformer oil is on or off specification in accordance with the aforementioned regulation. To locate a company who can do this testing, look up "environmental services" in the yellow pages of a nearby metropolitan area. Call several companies to determine who can test your used oil to determine if it is on or off specification.

Note that copies of these analytical results must be maintained onsite for three years.

#### **General Comments**

- (a) Based on the information that you submitted regarding the capacity of Zemar's two used oil furnaces, they are acceptable for burning used oil that is not a hazardous waste, is on-spec, and does not contain greater than 1 ppm PCB's, so long as the two furnaces are vented to ambient air.
- (b) In Zemar's response received on June 16, 2008, Zemar provided a manifest which for disposal of several drums which included spent paint thinner which was being accumulated onsite during the May 6, 2008 inspection. Thus, Zemar has now abated this violation. However, Zemar states in it's response letter dated June 16, 2008 that Heartland Oil will be accepting spent paint thinner in the future. This is not acceptable as Heartland Oil is a recycler of used oil and not a permitted hazardous waste treatment, storage or disposal (TSD) facility. During a telephone call with Mr. Jerry Ross on July 1, 2008, he stated that Heartland would be using a subcontractor for hazardous waste disposal. Please submit documentation which includes the name and EPA D number of the company that you will be using for disposal of this waste stream. In addition, please submit documentation which shows that you have made contact arrangements with a permitted TSD for future disposal of this waste stream. A list of TSDs and information on how to choose a TSD can be found at:

<http://www.epa.state.oh.us/dhwm/pdf/accepting.pdf>

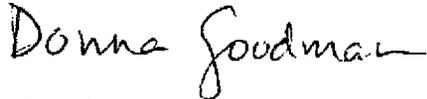
<http://www.epa.state.oh.us/ocapp/sb/publications/selectingtstd.pdf>

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- (c) Zemar has provided three sets of analytical results for 19 samples of transformer oil from "incoming regulators". Three of the regulators appear to contain greater than 1 ppm PCB's. Typically this transformer oil has been burned in two onsite used oil furnaces, in violation of federal law 40 CFR 761.20(e). This law requires burners of oil which contains greater than 1 ppm PCBs to be burned only in a qualified incinerator. Note that I am referring this matter to USEPA for possible follow-up.

Please submit all requested information **within 30 days** of the date of this letter.

Sincerely,



Donna Goodman  
District Representative  
Division of Hazardous Waste Management

DG/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.***