



State of Ohio Environmental Protection Agency

Southeast District Office

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

July 31, 2007

**MUSKINGUM COUNTY
GENERAL FILE
(NEFF PAVING)
DHWM/SEDO
OHR000125518**

Mr. Clint Berkfield
Neff Paving
6085 Virginia Road
Nashport, Ohio 43830

Re: Second Notice of Violation

Dear Mr. Berkfield:

On May 14, 2007, Aaron Wolfe and I visited Neff Paving to investigate a complaint, which alleged that chronic spilling and dumping of used oil onto the ground at Neff Paving was impacting nearby ditches, streams, and adjacent properties. Although the complaint was resolved during the inspection, a violation of Ohio's used oil rules unrelated to the complaint was noted during the inspection. I sent you a Notice of Violation letter on June 8, 2007, specifying the violation observed and the measures Neff Paving needed to take to correct the violation.

To date, Neff Paving has not responded to the June 8, 2007 Notice of Violation letter, and remains in violation of the following:

- (1) **OAC Rule 3745-279-22(D)(3), Used Oil Storage Requirements for Generators – Response to Releases.** Upon detection of a release of used oil to the environment, a used oil generator must stop the release, contain the released used oil, and clean up and properly manage the released used oil and other clean-up materials.

During our visit, we observed an area of oil-stained soil surrounding the four 55-gallon drums that contained used oil. The stained soil appeared to be the result of used oil being spilled or running onto the ground when it was being added to the drums.

To abate this violation, Neff Paving must clean up and properly manage the released used oil and all visually oil-contaminated soil surrounding the used oil drums. The used oil, oil-contaminated soil, and any clean-up materials can be placed in garbage bags and disposed in your regular trash as a solid waste. -Neff Paving must submit a photograph to this office demonstrating that this area has been cleaned up, ***within 30 days of your receipt of this letter.***

General Comments:

We observed no evidence of intentional dumping of used oil at Neff Paving during the inspection. However, we recommend that Neff Paving takes measures to improve general housekeeping related to management of used oil in order to prevent spills at the site and the possible run-off of used oil to surface water, ground water, and neighboring properties.

Should you have any questions regarding this letter, please feel free to call me at (740) 380-5237.

Sincerely,



Vicky D. German
Environmental Specialist
Division of Hazardous Waste Management
Ohio EPA, Southeast District Office

VDG/mlm

cc: Aaron Wolfe, Ohio EPA-Division of Surface Water

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.