



State of Ohio Environmental Protection Agency

**Southeast District Office**

2195 Front Street  
Logan, Ohio 43138

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

June 8, 2007

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

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

Dear Mr. Berkfield:

On May 14, 2007, Aaron Wolfe and I visited Neff Paving to investigate a complaint received by Ohio EPA on April 26, 2007. The complaint alleged chronic on-going spilling and dumping of used oil onto the ground at Neff Paving, and that the run-off of used oil from Neff Paving is impacting nearby ditches, streams, and adjacent properties. This letter will explain the results of our complaint investigation, as well as any violations found and what you need to do to correct the violations.

During our site visit, a representative of Neff Paving indicated a recent release of used oil occurred when employees left two uncovered 5-gallon containers of used oil in the parking lot near the downspouts of the building. When it rained, the oil in the containers overflowed onto Neff Paving's parking lot, the stream behind the building, and onto neighboring property. Neff Paving indicated booms and absorbent material were used to contain and absorb the oil, and that all visually impacted soils were excavated to a depth of approximately one foot. Ohio EPA observed the areas where oil-stained soil had been removed. While we observed no evidence of intentional dumping of used oil at Neff Paving, we recommended that Neff Paving take 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. Ohio EPA considers this complaint to be resolved.

However, we found the following violation of Ohio's used oil rules at Neff Paving, unrelated to the above complaint. In order to correct this violation, 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(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.

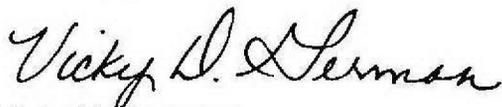
During our visit we observed an area of oil-stained soil surrounding the four 55-gallon drums that contained used oil. The stained soil appeared to be the result of used oil being spilled or running onto the ground when it was being added to the drums.

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.

Enclosed, you will find a copy of the used oil checklist used to determine your company's compliance. I have also enclosed fact sheets on used oil management for your reference. You can find copies of the hazardous waste rules and other information on our division's web page at <http://www.epa.state.oh.us/dhwm>. Compliance assistance and pollution prevention information is available at <http://www.epa.state.oh.us/ocapp/ocapp.html>

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

Sincerely,



Vicky D. German  
Environmental Specialist  
Division of Hazardous Waste Management

VDG/dh

Enclosure

cc: Aaron Wolfe, DSW, SEDO

**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.

## USED OIL GENERATOR REQUIREMENTS

**NOTE: (Short Version) - 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  NA
- 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  NA
2. Is used oil being used as a dust suppressant? [3745-279-12(B)]  Yes  No  NA
3. Is off-specification used oil fuel burned for energy recovery only in devices specified in 3745-279-12(C)?  Yes  No  NA

### 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  NA
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  NA
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  NA
7. Are containers and aboveground tanks used to store used oil in good condition with no visible leaks? [3745-279-22(B)]  Yes  No  NA
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  NA
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  NA
- b. Contained the release?  Yes  No  NA
- c. Cleaned up and properly managed the used oil and other materials?  Yes  No  NA
- d. Repaired or replaced the containers or tanks prior to returning them to service, if necessary?  Yes  No  NA

*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.*

10. Does the generator burn used oil in used fired space heaters? [3745-279-24]  
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  No  NA
- b. Is the heater designed to have a maximum capacity of not more than 0.5 million BTU per hour?  Yes  No  NA
- c. Are the combustion gases from heater vented to the ambient air?  Yes  No  NA
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  NA

### 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  NA
13. Is the non-DIY used oil collection center registered with Ohio EPA? [3745-279-31]  Yes  No  NA
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  NA

### WASTE EVALUATION

15. Have all wastes generated at the facility been evaluated? [3745-52-11]  Yes  No  NA

### REMARKS

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

Muskingum Co.  
General file  
(Neff Paving)  
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

-Complaint-

Site EPA ID No.	EPA ID Number: OHR000125518								
Site Name	Name: Neff Paving					Website: (Optional)			
Site Location Information	Street Address: 6085 Virginia Road								
	City, Town, or Village: Nashport				State: OH				
	County Name: Muskingum				Zip Code: 43830				
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) <a href="http://www.census.gov/epcd/www/naics.html">www.census.gov/epcd/www/naics.html</a>									
Facility Representative  Additional names can be recorded in "Comments" below  Only provide address information if it is different than the site address	First Name: Clint			MI:	Last Name: Berkfield				
	Phone Number: 740-453-3063				Phone Number Extension:				
	E-Mail Address:								
	Fax Number:				Fax Number Extension:				
	Street or P.O. Box:								
	City, Town or Village:				State:		Country:		Zip Code:
	Name of Site's Legal Owner: Mark Blatt (property owner)				Date Became Owner (mm/dd/yyyy):				
	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: Neff Paving				Date Became Operator (mm/dd/yyyy):					
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:				Operator Phone #:					
State:				Country: USA		Zip Code:			
Violations Cited?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No								
<b>Type of Generator:</b>									
<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)									
<b>Type of Regulated Waste Activity (Mark "X" in all of the appropriate boxes)</b>									
<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									

\*sent electronically to Tammy McConnell on 5/21/07 vg.

Universal Waste Activities (Indicate types of universal waste generated and/or accumulated (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)			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: DHWM/DSW joint inspection conducted as result of complaint involving possible used oil mismanagement.		
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)	
Vicky German, DHWM-SEDO		Aaron Wolfe, DSW-SEDO		05-14-2007	
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)	