

**Environmental
Protection Agency**

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

June 7, 2011

**NOBLE COUNTY
GENERAL FILE
(HARRY HESSON COMPLAINT)
DMWM/SEDO
RCRA/NON**

Mr. Harry Hesson
HMH Trucking
48861 John Tomcho Road
Cumberland, Ohio 43732

Dear Mr. Hesson:

On May 24, 2011, Ohio EPA received a complaint alleging that used oil generated by your dump trucking business had been disposed of on the roadway in front of your business/residence. On May 24, 2010, Ohio EPA's Division of Environmental Response and Revitalization conducted a site visit and confirmed that used oil had been unlawfully placed on the roadway.

Your current activity is a violation of Ohio's hazardous waste laws. In order to correct this violation, you must do the following and send me the required information **within 30 days** of the date of this letter:

(1) Ohio Administrative Code Rule 3745-279-12, Prohibitions on Used Oil Management:

The use of used oil as a dust suppressant is prohibited.

Used oil generated by your business has been applied to the roadway as a dust suppressant, in violation of this regulation. In order to abate this violation, you must immediately cease disposing of used oil on the roadway and take immediate steps to re-grade and/or re-gravel your roadway so as to ensure that no used oil is exposed. In order to document compliance, please submit to this office a photograph of your re-graded or re-graveled roadway as described above, and a description of how you plan to manage your used oil in compliance with Ohio law.

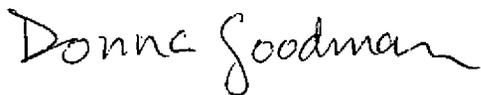
According to our records, a similar complaint was received by this office in 2009, and after an investigation, an October 2, 2009 letter was sent to you informing you that it was illegal to use used oil as a dust suppressant. Therefore, your used oil management activities appear to be a chronic violation. Please note that continuing violations of this regulation could lead to escalated enforcement action, including possible fines and penalties.

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The used oil that you generate from maintenance of your business vehicles should be containerized and sent offsite to a reputable used oil recycler that has an EPA ID number. Alternatively, it can be burned onsite in a space heater. Enclosed is a fact sheet on proper used oil management and a list of used oil recyclers. Also enclosed is a list of vendors who sell dust suppressants that can be used on your roadway.

Should you have any questions, please feel free to contact me at 740-380-5293.

Sincerely,



Donna Goodman
District Representative
Division of Materials and Waste Management

DG/mlm

Enclosure

cc: Mr. Cliff Strickler, Noble County Prosecuting Attorney
Mr. Steve Hannum, Noble County Sheriff
Mr. John Wheeler, Fiscal Officer, Noble Township Trustees

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.

Send to Central Office <input type="checkbox"/>	Ohio Environmental Protection Agency RCRA SUBTITLE C SITE IDENTIFICATION/VERIFICATION FORM	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.

Site EPA ID No.	EPA ID Number: non notifier						
Site Name	Name: HMH Trucking				Website: (Optional)		
Site Location Information	Street Address: 48861 John Tomcho Road						
	City, Town, or Village: Cumberland				State: OH		
Site Land Type (check only one)	County Name: Noble		Zip Code: 43732				
NAICS code(s) www.census.gov/epcd/www/naics.html	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"/>
	484220						

Facility Representative	First Name: Harry		MI:	Last Name: Hesson			
Additional names can be recorded in number 12	Title: Owner						
	Phone Number:			Phone Number Extension:			
Only provide address information if it is different than the site address	E-Mail Address:						
	Fax Number:			Fax Number Extension:			
	Street or P.O. Box:						
	City, Town or Village:						
	State:			Zip Code:			

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: Harry Hesson				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"/>
	Street or P.O. Box:							
	City, Town or Village:				Owner Phone #:			
	State:				Country:		Zip Code:	
	Name of Site's Operator: Harry Hesson				Date Became Operator (mm/dd/yyyy):			
	Operator 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"/>
	Street or P.O. Box:							
	City, Town or Village:				Operator Phone #:			
	State:				Country:		Zip Code:	

VIOLATIONS CITED?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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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"/> 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"/> Large Quantity Generator (LQG) <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
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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 RCRAInfo 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 Yes No Additional Facility Representatives:
 Tanks Yes No
 Containers Yes No

Name of Inspector(s) _____ Name of Inspector(s) _____ Date of Inspection/Time (mm/dd/yyyy) (hh:mm) _____
Donna Goodman

Comments:
 No inspection conducted. NOV was based on previous (2009) investigation by DHWM, a 2011 DERR site visit which included photos, and conversations with Mr. Hesson and the complainant.