



State of Ohio Environmental Protection Agency

Northeast District Office

2110 East Aurora Rd.
Twinsburg, Ohio 44087

TELE: (330) 963-1200 FAX: (330) 487-0769
www.epa.state.oh.us

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

May 24 , 2007

**RE: Bradley Asbestos Abatement Company, Inc.
Complaint # 6974
Notice of Violation**

OH R 000 142 430

William Baumann
Bradley Asbestos Abatement Company, Inc.
P O Box 609087
Cleveland, Ohio 44109-0087

Dear Mr. Baumann:

This letter will report on the recent hazardous waste inspection of Bradley Asbestos Abatement Company, Inc. It will document any violations and concerns found and outline what you need to do to correct them. A written response to these issues is required within 30 days. Please also call me at (330) 963-1217 so that we can set a time to meet at this location.

The Ohio EPA Division of Hazardous Waste Management conducted an inspection of Bradley Asbestos Abatement Company, Inc. (Bradley) located at 4275 Bradley Road, Cleveland, Ohio 44109 on May 17, 2007. The purpose was to investigate complaint # 6974 and to determine if Bradley had violations of Ohio's hazardous waste and used oil laws as found in Chapter 3734 of the Ohio Revised Code (ORC) and Chapter 3745 of the Ohio Administrative Code (OAC).

We spoke on the phone on May 22, 2007. You told me that you believe the containers on this property contain used oil and that the used oil was generated by a business you used to run. I have enclosed a fact sheet regarding the regulation of used oil which can be found at:

http://www.epa.state.oh.us/dhwm/pdf/Used_Oil_Generators_Guidance.pdf.

The violations cited below assume this material is used oil. If it is not, other regulations and violations may apply.

Below are listed the violations and concerns found during the inspection and what you need to do to correct or otherwise address them. Please also see the enclosed inspection checklists.

Used Oil Violations:

1. OAC rule 3745-279-22(A) - Used oil storage units.

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This rule requires used oil generators to store used oil in tanks or containers. Bradley violated this rule by having used oil stored in a bucket (see photo) which would not accommodate a lid. This used oil must now be added to a used oil drum or another suitable container. Please contact me when this has been done.

2. OAC rule 3745-279-22(B) - Condition of used oil storage units.
This rule requires that containers and above ground tanks used to store used oil must be in good condition and not leaking.

Bradley violated this rule by having containers of used oil that were not in good condition and that had spilled used oil onto the ground. As seen below this used oil must be shipped offsite. All future containers of used oil must be stored in containers that are in good condition and not leaking.

3. OAC rule 3745-279-22(C) - Used oil labels.
This rule requires containers and aboveground tanks used to store used oil at generator facilities to be labeled or marked clearly with the words "Used Oil."

Bradley violated this rule by having containers of used oil that were not labeled as used oil. You must now properly label all containers of used oil and contact me when that has been done.

4. OAC rule 3745-279-22(D) - Response to releases of used oil.
This rule requires that upon detection of a release of used oil to the environment, the generator must clean up and manage properly the released used oil and other materials.

Bradley violated this rule by having what appeared to be used oil on the ground at the above mentioned containers and in at least one other area. A container for solid waste such as a dumpster or roll-off box must be brought in, and all used oil contaminated soil and debris must be put into it. I suggest using a small loader to scrap up the used oil contaminated soil. This contaminated soil and debris must be shipped to a solid waste landfill. Contact me when this work is being done.

5. OAC rule 3745-279-24 – Off-site shipments of used oil by generators.
This rule requires that generators ensure that their used oil is transported only by transporters who have obtained US EPA identification numbers. Two lists of used oil haulers are enclosed. One of these lists can also be found at:
<http://www.cuyahogaswd.org/business/recdirectory.asp>.

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Bradley violated this rule by not shipping its used oil. You must arrange for the pick up of this used oil with a used oil hauler that has a US EPA identification number. Please keep me posted on the progress of this and notify me before the used oil is picked up.

Materials other than used oil were seen at this location. These are detailed in the enclosed list and copy of photographs. These materials are assumed to be waste because of the manner in which they are stored, for example in an unsecured lot and buildings. If you believe some of these materials are not waste, then you must demonstrate that. As per OAC rule 3745-52-11, any person who generates a waste must determine if that waste is a hazardous waste. A fact sheet regarding this is enclosed and can be found at:

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

Please fill in this information on a copy of the enclosed lists and return that to me. We can also discuss this when we meet at this facility.

Item 25 on the enclosed list is the mercury in the remaining parts of a thermostat in the shed. Although this is a small volume, mercury can be a very toxic material. Two places that may be able to properly recycle this mercury are:

BizMat, 330-535-6677, www.bizmatcenter.org.

ESCO, 740-815-9660, www.ESCOINFO.com.

Please send a written response to this letter within 30 days including the documentation required above.

Ohio EPA's Office of Compliance Assistance and Pollution Prevention (OCAPP) provides compliance and pollution prevention assistance on environmental issues related to air, land, and water. They can be contacted at (800) 329-7518, or <http://www.epa.state.oh.us/ocapp/ocapp.html>. In June 2006 they published a 56 page Small Business Environmental Compliance Self-Assessment Guide which can be found at: <http://www.epa.state.oh.us/ocapp/sb/publications/selfgde.pdf>.

You can find copies of the regulations and other information on the Division of Hazardous Waste Management web page at <http://www.epa.state.oh.us/dhwm/>.

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If you have any questions, please contact me at (330) 963-1217, or robert.almquist@epa.state.oh.us.

Sincerely,



Robert Almquist
Division of Hazardous Waste Management

RA:cl
Enclosures

cc: Natalie Oryshkewych, DHWM, NEDO

ec. Frank Popotnik, DHWM, NEDO
Harry Sarvis, DHWM, CO
Neil Wasilk, DHWM, NEDO
Annie Snyder, Cleveland Department of Public Health
Kristoffer Gontkovsky, Cleveland Division of Air Quality

NOTICE:

Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve your facility from its obligation to comply with all applicable regulations.

USED OIL INSPECTION CHECKLIST (Short Version)

Bradley Asbestos Abatement, 4275 Bradley Road, Cleveland, 5-17-07 inspection

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#
unknown
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#
No test data seen
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#
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#

- b. Contained the release? Yes ___ No ___ N/A ___ RMK#
- c. Cleaned up and properly managed the used oil and other materials? Yes ___ No N/A ___ RMK#
- d. Repaired or replaced the containers or tanks prior to returning them to service, if necessary? Yes ___ No N/A ___ RMK#
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#

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#

L:\Inspection Checklist\MegaSet Rule Updates\USED OIL.SHORT.11.2004.fin.megaset.wpd

REMARKS