



State of Ohio Environmental Protection Agency

Northwest District Office

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

RE: B&H Alignment
Defiance County
OHR000125534
Hazardous Waste
Return to Compliance

January 20, 2010

Mr. Dan Bauman
B&H Alignment
1426 South Clinton Street
Defiance, Ohio 43512

Dear Mr. Bauman:

On September 10, 2008, remediation of the drum storage area at B&H Alignment (B&H), located at 1814 Baltimore Road in Defiance Ohio, began. This remediation took place as required by the Director's Final Findings and Orders signed by you on June 10, 2008. On January 14, 2010, HazCorp Environmental Services, Inc. submitted a copy of the Former Used Oil Drum Storage Area Remediation Report that included an outline of the work activities that took place; laboratory results for the two soil samples collected from the used oil drum storage area; and a copy of the contaminated soil disposal manifest. My review of the documentation submitted reveals that B&H has adequately demonstrated abatement of all of the violations cited in the August 27, 2004, Notice of Violation (NOV) letter.

The following is a summary of the violations cited in the August 27, 2004, NOV as a result of my July 14, 2004, inspection and your compliance with respect to each:

1. OAC Rule 3745-279-22(B) and 3745-279-45(C): Storage Requirements for Generators:

Containers and aboveground tanks used to store used oil must be in good condition with no visible leaks.

B&H had one blue poly drum located outside next to the building that was visibly leaking used oil that was generated from an off-site electric motor.

B&H must immediately place this used oil into a container that is in good condition. B&H must submit photographic documentation to demonstrate that the oil is no longer stored in a leaking drum.

On February 28, 2005, B&H submitted photographic documentation for the blue poly drum that was removed and is no longer located at the property. I spoke with you on February 18, 2005, and you stated that all the blue poly drums were given back to Olson Electric. The used oil Olson Electric gave you was from electric motors and would not burn in your furnace.

This violation was previously abated.

2. OAC Rule 3745-279-22(C)(1) and 3745-279-45(G): Labeling:

Containers, aboveground tanks, and fill pipes used for underground storage tanks shall be labeled or marked clearly with the words "used oil."

B&H had several storage tanks and drums of used oil in the shop area that were not properly labeled. B&H had approximately seventy-one (71) 55- gallon drums, two 30-gallon drums, and four buckets of used oil located outside next to the building. B&H was unable to indicate exactly how many of these drums were full. B&H empties the drums of used oil into the storage tank piped to the furnace as needed. B&H takes the empty drums to Omni Source to be recycled.

B&H properly labeled some of the drums with the words "used oil" at the time of our investigation. B&H must properly label all the drums containing used oil and arrange for Omni Source to pick up the remaining empty drums. At the time of our inspection you were given a list of used oil recyclers. B&H must submit photographic documentation to demonstrate compliance with this rule.

On February 28, 2005, B&H submitted photographic documentation for the drums of used oil that are now properly labeled. B&H has placed all the used oil into either a drum or the storage tank and has eliminated the use of buckets to store the used oil. B&H reported that they currently have 37 drums of used oil.

This violation was previously abated.

3. OAC Rule 3745-52-11: Waste Evaluation and OAC Rule 3745-279-22(D)(3): Used Oil Storage:

Any person who generates a waste in the state of Ohio must determine if that waste is a hazardous waste by using generator knowledge or by testing the waste.

Also, upon detection of a release of used oil, a generator shall clean up and manage properly the released used oil and other materials.

The ground surrounding the used oil drums stored outside next to the building had evidence of spilled used oil. Specifically, one blue poly drum containing used oil generated from electric motors and determined to be unusable to B&H, was visibly leaking used oil on to the ground.

B&H must clean up the used oil and all visibly contaminated soil from the outside storage area. B&H must evaluate either the used oil or the contaminated soil to make a determination on disposal. B&H must obtain a representative sample of the waste (used oil or contaminated soil) and have it analyzed for Toxicity Characteristic Leaching Procedure (TCLP) Resource Conservation and Recovery Act (RCRA) metals (SW-846 Method 1311).

To abate this violation, B&H must submit a copy of the analytical results to Ohio EPA. Once analytical results have been reviewed, Ohio EPA will advise B&H on proper disposal options for this waste stream. B&H must also submit photographic documentation to demonstrate that the used oil and stained soil in this area has been cleaned up.

On February 18, 2005, I spoke with you regarding your progress in cleaning up the used oil storage area outside your building. You stated that you returned the blue poly drums of used oil from electric motors to Olson Electric who was the generator. You then stated that you scooped up the stained soil from the area where the poly drums were stored and put it in your driveway and covered it with gravel. When you scooped up the stained soil, you stated that you dug down approximately two inches and removed a mixture of gravel and soil.

B&H must immediately dig up the stained soil that was placed in the driveway and have it properly analyzed per the instructions above that were outlined in the NOV sent to you on August 27, 2004. B&H must submit a copy of the analytical results to Ohio EPA for review prior to disposal of this waste.

On January 14, 2010, a copy of the Former Used Oil Drum Storage Area Remediation Report was submitted. This report outlined the remediation activities conducted at B&H per the Director's Final Findings and Orders signed by you on June 10, 2008.

With this information, this violation is considered abated.

4. OAC Rule 3745-279-23(A): On-Site burning of used oil:

Generators may burn used oil in used oil-fired space heaters provided that the heater burns only used oil that the owner or operator generates or used oil received from household do-it-yourself used oil generators.

B&H has been collecting used oil from other generators (i.e. Integrity Motors) and burning it in the on-site furnace.

B&H must cease burning used oil obtained from sources other than what is generated at your facility or from household do-it-yourself generators. B&H must submit a copy of an internal policy outlining your used oil practices and procedures.

On February 28, 2005, B&H submitted a written response and indicated that the employees have been informed not to accept used oil from anyone. B&H must submit a copy of an internal written policy that outlines the used oil practices and procedures you have reviewed with your employees.

On March 19, 2008, Ohio EPA made a site visit to review the site conditions and verify your compliance with the used oil rules. B&H was only burning the used oil they generate in the course of business in the on-site heater. B&H had the drums of used oil that were sitting outside picked up by DISC Environmental (DISC) for recycling. The receipt from DISC outlined that 1,425 gallons of used oil were picked up on June 15, 2005. B&H currently uses three 275-gallon storage tanks to store the used oil they generate.

With this information, this violation has been abated.

5. OAC Rule 3745-279-42(A): Notification:

Used oil transporters who have not previously notified Ohio EPA or U.S. EPA of regulated waste activity must notify Ohio EPA of regulated waste activity and obtain an EPA identification number.

B&H has been transporting used oil from off-site generators to your facility without an Ohio EPA identification number.

B&H must cease transporting used oil from off-site generators to your facility, or notify Ohio EPA and obtain an identification number. B&H must submit written documentation outlining what your intentions are regarding the transportation of used oil.

On February 28, 2005, B&H submitted a written response indicating that your business does not plan to operate as a used oil transporter.

This violation was previously abated.

6. OAC Rule 3745-279-43(A)(1-4): Used oil transportation:

A used oil transporter shall deliver all used oil received to another used oil transporter; a used oil processing/re-refining facility; an off-specification used oil burner facility; or an on-specification used oil burner facility.

B&H was delivering used oil collected from off-site generators to their own facility and burning it in the on-site furnace.

B&H must determine if you want to operate as a used oil transporter. If so, B&H must immediately cease delivering used oil to your own facility and ensure that it is delivered to one of the above mentioned facilities. B&H must notify Ohio EPA of your intentions to operate as a used oil transporter.

On February 28, 2005, B&H submitted a written response indicating that your business does not plan to operate as a used oil transporter.

This violation was previously abated.

7. OAC Rule 3745-279-44(A): Rebuttable presumption for used oil transporters:

A used oil transporter must determine whether the total halogen content of the used oil being transported or stored is above or below 1000 parts per million (ppm). The transporter shall make this determination by testing the used oil or applying knowledge of the halogen content based upon the materials or process used. The transporter must retain all record of analyses and information used to make this determination for three years.

B&H did not determine the total halogen content of the used oil they were collecting from off-site generators and transporting to their facility.

B&H must determine if you want to operate as a used oil transporter. If so, B&H must immediately determine the total halogen content of the used oil transported to your facility. A copy of this documentation must be submitted to Ohio EPA for review.

On February 28, 2005, B&H submitted a written response indicating that your business does not plan to operate as a used oil transporter.

This violation was previously abated.

8. OAC Rule 3745-279-46(A)(1-5)(D): Tracking of used oil by transporters:

A used oil transporter must keep a record of each shipment of used oil. Each record shall include: name and address of the generator; EPA ID# of the generator; quantity of used oil accepted; the date of acceptance; and the signature of a representative or the generator. The transporter must retain all records for at least three years.

B&H has not been maintaining any record of the shipments of used oil they have been collecting and transporting to their facility.

B&H must determine if you want to operate as a used oil transporter. If so, B&H must immediately begin tracking all shipments of used oil. B&H must maintain records for each shipment of used oil that include the above required information. These records are to then be retained for at least three years.

On February 28, 2005, B&H submitted a written response indicating that your business does not plan to operate as a used oil transporter.

This violation was previously abated.

Mr. Dan Bauman
January 20, 2010
Page Five

Should you have any questions or if I can be of assistance, please contact me at (419) 373-3066.

Sincerely,

Melissa L. Boyers

Melissa L. Boyers
Division of Hazardous Waste Management

/lb

pc: Cindy Lohrbach, DHWM, NWDO
Colleen Weaver, DHWM, NWDO
~~DHWM, NWDO B&P Alignment File~~

ec: Melissa Boyers, DHWM, NWDO

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.