

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

March 16, 2010

Donald F. Wilson
Plant Manager
Buckeye Transfer Inc. /Better Management Corp. (BMC)
41738 Esterly Drive
P.O. Box 130
Columbiana, OH 44408

**RE: DART TRANSPORT INC. (LOCATED WITHIN THE FORMER NATIONAL
REFRATORIES & MINERALS CORP. SITE), OHR000147033
NOTICE OF VIOLATION (NOV), COLUMBIANA COUNTY**

Dear Mr. Wilson:

On March 4, 2010, this writer and Todd Surrena, representing Ohio EPA, Division of Hazardous Waste Management (DHWM), visited the former National Refractories & Minerals Corp. site located at 41738 Esterly Drive, Columbiana, Ohio. The purpose of the visit was to determine the status of operations at the site including determining the status of any hazardous waste generators at this location since portions of the facility have been sub-leased to other companies.

The following represents Ohio EPA's findings:

During the visit Ohio EPA determined that Dart Transport Inc. (Dart) operates a hazardous waste transfer facility from this location and also operates a truck maintenance garage at this location. It is our understanding that you represented Dart's interest during this visit.

On January 9, 2008, Dart notified U. S. EPA of their transporter activities and received the identification number, OHR000147033. Please note that this identification number for Dart remains with the site location address: 41738 Esterly Drive, Columbiana, OH 44408.

Upon visiting the Dart truck maintenance garage, Ohio EPA determined that Dart is generating used oil and accumulating the used oil in tanks and containers.

Ohio EPA found the following violation of Ohio's hazardous waste rules:

Dart failed to clearly label or mark containers and tanks accumulating used oil with the words "Used Oil" as required by the Ohio Administrative Code (OAC) 3745-279-22(C).

Please, within thirty (30) days of the date of this letter, provide me with documentation showing that all tanks and containers are clearly marked or labeled "Used Oil". The

DART TRANSPORT INC.

MARCH 16, 2010

PAGE - 2 -

documentation can be in the form of digital photos sent to my attention at kris.coder@epa.state.oh.us. The photos must clearly show the markings and upon receipt of the information, Ohio EPA will issue a return to compliance letter.

An additional concern regards Dart's use of the OHD009865825 which was assigned to the Dart Trucking Co., Inc. at 61 Railroad St., Canfield, OH 44406 (Mahoning County). Since identification numbers are assigned to specific site addresses, this number is not to be used for Dart's current operation at 41738 Esterly Drive, Columbiana, OH 44408. During our conversation on Friday, March 5, I understand that Dart is applying for a new number. Please provide this number to my attention as soon as possible. If Dart plans to use the OHR number currently assigned, then Dart may need to re-notify with updated information.

Enclosed are Ohio EPA's Used Oil checklist and a revised RCRA Subtitle C Site Identification/Verification form.

Please visit the Division of Hazardous Waste web site for additional information including a list of recycling vendors in the State of Ohio at:

<http://epa.ohio.gov/ocapp/Recycle.aspx>

Thank you for your cooperation in this matter. If you have any questions, please call me at (330) 963-1266. Please note that other issues or concerns brought to your attention during the March 4th visit may be addressed through separate correspondence.

Failure to list specific deficiencies in this communication does not relieve Dart from the responsibility of complying with all applicable hazardous waste regulations. This letter does not relieve your facility from liability for any past or present violations of the state's hazardous waste laws.

Sincerely,



Kris Coder
Environmental Specialist
Division of Hazardous Waste Management

KC:ddw

Enclosure

ec: Nyall McKenna, NEDO, DHWM
Todd Surrena, NEDO, DHWM

Send to Central Office <input checked="" type="checkbox"/>	Ohio Environmental Protection Agency RCRA SUBTITLE C SITE IDENTIFICATION/VERIFICATION FORM	For Ohio EPA use only
---	---	-----------------------

Completed verification forms required to be submitted to CO should be e-mailed to kristina.durnell@epa.state.oh.us.

Site EPA ID No.	EPA ID Number: OHR000147033			Website: (Optional)					
Site Name	Name: Dart Transport Inc								
Site Location Information	Street Address: 41738 Esterly Dr			State: OH					
	City, Town, or Village: Columbiana			Zip Code: 44408					
Site Land Type (check only one)	County Name: Columbiana	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) www.census.gov/epcd/www/naics.html	48411	48412							

Facility Representative	First Name: Carrie	MI: K	Last Name: Jones
Additional names can be recorded in number 12	Phone Number: (330)482-7070	Phone Number Extension: 250	
Only provide address information if it is different than the site address	E-Mail Address: cjones@dartamerica.com		
	Fax Number:	Fax Number Extension:	
	Street or P.O. Box: 60		
	City, Town or Village: Columbiana		
	State: OH	Zip Code: 44408	

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: Port Authority for Columbiana County			Date Became Owner (mm/dd/yyyy): 1/4/2006										
	Owner Type:	Private <input type="checkbox"/>	County <input checked="" 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: 1250 Saint George St			Owner Phone #: 330-386-9051										
	City, Town or Village: East Liverpool			Country: USA			Zip Code: 43920							
	State: OH			Date Became Operator (mm/dd/yyyy): 9/01/2006										
	Name of Site's Operator: Dart Transport Inc			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"/>	Other <input type="checkbox"/>
	Street or P.O. Box: P.O. Box 60			Operator Phone #: 330-482-7070										
	City, Town or Village: Columbiana			Country: USA			Zip Code: 44408							
	State: OH													

VIOLATIONS CITED?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
--------------------------	---	-----------------------------

TYPE OF HANDLER - MARK "X" AS APPROPRIATE		
<input type="checkbox"/> Not a HW Generator	<input type="checkbox"/> UNKNOWN: Cited for violation of 3745-52-11	<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

TYPE OF REGULATED WASTE ACTIVITY (MARK "X" IN ALL OF THE APPROPRIATE BOXES)	
<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	

UNIVERSAL WASTE ACTIVITIES (INDICATE TYPES OF UNIVERSAL WASTE MANAGED

(CHECK ALL BOXES THAT APPLY)

- Small Quantity Handler of Universal Waste Destination Facility for Universal Waste
 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. Oil
 Used Oil Fuel Marketer to Off-Specification Used Oil Burner

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:

**Contact: Donald F. Wilson, Plant
Manager (330) 482-9073, ext. 112, cell:
330-719-0503, Better Management
Corp (BMC) or Buckeye Transfer, Inc.
(Formerly, National Refractories &
Minerals Corp. site)
41738 Esterly Drive
P. O. Box 130
Columbiana, OH 44408**

Tanks Yes No
Containers Yes No

Name of Inspector(s)
Kris Coder

Name of Inspector(s)
Todd Surrena

Date of Inspection/Time
(mm/dd/yyyy) (hh:mm)
03/04/2010

Comments:

Used oil violation only. Tanks and containers store used oil in the Dart Truck Maintenance Building.

**USED OIL INSPECTION CHECKLIST
GENERATORS, COLLECTION CENTERS AND AGGREGATION POINTS
DART TRANSPORT INC
41738 ESTERLY DR.
COLUMBIANA, OH 44408
TRUCK MAINTENANCE OPERATION INSPECTED BY:
KRIS CODER AND TODD SURRENA
OHIO EPA, DHWM**

NOTE: 1. A facility is subject to the federal SPCC regulations (40 CFR 112) if it is non-transportation related (e.g., fixed) and has an aggregate above ground storage capacity greater than 1,320 gallons or a total underground storage capacity greater than 42,000 gallons of oil (including used oil), and there is reasonable expectation of a discharge to navigable waters.

2. Inspectors can check BUSTR's web-site at https://www.comapps.ohio.gov/sfm/fire_apps/bust/bustr/PublicInquiry.asp to determine if a UST containing used oil is registered with BUSTR. Inspectors may call BUSTR at 614-752-7938 or a BUSTR site coordinator to report an unregistered UST or a UST that appears to not be in compliance with BUSTR regulations. A list of BUSTR coordinators by county are at:

https://www.comapps.ohio.gov/sfm/fire_apps/bust/bustr/SearchByCounty.asp.

PROHIBITIONS

1.	Does the generator manage used oil in a surface impoundment or waste pile? If yes:	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
a.	Is the surface impoundment or waste pile regulated as a hazardous waste management unit? [3745-279-12(A)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>

NOTE: For example, used oil contaminated scrap metal stored in a pile.

2.	Is used oil used as a dust suppressant? [3745-279-12(B)]	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input checked="" type="checkbox"/>
3.	Is off-specification used oil fuel burned for energy recovery in devices specified in 3745-279-12(C)?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input checked="" type="checkbox"/>

NOTE: Multiple used oil checklists may be applicable if used oil handler is performing multiple tasks (e.g., if generating used oil and shipping directly to a burner, complete generator and marketer checklists at a minimum).

GENERATOR STANDARDS

4.	Does the generator mix hazardous waste with used oil? If so,	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input checked="" type="checkbox"/>
a.	Is the mixture managed as specified in 3745-279-10(B)? [3745-279-21(A)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>

NOTE: Used Oil mixed with listed (3745-51-30 to 3745-51-35) or characteristic (3745-51-20 to 3745-51-24) hazardous waste are subject to regulation as a hazardous waste, unless the listed hazardous waste is listed solely because it exhibits a hazardous characteristic, and the resultant mixtures do not exhibit a characteristic. Mixtures of used oil and CESQG hazardous waste are subject to OAC Chapter 3745-279.

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 <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
----	--	--

NOTE: If used oil contains greater than 1000 ppm total halogens, it is presumed to be listed hazardous waste until the presumption is successfully rebutted.

6.	Does the generator store used oil in tanks; or containers; or a unit(s) subject to regulation as a hazardous waste management unit? [3745-279-22(A)]	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> Both tanks and containers
7.	Are containers and aboveground tanks used to store used oil in good condition with no visible leaks? [3745-279-22(B)]	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
8.	Are containers, above ground tanks, and fill pipes used for underground tanks clearly labeled or marked "Used Oil?" [3745-279-22(C)]	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Tanks and containers of used oil failed to be marked "Used Oil"

9.	Has the generator, upon detection of a release of used oil, done the following: [3745-279-22(D)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> No releases of used were noted.
a.	Stopped the release?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
b.	Contained the release?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
c.	Cleaned up and properly managed the used oil and other materials?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
d.	Repaired or replaced the containers or tanks prior to returning them to service, if necessary?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>

ON-SITE BURNING IN SPACE HEATER

10.	Does the generator burn used oil in used-oil fired space heaters? [3745-279-23] 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 <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
b.	Is the heater designed to have a maximum capacity of not more than 0.5 million BTU per hour?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
c.	Are the combustion gases from heater vented to the ambient air?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>

NOTE: Ash accumulated in a space heater must be managed in accordance with 3745-279-10(E).

GENERATOR TRANSPORTATION

11.	Does the generator have the used oil hauled only by transporters that have obtained a U.S. EPA ID#? [3745-279-24]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> X used oil is burned onsite as noted above.
12.	If the generator self-transport used oil to an approved collection site or to an aggregation point owned by the generator: [3745-279-24]	
a.	Does the generator transport used oil in a vehicle owned by the generator or an employee of the generator? [3745-279-24]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
b.	Does the generator transport more than 55 gallons of used oil at any time? [3745-279-24]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>

NOTE: Used oil generators may arrange for used oil to be transported by a transporter without a U.S. EPA ID # if the used oil is reclaimed under a contractual agreement (i.e., tolling arrangement).

COLLECTION CENTERS AND AGGREGATION POINTS

13.	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 <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
14.	Is the non-DIY used oil collection center registered with Ohio EPA? [3745-279-31]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
15.	Is the used oil aggregation point in compliance with the generator standards in 3745-279-20 to 3745-279-24? [3745-279-32]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>

NOTE: Complete Used Oil Generator and any other applicable used oil handler checklist (e.g., marketer, burner, etc.) for used oil collection centers and aggregation points.