



State of Ohio Environmental Protection Agency

Southeast District Office

2195 Front Street
Logan, Ohio 43138

TELE: (740) 385-8501 FAX: (740) 385-6490
www.epa.state.oh.us

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

February 14, 2008

**WASHINGTON COUNTY
GENERAL FILE
(STERLING SERVICE STORE)
DHWM/SEDO
OHR000028100**

Mr. Evan Chichester
Sterling Service Store
400 Second Street
Marietta, Ohio 45750

Dear Mr. Chichester:

On February 6, 2008, Ohio EPA conducted a compliance evaluation inspection at your facility located at 400 Second Street in Marietta to determine compliance with Ohio's hazardous waste laws and regulations as found in the Ohio Revised Code (ORC) and the Ohio Administrative Code (OAC). During the inspection, I also helped Sterling Service Store identify ways to prevent pollution by reducing waste. This letter will explain the violation I found and what you need to do to correct the violation.

I found the following 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 45 days** of your receipt of this letter:

- (1) **OAC Rule 3745-279-72(A), On-Specification Used Oil Fuel:** Analysis of used oil fuel. A generator, transporter, processor/re-refiner, or burner shall determine that used oil that is to be burned for energy recovery meets the fuel specifications of rule 3745-279-11 of the Administrative Code by performing analyses or obtaining copies of analyses or other information documenting that the used oil fuel meets the specifications.

During the inspection, you indicated that used oil is given to Boley's Garage to burn in their used oil shop heater. However, you have not analyzed the oil to determine if it meets the used oil specifications in OAC 3745-279-11, in violation of this rule. If Sterling Service Store wants to continue giving used oil to Boley's Garage to burn in a used oil shop heater, the used oil has to meet the specifications in OAC 3745-279-11. The specifications are as follows:

<u>Constituent</u>	<u>Allowable Level</u>
Arsenic	5 ppm maximum
Cadmium	2 ppm maximum
Chromium	10 ppm maximum
Lead	100 ppm maximum
Flash Point	100 degF minimum
Total Halogens	4,000 ppm maximum ¹

To abate this violation, you or Boley's Garage must test the used oil to determine if the specifications are being met, and submitting the results to this office. This entails submitting a sample of the used oil to a laboratory for analysis.

¹Used oil containing more than one thousand parts per million (ppm) total halogens is presumed to be a hazardous waste under the rebuttable presumption provided under OAC 3745-279-10(B)(1).

GENERAL COMMENT

- (a) As we discussed during the inspection, Ohio EPA recommends that Sterling Service Store begin recycling used oil filters. Attached is a guidance document regarding used oil filters and a listing of companies that recycle filters.

As discussed during the inspection, you may be able to reduce the waste your company generates. If you find ways to recycle, reduce, or altogether eliminate the amount of waste that your company generates, you may be able to reduce treatment and disposal costs, and you may possibly reduce your regulatory requirements. The Ohio EPA strongly encourages pollution prevention as the preferred approach for waste management. The first priority of pollution prevention is to eliminate the generation of wastes and pollutants at the source (source reduction). For wastes or pollutants that are generated, the second priority is to recycle or reuse them in an environmentally sound manner. You may benefit economically, help preserve the environment, and improve your public image by implementing pollution prevention programs. You can find more information about pollution prevention, including fact sheets, at the following web address: http://www.epa.state.oh.us/ocapp_recycle.html. If you would like to be considered for an in-depth on-site pollution prevention assessment, or if you would like more information about pollution prevention assessments, please contact me.

Enclosed, you will find a copy of the checklists that were completed during the inspection. Should you have any questions, please feel free to contact me at (740) 380-5288. You can find copies of the rules and other information on the division's web page at <http://www.epa.state.oh.us/dhwm>.

Sincerely,



Scott N. Bergreen
Environmental Specialist
Division of Hazardous Waste Management

SNB/mlm

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.

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

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

2. Site EPA ID No.	EPA ID Number: OHR000028100									
3. Site Name	Name: Sterling Service Store					Website: (Optional)				
4. Site Location Information	Street Address: 400 Second Street									
	City, Town, or Village: Marietta					State: OH				
	County Name: Washington					Zip Code: 45750				
5. 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"/>		
6. NAICS code(s) www.census.gov/epcd/www/naics.html										
7. Facility Representative Additional names can be recorded in number 12 Only provide address information if it is different than the site address	First Name: Evan			MI:	Last Name: Chichester					
	Phone Number: (740) 373-1701				Phone Number Extension:					
	E-Mail Address:									
	Fax Number:				Fax Number Extension:					
	Street or P.O. Box: 400 Second Street									
	City, Town or Village: Marietta					State: OH		Country: USA		Zip Code: 45750
	8. 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: Mr. Don Chichester				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"/>	Other <input type="checkbox"/>	
Street or P.O. Box: 400 Second Street										
City, Town or Village: Marietta				Owner Phone #: (740) 373-1701						
State: OH				Country: USA		Zip Code: 45750				
Name of Site's Operator: Sterling Service Store				Date Became Operator (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"/>	Other <input type="checkbox"/>	
Street or P.O. Box: 400 Second Street										
City, Town or Village: Marietta				Operator Phone #: (740) 373-1701						
State: OH				Country: USA		Zip Code: 45750				
9. Violations Cited?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No									
10A. Type of Regulated Waste Activity (Mark "X" in all of the appropriate boxes)										
<input type="checkbox"/> Not Regulated					<input checked="" 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)										
<input type="checkbox"/> Hazardous Waste Transporter					<input type="checkbox"/> Exempt Boiler and/or Industrial Furnace					
<input type="checkbox"/> Treater, Storer or Disposer of Hazardous Waste					<input type="checkbox"/> Small Quantity On-Site Burner Exemption					
<input type="checkbox"/> Recycler of Hazardous Waste					<input type="checkbox"/> Smelting, Melting, Refining Furnace Exemption					
<input type="checkbox"/> Underground Injection Control Facility										

10B. 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"/> 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		10C. Used Oil Activities (Indicate Type(s) of Activity(ies))	
	Managed	<input checked="" type="checkbox"/> Used Oil Generator	<input type="checkbox"/> Off-Specification Used Oil Burner
Batteries	<input checked="" 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"/> Used Oil Transfer Facility	<input type="checkbox"/> Used Oil Fuel Marketer to Off-Specification Used Oil Burner
Mercury containing equipment	<input type="checkbox"/>	<input type="checkbox"/> Used Oil Processor	
Lamps	<input type="checkbox"/>	<input type="checkbox"/> Used Oil Re-refiner	
11. 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 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.			
12. 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 checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Other Comments:
Containers	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
13. Name of Inspector(s)		Name of Inspector(s)	Date of Inspection/Time (mm/dd/yyyy) (hh:mm)
Scott Bergreen			2/6/2008 11:15 - 11:45 am
14. 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)

**CONDITIONALLY EXEMPT SMALL QUANTITY GENERATOR REQUIREMENTS
COMPLETE AND ATTACH A PROCESS, WASTE, P2 SUMMARY SHEET**

CESQG: ≤100Kg. (Approximately 25-30 gallons) of waste in a calendar month or < 1 Kg. of acutely hazardous waste.

SQG: Between 100 and 1,000 Kg. (About 25 to under 300 gallons) of waste in a calendar month.

LQG: ≥ 1,000 Kg. (~300 gallons) of waste in a calendar month or ≥ 1 Kg. of acutely hazardous waste in a calendar month.

NOTE: To convert from gallons to pounds: Amount in gallons x Specific Gravity x 8.345 = Amounts in pounds.

Safety Equipment Used:

WASTE EVALUATION

1. Have all wastes generated at the facility been adequately evaluated? [3745-52-11] Yes No N/A

GENERATOR CLASSIFICATION

2. Does the generator produce <100 kg. of hazardous waste per month? [conditionally exempt small quantity generator ("CESQG")] Yes No N/A

NOTE: If quantities of hazardous waste accumulated on-site at any one time exceed 1,000 Kg. - or the generator produces between 100 and 1,000 Kg. of hazardous waste per month, it is operating as a Small Quantity Generator ("SQG"). If so, complete the Small Quantity Generator Requirements checklist.

OFF-SITE SHIPMENT OF HAZARDOUS WASTE

3. Does the CESQG ensure delivery of hazardous waste(s) to an off-site permitted TSD? [3734.02(F)] Yes No N/A

TREATMENT OF HAZARDOUS WASTE

4. Does the generator treat hazardous waste in a:
- a. Container that meets 3745-66-70 to 3745-66-77? Yes No N/A
 - b. Tank that meets 3745-66-90 to 3745-66-101 except 3745-66-97(C)? Yes No N/A
 - c. Drip pads that meet 3745-69-40 to 3745-69-45? Yes No N/A
 - d. Containment building that meets 3745-256-100 to 3745-256-102? Yes No N/A

NOTE: Complete appropriate checklist for each unit.

NOTE: If the CESQG conducts treatment they are subject to the LQG requirements.

NOTE: If waste is treated to meet LDRs, use LDR checklist.

REMARKS

PROCESS, WASTE, P2 SUMMARY SHEET

Facility Name: Sterling	Facility Type: CESQG	Date of Inspection: 2/6/08	EPA ID #: OHR000028100
Service Store			

Waste Generated			On- or Off-Site Management		P2 Activities	
Process/Activity Generating Waste <small>(e.g. plating bath, machining, baghouse, painting, general maintenance, etc)</small>	Waste Description <small>(e.g. sludge, solvent, ash, used oil, spent lamps, etc.) and EPA Waste Code, if applic.</small>	QTY Generated per Month, Type of Accumulation <small>(container, tank, etc) and location of waste accumulation area</small>	Type of On-Site Treatment <small>(recycle, wwt, etc)</small>	Name, state, and type of activity occurring at the off-site facility.	Current P2 Activities	P2 Opportunities
1	Automobile Maintenance	Used Oil ~100 gallons/month Stored in 250 g. tank inside shop	N/A	Used oil is given to Boley's Service Garage, 348 Third St., Marietta		
2	Automobile Maintenance	Spent Lead Acid Batteries	N/A	Marietta Ignition Marietta, OH		
3	Automobile Maintenance	Used Oil Filters	N/A	Disposed of in general trash after draining		
4	Cleanup	Dirty Shop Rags	N/A	Disposed of in general trash		

5	Cleanup	Oil dry	Varies	N/A	Disposed of in general trash		
6	Automobile Maintenance	Spent Antifreeze	Varies	N/A	Mixed in with used oil		

REMARKS-GENERAL INFORMATION

General Process Information:

Sterling Service Store, located at 400 Second Street in Marietta, is a vehicle repair garage that performs oil changes, brake repair, exhaust work, and strut/shock replacement. Major engine or transmission repairs are not conducted at the garage. The typical automotive repair wastes are generated at the garage including used oil and filters, spent batteries, antifreeze, shop rags, and oil dry. Used tires are picked up by Campbell's Tire of Zanesville.

Regulatory/Enforcement History:

No previous compliance evaluation inspections have been conducted at Sterling Service Store.

Additional P2 remarks and information:

Would this facility be interested in a P2 assessment? Yes* _____ No X

**USED OIL INSPECTION CHECKLIST
GENERATORS, COLLECTION CENTERS AND AGGREGATION POINTS**

NOTE: 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.

PROHIBITIONS

1. Does the generator manage used oil in a surface impoundment or waste pile? If yes: Yes No N/A
- a. Is the surface impoundment or waste pile regulated as a hazardous waste management unit? [3745-279-12(A)] Yes No N/A
2. Is used oil used as a dust suppressant? [3745-279-12(B)] Yes No N/A
3. Is off-specification used oil fuel burned for energy recovery in devices specified in 3745-279-12(C)? Yes No N/A

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 No N/A
- a. Is the mixture managed as specified in 3745-279-10(B)? [3745-279-21(A)] Yes No N/A

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 No N/A

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

ON-SITE BURNING IN SPACE HEATER

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

GENERATOR TRANSPORTATION

- 11. If the generator self-transport used oil to an approved collection site or to an aggregation point owned by the generator: [3745-279-24] Yes No N/A
 - a. Does the generator transport used oil in a vehicle owned by the generator or an employee of the generator?[3745-279-24] Yes No N/A
 - b. Does the generator transport more than 55 gallons of used oil at any time?[3745-279-24] Yes No N/A

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

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

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.

Keyword: UsedOilChecklistforGenerators.Oct.2007.doc

USED OIL INSPECTION CHECKLIST - MARKETERS

NOTE: 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.

PROHIBITIONS

1. Does the Used Oil Marketer manage used oil in a surface impoundment or waste pile? If yes: Yes No N/A
- a. Is the surface impoundment or waste pile regulated as a hazardous waste management unit? [3745-279-12(A)] Yes No N/A
2. Is used oil used as a dust suppressant? [3745-279-12(B)] Yes No N/A
3. Is off-specification used oil fuel burned for energy recovery in devices specified in 3745-279-12(C)? Yes No N/A

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).

4. Does the used oil fuel marketer initiate shipments of **off-spec** used oil only to a used oil burner that has a U.S. EPA ID# and burns the used oil in an industrial furnace or boiler identified in 3745-279-61(A)? [3745-279-71] Yes No N/A
5. Does the generator, transporter, processor/re-refiner, or burner who first claims that the used oil meets the specification for used oil fuel under 3745-279-11 keep copies of analyses of the used oil (or other information used to make the determination) for at least three years? [3745-279-72(B)] Yes No N/A
6. Has the used oil marketer notified Ohio EPA or U.S. EPA and obtained a U.S. EPA ID#? [3745-279-73(A)] Yes No N/A
7. Does the used oil marketer keep a record of each shipment of **off-spec** used oil directed to a used oil burner? [3745-279-74(A)] Yes No N/A
- a. Does each record include the name and address of the transporter who delivers the used oil to the burner? [3745-279-74(A)(1)] Yes No N/A
- b. Does each record include the name and address of the burner who receives the oil? [3745-279-74(A)(2)] Yes No N/A
- c. Does each record include the U.S. EPA ID# of the transporter that delivers the used oil to the burner? [3745-279-74(A)(3)] Yes No N/A
- d. Does each record include the U.S. EPA ID# of the burner? [3745-279-74(A)(4)] Yes No N/A

- e. Does each record include the quantity of the used oil shipped? [3745-279-74(A)(5)] Yes No N/A
- f. Does each record include the date of shipment? [3745-279-74(A)(6)] Yes No N/A
8. Does the generator, transporter, processor/re-refiner, or burner who first claims that the used oil **meets the fuel specifications** under 3745-279-11 keep a record of each shipment of used oil to an on-spec used oil burner? [3745-279-74(B)] Yes No N/A
- a. Does each record include the name and address of the facility receiving the shipment? [3745-279-74(B)(1)] Yes No N/A
- b. Does each record include quantity of used oil fuel delivered? [3745-279-74(B)(2)] Yes No N/A
- c. Does each record include date of shipment or delivery? [3745-279-74(B)(3)] Yes No N/A
- d. Does each record include a cross-reference to the record of used oil analysis or other information used to make the determination that the used oil meets the specification as required in 3745-279-72(A)? [3745-279-74(B)(4)] Yes No N/A
9. Are the records described in 3745-279-74(A) and (B) maintained for at least three years? [3745-279-74(C)] Yes No N/A
10. Before the used oil generator, transporter or processor/re-refiner directs the first shipment of **off-spec** used oil to a burner, does he obtain a one time written and signed notice from the burner certifying that:
- a. The burner has notified Ohio EPA stating the location and general description of the used oil management activities? [3745-279-75(A)(1)] Yes No N/A
- b. The burner will burn the off-spec used oil only in an industrial furnace or boiler identified in 3745-279-61(A)? [3745-279-75(A)(2)] Yes No N/A
11. Is the certification maintained for at least three years from the date the last shipment of off-spec used oil was shipped to the burner? [3745-279-75(B)] Yes No N/A

Keyword: UsedOilforMarketers.Oct.2007.doc