



State of Ohio Environmental Protection Agency

Northeast District Office

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

November 19, 2007

David L. Mick  
Terminal Manager  
Gutman Realty DBA Bulk Terminal Storage  
1521 S. Chillicothe Rd.  
Aurora, OH 44202

**RE: GUTMAN REALTY DBA BULK TERMINAL STORAGE, OHD982608226, NOV**

Dear Mr. Mick:

On October 30, 2007, I visited Gutman Realty DBA Bulk Terminal Storage (BTS) located at 1521 South Chillicothe Road, Aurora, Ohio to conduct an unannounced hazardous waste compliance evaluation inspection (CEI). BTS was represented by you.

The purpose of the inspection was to determine BTS' compliance with Ohio's hazardous waste laws as found in Chapter 3734 of the Ohio Revised Code (ORC), and the rules promulgated thereunder in Chapter 3745 of the Ohio Administrative Code (OAC). The inspection included a review of the facility's operations, as well as the management of wastes. BTS was inspected for the requirements of a conditionally exempt small quantity generator (CESQG) of hazardous waste. However, the facility becomes an episodic large quantity generator (LQG) when product storage tanks are cleaned-out. Specifically, wastes generated from the cleaning of the tank are vacuumed directly into the hazardous waste transporter's vehicle.

On November 7 and November 15, 2007, I received your facsimiles concerning information that I requested during the inspection.

Information obtained pertaining to process descriptions, hazardous waste generation and amount, and hazardous waste management units, is specified on the Process Description-Waste Activities Summary Sheet within the enclosed inspection checklist.

Based on the inspection, Ohio EPA has identified the following violations:

- 1. OAC rule 3745-52-11, Waste Evaluation: Any person who generates a waste must evaluate that waste to determine if it is a hazardous waste in accordance with the criteria set forth in OAC Chapter 3745-51.**

During the October 30, 2007 inspection, Ohio EPA observed one, 55-gallon drum; one, 30-gallon drum and 6, 5-gallon pails in the Utility Barn. You were unable to provide adequate evaluation information for the waste in these containers. On November 15, 2007, you provided waste evaluation information for the contents of these containers. **Based upon submitted documentation, BTS has adequately abated this violation. However, please submit a copy of the hazardous waste manifest documenting the lawful, off-site shipment of these wastes to a permitted facility.**

2. **OAC rule 3745-279-22(C), Used Oil Storage Requirements:** Generators must store used oil in containers that are labeled with the words "Used Oil."

BTS failed to label two, 5-gallon pails with the words "Used Oil." These pails were observed in the Utility Barn. **During the inspection, BTS abated this violation through labeling the pails with the words "Used Oil." No further information is requested.**

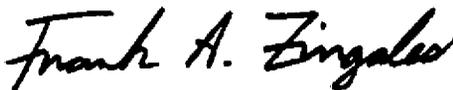
Please consider the following technical assistance resources:

1. Ohio EPA has created an electronic news service to provide facilities with quick and timely updates on news and events related to hazardous waste activities in Ohio. For more information, please refer to: <http://www.epa.state.oh.us/dhwm/listserv.html>
2. Technical assistance and pollution prevention information is available from Ohio EPA at: <http://www.epa.state.oh.us/ocapp/ocapp.html>
3. You may be able to reduce the amount of waste your facility generates by finding ways to recycle, reduce, or eliminate it. Ohio EPA's Office of Compliance Assistance and Pollution Prevention (OCAPP) provides free compliance and pollution prevention assistance on environmental issues related to air, land, and water. Should your facility be interested in receiving a free pollution prevention assessment in the future, please contact me or OCAPP. OCAPP may be contacted at (800) 329-7518 or via the internet at: <http://www.epa.state.oh.us/opp/ocapp.html>
4. You may find copies of the hazardous waste rules and other information on Ohio EPA's web page at: <http://www.epa.state.oh.us/dhwm>

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

Should you have any questions, please contact me at (330) 963-1108.

Sincerely,



Frank A. Zingales  
Environmental Specialist  
Division of Hazardous Waste Management

FAZ:ddw

Enclosure

cc: Natalie Oryshkewych, DHWM, NEDO  
Harry Sarvis, DHWM, CO

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](mailto:tammy.mcconnell@epa.state.oh.us) or mail it to Tammy  
 McConnell, Central Office

Site EPA ID No.	EPA ID Number: OHD982608226								
Site Name	Name: Gutman Realty DBA Bulk Terminal Storage				Website: (Optional)				
Site Location Information	Street Address: 1521 S. Chillicothe Rd.								
	City, Town, or Village: Aurora				State: OH				
	County Name: Portage				Zip Code: 44202				
Site Land Type (check only one)	Private <input 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) <a href="http://www.census.gov/epcd/www/naics.html">www.census.gov/epcd/www/naics.html</a>									
Facility Representative  Additional names can be recorded in number 12  Only provide address information if it is different than the site address	First Name: David			MI: L	Last Name: Mick				
	Phone Number: 330-562-7651				Phone Number Extension:				
	E-Mail Address: dmick@bulkterminalstorage.com						Fax Number Extension:		
	Fax Number: 330-562-6272				Fax Number Extension:				
	Street or P.O. Box:								
	City, Town or Village:				State:		Country:		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:				Date Became Owner (mm/dd/yyyy):				
	Owner Type:	Private <input 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:								
	City, Town or Village:				Owner Phone #:		Country:		Zip Code:
	State:				Name of Site's Operator:		Date Became Operator (mm/dd/yyyy):		
	Owner Type:	Private <input 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:								
	City, Town or Village:				Operator Phone #:		Country:		Zip Code:
State:				Name of Site's Operator:		Date Became Operator (mm/dd/yyyy):			
Violations Cited?				<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No					
Type of Generator									
<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)									
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 generated and/or accumulated (check all boxes that apply))			
<input checked="" 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)		Used Oil Activities (Indicate Type(s) of Activity(ies))	
	<b>Managed</b>	<input checked="" type="checkbox"/> Used Oil Generator	<input type="checkbox"/> Off-Specification Used Oil Burner
Batteries	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/> Used Oil Re-refiner	
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 RCRA Info source record, you do not need to list them all. 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	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Additional Facility Representatives:	
Tanks	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Other Comments: Facility evaluated as a CESQG based on monthly generation rate. However, the facility becomes an episodic LQG when product storage tanks are cleaned-out. Specifically, wastes generated from the cleaning of the tank are vacuumed directly into the hazardous waste transporter's vehicle.	
Containers	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Name of Inspector(s) <b>Frank Zingales</b>		Name of Inspector(s) <b>(10/30/2007) (0935)</b>	
Date of Inspection/Time (mm/dd/yyyy) (hh:mm)			
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)

**PROCESS DESCRIPTION / WASTE ACTIVITIES SUMMARY**

**Facility Name:** Gutman Realty DBA Bulk Terminal Storage **Facility Type:** Conditionally Exempt Small Quantity Generator (CESQG) **EPA ID#:** OHD982608226

**Process Information:** Facility is a storage and distribution terminal for gasoline, distillates (diesel) and ethanol. Facility generates hazardous waste (absorbent pads) from the clean-up of incidental gasoline related spills. However, the facility becomes an episodic large quantity generator (LQG) when product storage tanks are cleaned-out. Specifically, wastes generated from the cleaning of the tank are vacuumed directly into the hazardous waste transporter's vehicle.

**Regulatory / Enforcement History:** None to date.

Description of Waste				On-Site Management	Off-Site Management	
Process/Activity Generating Waste	Waste Generated	Waste Code(s)	Quantity Generated	Type of Accumulation	Name, state, and type of activity occurring at the facility	
1.	Cleaning of product (i.e., gasoline) storage tanks.	Liquid and sludge	D001/D018	LQG-see annual report.	None	Chemtron Corp. Avon, OH OHD066060609
2.	Clean-up of incidental gasoline related spills.	Absorbent pads	D001/D018	CESQG	Container-drum	Chemtron Corp. Avon, OH OHD066060609
3.	Cleaning of product (i.e., diesel) storage tanks.	Liquid and sludge			None	Chemtron Corp. Avon, OH OHD066060609
4.	Clean-up of product related spills.	Liquid, absorbent pads or soil	Dependent upon product spilled.			Chemtron Corp. Avon, OH OHD066060609
5.	Maintenance of tractors.	Used oil				Ullman Oil, Inc. Chagrin Falls, OH OHD986979961
6.	Maintenance	Spent fluorescent lamps				Returned to Kayline Professional Maintenance Products, Cleveland, OH



## CONDITIONALLY EXEMPT SMALL QUANTITY GENERATOR REQUIREMENTS

CESQG: < 100 Kg. (approximately 25-30 gallons) of waste in a calendar month

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

### WASTE EVALUATION

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

### GENERATOR CLASSIFICATION

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

**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.

**NOTE:** To convert from gallons to pounds:

Amount in gallons x Specific Gravity x 8.345 = Amount in pounds

### OFF-SITE SHIPMENT OF HAZARDOUS WASTE

3. Does the CESQG ensure delivery of hazardous waste(s) to an off-site permitted TSD? [3745-51-05(G)(3)] Yes  No  N/A  RMK#

### REMARKS

1. During the October 30, 2007 inspection, Ohio EPA observed one, 55-gallon drum; one, 30-gallon drum and 6, 5-gallon pails in the Utility Barn. BTS was unable to provide adequate evaluation information for the waste in these containers.
2. BTS was inspected for the requirements of a conditionally exempt small quantity generator (CESQG) of hazardous waste. However, the facility becomes an episodic large quantity generator (LQG) when product storage tanks are cleaned-out. Specifically, wastes generated from the cleaning of the tank are vacuumed directly into the hazardous waste transporter's vehicle.



# USED OIL INSPECTION CHECKLIST

## PROHIBITIONS

1. Is used oil being managed in a surface impoundment or waste pile? If so: Yes  No  N/A
- 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
2. Is used oil being used as a dust suppressant? [3745-279-12(B)] Yes  No  N/A
3. Is off-specification used oil fuel burned for energy recovery only in devices specified in 3745-279-12(C)? Yes  No  N/A

## 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
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
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
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
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

11. Does the generator have the used oil hauled only by transporters that have obtained a 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