



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

January 8, 2008

RE: **GENERAL PLUG & MANUFACTURING CO.
LORAIN COUNTY**

Mr. Jim Tyree
Operations
General Plug & Manufacturing Co.
P.O. Box 26
455 N. Main St.
Grafton, Ohio 44044

Dear Mr. Tyree:

On October 24, 2007, I performed a complaint inspection at General Plug & Manufacturing Co.'s (General Plug) facility in Grafton, Ohio to determine General Plug's compliance with Ohio's used oil regulations and rules as found in Chapter 3734. of the Ohio Revised Code (ORC) and Chapter 3745. of the Ohio Administrative Code (OAC). The complainant alleged that buckets of used oil were being disposed in a ditch behind the facility and entering a duck pond. This letter will explain the validity of the complaint.

I observed and was told that used oil is being stored in drums and totes inside and outside. I also observed that scrap metal containing used oil is being stored in rolloffs outside.

This letter will explain the violations I found and what you need to do to correct the violations.

I found the following violations of Ohio's used oil regulations. In order to correct these violations you must do the following and send me the required information **within 30 days** of the date of this letter:

1. **Containers labeled or marked "Used Oil"**
(OAC 3745-279-22(C))
General Plug did not have their used oil containers labeled "used oil."

These containers were located in five areas and include:

- four white plastic totes outside against the back of the building to the left of an overhead door.
- approximately 19 black and some blue drums outside against the back of the building to the right of an overhead door.
- approximately 16 black drums inside against a wall with a sign above the drums on the wall that read, "waste oil."

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- four black and one red drum inside next to several white plastic totes and the plastic totes with a piece of cardboard that read, "used oil," sitting on a tote.

- five black drums inside near a pressed wood wall section that contained a feed line.

To abate this violation please document that an appropriate label has been added to the containers of used oil by submitting a photo or a written confirmation that all used oil containers have been appropriately labeled with the words, "used oil." Please describe in writing what procedures have been instituted to ensure continued compliance with this rule.

2. **Response to releases of used oil.
(OAC 3745-279-22(D)(4))**

During the inspection an area of black used oil soaked gravel and dirt was observed near the scrap rolloffs at the back of the property. General Plug did not clean up and manage properly the released used oil and used oil contaminated media. General Plug must clean up the release of used oil by removing the used oil and contaminated media to a visual clean standard. Please describe in writing what procedures will be performed to ensure that the used oil release has been cleaned up. Please notify Ohio EPA five days prior to the used oil release remediation. Please describe in writing what procedures have been instituted to ensure a release of used oil will not occur again in this area and contaminate the soil and other media.

I did not observe used oil entering or in the ditch behind the facility. This portion of the complaint is unfounded.

Enclosed you will find a copy of the checklist that I completed during the inspection.

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.

You may be able to reduce the waste your company generates. If you find ways to recycle, reduce or eliminate the amount of waste that your company generates, you may be able to reduce treatment and disposal costs as well as regulatory requirements. If you would like a free, non-regulatory on-site pollution prevention assessment or if you would like more information about pollution prevention, please contact Adrienne LaFavre at (330) 963-1250. Ohio EPA has helpful information about this at the following web address: <http://www.epa.state.oh.us/ocapp/ocapp.html>.

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The Division of Hazardous Waste Management has created an electronic news service to provide you with updates on events and news related to hazardous waste activities in Ohio. You can find more information at: <http://www.epa.state.oh.us/dhwm/listserv.html>.

If you should have any questions, please do not hesitate to contact me at (330) 963-1214.

Sincerely,

for Frank Popotnik
Kim Gallagher
District Representative
Division of Hazardous Waste Management

KG:cl
Enclosures: Used Oil

cc: Natalie Oryshkewych, Environmental Manager, DHWM, NEDO

ec: Frank Popotnik, DHWM, NEDO
Sherry Slone, DHWM, NEDO

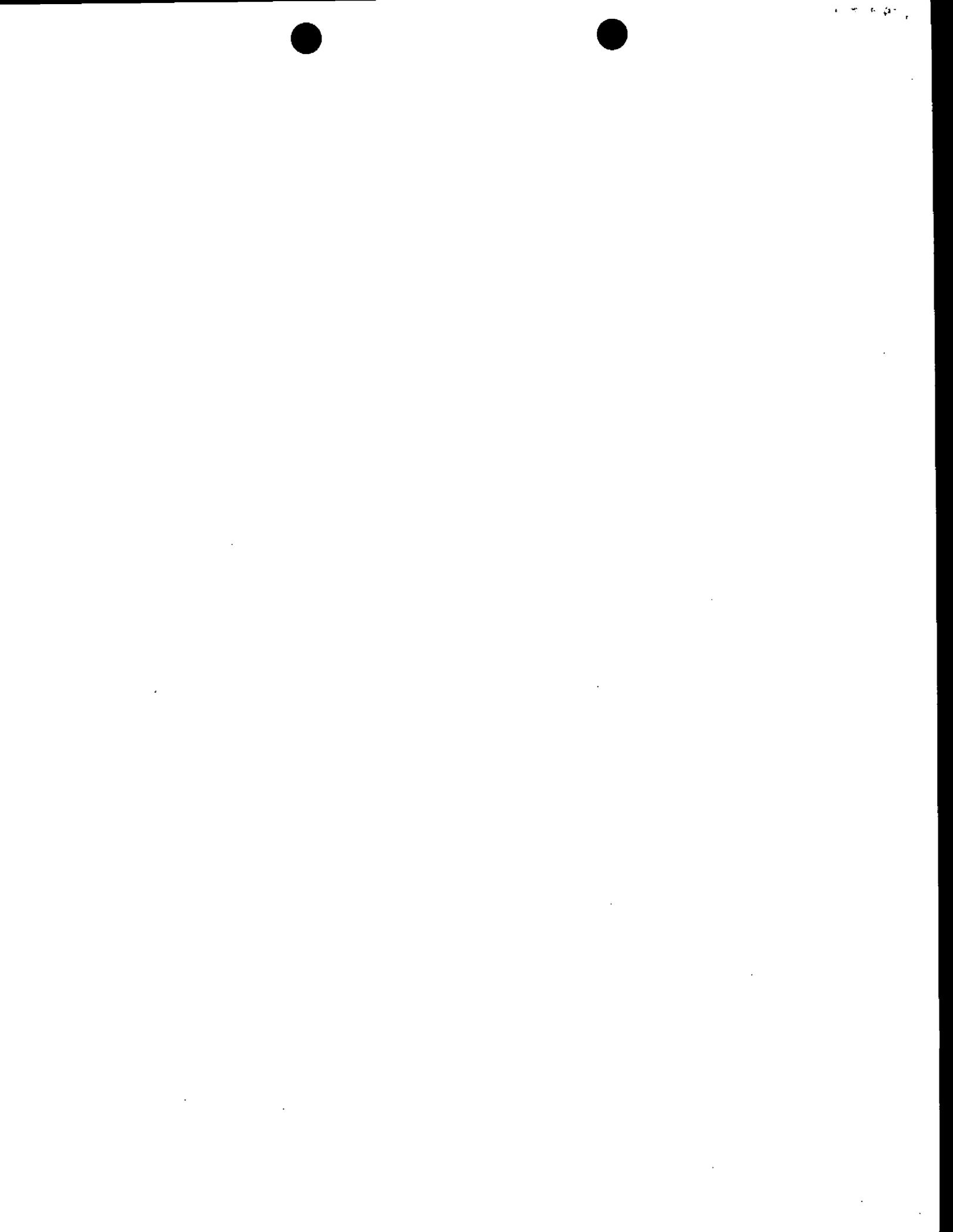


E-mail this completed form to -
 tammy.mcconnell@e
 pa.state.oh.us or mail
 it to Tammy
 McConnell, Central
 Office

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

For Ohio EPA use only

2. Site EPA ID No.	EPA ID Number: <i>none found</i>								
3. Site Name	Name: <i>General Plug & Manufacturing Co.</i> Website (optional:)								
4. Site Location Information	Street Address: <i>455 N. Rt. 57 (Main) P.O. Box 26</i>								
	City, Town, or Village: <i>Grafton</i>					State: <i>OH</i>			
	County Name: <i>Lorain</i>					Zip Code: <i>44044</i>			
5. Site Land Type (check only one)	Private	County	District	Federal	Indian	Municipal	State	Other	
	<input checked="" type="checkbox"/>								
6. NAICS code(s) www.census.gov/epcd/www/naics.html	A.			B.					
	C.			D.					
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: <i>John Lowman</i>			MI:	Last Name:				
	Phone Number: <i>(440) 926-211 X 268</i>				Phone Number Extension:				
	E-Mail Address: <i>jlowman@generalplug.com</i>								
	Fax Number: <i>(440) 926-3305</i>				Fax Number Extension:				
	Street or P.O. Box:								
	City, Town or Village:								
	State:			Country:			Zip Code:		
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.	A. Name of Site's Legal Owner:			Date Became Owner (mm/dd/yyyy):					
	Owner Type: Mark with an X	Private	County	District	Federal	Indian	Municipal	State	Other
	Street or P.O. Box:								
	City, Town, or Village:				Owner Phone #:				
	State:				Country:		Zip Code:		
	B. Name of Site's Operator:			Date Became Operator (mm/dd/yyyy):					
	Operator Type: Mark with an X	Private	County	District	Federal	Indian	Municipal	State	Other
	Street or P.O. Box:								
City, Town, or Village:				Operator Phone #:					
State:				Country:		Zip Code:			
9. Violations Cited?	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No					
10. Type of Regulated Waste Activity (Mark "X" in all of the appropriate boxes.)									
<input type="checkbox"/> Not Regulated									



10. Type of Regulated Waste Activity (Mark in all of the appropriate boxes.)

A. Hazardous Waste Activities

only inspected used oil on this date

(choose only one of the following categories)

- UNKNOWN: Cited for violation of 3745-52-11
- a. Large Quantity Generator (LQG):
- b. Small Quantity Generator (SQG)
- c. Conditionally Exempt Small Quantity Generator
- d. United States Importer of Hazardous Waste
- e. Mixed Waste (hazardous and radioactive) Generator

- 3. Treater, Storer or Disposer of Hazardous Waste
- 4. Recycler of Hazardous Waste
- 5. Exempt Boiler and/or Industrial Furnace
 - a. Small Quantity On-site Burner Exemption
 - b. Smelting, Melting, Refining Furnace Exemption
- 6. Underground Injection Control Facility
- 7. Hazardous Waste Transporter

B. Universal Waste Activities

C. Used Oil Activities

- 1. Small Quantity Handler of Universal Waste
(Indicate types of universal waste generated and/or accumulated (check all boxes that apply):
- 2. Large Quantity Handler of Universal Waste
(accumulates 5,000 kg or more).
- 3. Destination Facility for Universal Waste
(Check all boxes below that apply for each of the three types of facilities above.)

- 1. Used Oil Generator
- 2. Used Oil Transporter Indicate Type(s) of Activity(ies)
 - Transporter
 - Transfer Facility
- 3. Used Oil Processor and/or Re-refiner Indicate Type(s) of Activity(ies)
 - Processor
 - Re-refiner

	Generated	Accumulated
A. Batteries	<input type="checkbox"/>	<input type="checkbox"/>
B. Pesticides	<input type="checkbox"/>	<input type="checkbox"/>
C. Thermostats	<input type="checkbox"/>	<input type="checkbox"/>
D. Lamps	<input type="checkbox"/>	<input type="checkbox"/>

- 4. Off-Specification Used Oil Burner
- 5. Used Oil Fuel Marketer -
Indicate Type(s) of Activity(ies)
 - a. Marketer Who Directs Shipment of Off-Specification Oil
 - b. Used Oil to Off-Specification Used Oil Burner

only inspected used oil on this date

11. Waste Codes for Federally Regulated Hazardous Wastes. Please list the codes for the federally regulated hazardous waste handled at your 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.

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12. Comments: Use this area to describe whether the inspection was announced, whether the waste is stored in tanks or containers, etc.

Y/N	Announced?	Additional Facility Representatives:
Y/N	Tanks?	Other comments:
Y/N	Containers?	

13.	Name of Inspector(s)	Name of Inspector(s)	Date of Inspection/ Time (mm-dd-yyyy) (HH:MM)
	Kim Gallagher		11/07-24-07 (13:15)

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)

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
indicated "no"
 - 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
to be determined

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



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