



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

June 1, 2007

RE: GARDNER CONTRACTING
NON-NOTIFIER
CUYAHOGA COUNTY
NOV - USED OIL

Robert Gardner
Gardner Contracting
2662 East 69th Street
Cleveland, Ohio 44104

Dear Mr. Gardner:

Ohio EPA conducted a complaint investigation at Gardner Contracting in Cleveland, Ohio, on April 27, 2007 and May 18, 2007. The investigation was initiated upon receipt of a complaint alleging the presence of 40 open barrels of oil and sludges outside the facility. The barrels have been leaking and fluid is running across the ground to the sewer.

Ohio EPA visited the facility and found the business to have closed. There were 18 drums of what appeared to be used oil and water stored haphazardly next to a diesel tank. There is oil staining on the ground under some of the drums. On April 30, 2007, I contacted you by phone to discuss the drums of oil. You stated that the business is closed and that you were trying to close all the outstanding issues including the used oil drums. You stated further that you were trying to schedule a pickup with Homan Oil.

On May 18, 2007, I returned to Gardner Contracting and found the situation the same as on April 27, 2007. I contacted you by phone on May 18, 2007. You informed me that Homan Oil had been to the facility but only pumped the used oil in the facility. You were going to get another company to handle the used oil outside the facility.

Ohio EPA observed the following used oil violations:

1. Used Oil Labeling
OAC 3745-279-22 C

Gardner Contracting failed to label up to 18 drums of used oil with the words "Used Oil."

To abate this violation, you must label the drums containing used oil with the words "used oil" or have the contents of the drums shipped offsite for disposal. Please submit either pictures showing the drums labeled or a shipping document for the disposal of the used oil.

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2. Used Oil Release
OAC 3745-279-22(D)

Gardner Contracting failed to clean up a release of used oil.

To abate this violation, Gardner Contracting must remove the soil contaminated with the used oil. These soil shall be placed into a container until it is determine if the used oil is a non-hazardous waste. Please submit pictures of the area cleaned and of the container with the used oil contaminated soils.

Gardner Contracting has thirty days from the date of this letter to submit the requested information.

Should you have any questions, please feel free to call me at (330) 963-1272. You can find copies of the rules and other information on the division's web page at <http://www.epa.state.oh.us/dhwm>. Ohio EPA also has helpful information about pollution prevention at the following web address: <http://www.epa.state.oh.us/opp>.

DHWM has created an electronic news service to provide you with timely news and updates related to hazardous waste activities in Ohio. You can sign up for this free service at <http://www.epa.state.oh.us/dhwm/listserv.html>.

Sincerely,



Nyall McKenna
Environmental Specialist
Division of Hazardous Waste Management

NM:ddw

cc: Natalie Oryshkewych, DHWM, NEDO
Frank Schuschu, Northeast Ohio Regional Sewer District

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.

E-mail this completed form to tammy.mcconnell@epa.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:																				
3. Site Name	Name: <u>Gardner Contracting</u>		Website (optional):																		
4. Site Location Information	Street Address: <u>2662 East 69th Street</u>																				
	City, Town, or Village: <u>Cleveland</u>	State: <u>OH</u>																			
	County Name: <u>Cuyahoga</u>	Zip Code: <u>44104</u>																			
5. Site Land Type (check only one)	<table border="1" style="width: 100%; text-align: center;"> <tr> <td>Private</td> <td>County</td> <td>District</td> <td>Federal</td> <td>Indian</td> <td>Municipal</td> <td>State</td> <td>Other</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table>			Private	County	District	Federal	Indian	Municipal	State	Other	<input checked="" type="checkbox"/>	<input type="checkbox"/>								
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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: <u>Unknown</u>		MI:	Last Name:																	
	Phone Number:		Phone Number Extension:																		
	E-Mail Address:																				
	Fax Number:		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: <u>Unknown</u>		Date Became Owner (mm/dd/yyyy):																		
	Owner Type: Mark with an X		<table border="1" style="width: 100%; text-align: center;"> <tr> <td>Private</td> <td>County</td> <td>District</td> <td>Federal</td> <td>Indian</td> <td>Municipal</td> <td>State</td> <td>Other</td> </tr> <tr> <td><input type="checkbox"/></td> </tr> </table>			Private	County	District	Federal	Indian	Municipal	State	Other	<input type="checkbox"/>							
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	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		<table border="1" style="width: 100%; text-align: center;"> <tr> <td>Private</td> <td>County</td> <td>District</td> <td>Federal</td> <td>Indian</td> <td>Municipal</td> <td>State</td> <td>Other</td> </tr> <tr> <td><input type="checkbox"/></td> </tr> </table>			Private	County	District	Federal	Indian	Municipal	State	Other	<input type="checkbox"/>							
	Private	County	District	Federal	Indian	Municipal	State	Other													
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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 "X" in all of the appropriate boxes.)

A. Hazardous Waste Activities

(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

B. Universal Waste 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.)

Generated Accumulated

- A. Batteries
- B. Pesticides
- C. Thermostats
- D. Lamps

C. Used Oil Activities

- 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
- 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

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 RCRA info 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.

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)

Nyall McKenna

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)