



State of Ohio Environmental Protection Agency

Northeast District Office



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

June 1, 2007

RE: KUNTZMAN TRUCKING  
STARK COUNTY  
COMPLAINT NO. 6944  
NOTICE OF VIOLATION, CESQG

Mr. Ray Fetters  
1805 West State Street  
Alliance, OH 44601

Dear Mr. Fetters:

On April 23 and May 17, 2007, I visited this facility in regard to a complaint received by the Ohio EPA's Division of Hazardous Waste Management. The complaint alleged discharges of sludge and oil to a stream or ditch. In representation of the Ohio EPA, I conducted a compliance evaluation inspection (CEI) to determine your facility's compliance with Ohio's hazardous waste laws and regulations as found in the Ohio Revised Code and the Ohio Administrative Code ("ORC" and "OAC" respectively). You represented Kuntzman Trucking. We walked a portion of the drainageways north of your facility and did not see any evidence of discharge. As such, the allegation appears unfounded. A walkover of your facility operations did identify several violations and concerns as identified below.

The following violations were determined abated on the May 17, 2007 site visit:

3. Labeling/Marking of Universal waste, OAC 3745-273-14(A)
4. Used Oil Storage Requirements for Generators (Labels), OAC 3745-279-22(C).

### NOTICE OF VIOLATIONS

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

You failed to demonstrate evaluation of the following waste streams:

- a) Four, fifty-five-gallon unlabeled drums full of fluid and located on the west side of the building. There was also stained soil, gravel and stressed vegetation in this area that have become contaminated from release of fluid from one of these drums. The four drums and contaminated ground require waste evaluation.
- b) One fifty-five gallon drum and two five gallon buckets of oily waste on the east side of the building at the solid waste dumpster. There is also oily stained ground in this area.
- c) Parts washer solvent and sludge bottoms serviced by Heritage Crystal Clean in reuse program.

**To abate this violation**, you must evaluate and characterize these wastes and properly manage and dispose of these wastes and/or provide documentation of proper management and disposal.

**Item a):** The contaminated soil and gravel of the west side drum area need removed and contained. A full 55-gallon drum of waste fluid appears to have been released at this location. The former contents of this drum are unknown but waste managed in the area could contain parts washer solvent, fuels, brake clean solvent, used oils and antifreeze. All contents of the remaining drums in this area must be properly characterized, labeled and disposed. Provide documentation regarding your waste characterization of the remaining three drums prior to disposal to me.

For the contaminated ground, you must collect representative samples of this waste stream and analyze it per the requirements of the proposed receiving facility or solid waste landfill to properly characterize this waste for disposal. After removal of the contaminated material collect representative samples of the soil at the bottom of and adjoining the excavation to confirm the released wastes have been adequately removed. Analyze these samples for the constituents identified in the above waste disposal characterization.

You may need to request the assistance of an environmental consultant experienced in the proper sampling protocol and quality assurance procedures to complete this effort. Provide to me a copy of the results of all sampling information, analytical data, disposal receipts or manifest and photographs to me, so that it may be confirmed that the stored and released wastes were all removed and properly disposed.

**Item b):** It was determined that the drum at this location contained gasoline that had become contaminated with water. The gasoline was to be pumped off and used. The remaining phase would be mixed with used oil for burning or taken with water contaminated used oils. The buckets of oily waste were added to the used oil tank. Liquids of any kind must not be disposed to the solid waste stream. Stained soil and gravel in this area may be addressed under Violation No. 2, below. You however are responsible for properly evaluating all wastes to insure proper disposal. Provide documentation confirming how each of these items were managed, disposed or recycled.

**Item c):** Provide documentation of the frequency and quantity of parts washer solvent that Heritage Crystal Clean services. Provide receipts or shipping records and Material Safety Data Sheet (MSDS) documentation for the product/solvent serviced in your parts washer.

2. **OAC 3745-279-22(D) Response to Releases of Used Oil:** "Upon the detection of a release of used oil to the environment, a generator shall...clean up and manage properly the released used oil..."

There were several areas of oily waste release identified at locations on the east side by the solid waste dumpster. In addition, oily fluids in open buckets were observed inside the solid waste container.

**To abate this violation,** remove and properly dispose all stained soils. Contaminated soil and gravel containing only **used oil** may be disposed as a solid waste. Provide a photograph that shows this area has been cleaned up and written confirmation that training or a management policy is in place for the proper management, storage and disposal of oils, fluids and liquids of all kinds. Provide **written verification and photographs** that the oil stained areas have been cleaned up and the generated waste properly disposed. Provide receipts and/or analytical data that demonstrates proper disposal of the contaminated material.

## CONCERNS

**Aerosol cans** - According to OAC 3745-52-11 Waste Evaluation, you must determine whether any generated waste is a hazardous waste. Aerosol can contents can be characteristic hazardous waste and requires proper evaluation and disposal. If aerosol cans or other container contents are used completely and the container is empty per OAC 3745-51-07(B)(2) the container may be disposed as a solid waste or recycled. Guidance regarding what is considered empty may be found at: <http://www.epa.state.oh.us/dhwm/pdf/NotifierWinter05.pdf>. To insure aerosol cans are empty prior to disposal you may obtain a can crushing system that attaches to and captures residuals in a drum for proper disposal of the former contents, or, return nonempty cans to the supplier for credit, or, contain the cans in a satellite container for proper disposal. Refer to manufacturer information or MSDS data to determine whether the can residuals or collected contents would be a hazardous waste and manage and dispose accordingly.

**Spent fluorescent and high intensity discharge lamps** - According to OAC 3745-52-11 Waste Evaluation, you must determine whether any generated waste is a hazardous waste in accordance with the criteria set forth in OAC Chapter 3745-51.

These spent lamps may be considered hazardous waste due to mercury content and thus cannot be disposed as solid waste unless manufacturer's data or test characterization results show the lamps are non-hazardous. This information may be found on the manufacturer's web site or on package information.

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You must not dispose lamps that could be considered hazardous waste, to the solid waste stream. Spent lamps that are managed under the Universal Waste Rules (UWR) are not subject to the hazardous waste requirements. An Ohio EPA Guidance for "Universal Waste Rules for Handlers of Lamps" and a list of "Lamp and Ballast Recyclers" is enclosed.

In brief, universal waste lamps should be contained, (generally in the original box or package) labeled as "*universal waste lamps*" and marked with the earliest date that any universal waste in the container was generated. Lamps cannot be disposed to a solid waste landfill without prior waste evaluation. Please indicate how you intend to manage your lamps.

**Above ground fuel tank** – On the east side of the facility is an out-of service above ground fuel tank. The tank has been out of service for 12 to 15 years. It is recommended that this system be permanently taken out of service. To do so may require a permit or authorization through the State Fire Marshall's office or the local Fire Department. Bruce Miller of Ohio EPA's Division of Emergency Remedial Response (DERR) can provide assistance in regard to this matter.

**You must respond in writing within 30 days** of receipt of this letter with the requested documentation sent to my attention. Also enclosed is a site identification form. Please complete and return this form with your submittal. Additionally, violations may be cited in the future that will require your action. Should you have any questions or need assistance, please feel free to contact me at (330) 963-1146 or [ron.shadrach@epa.state.oh.us](mailto:ron.shadrach@epa.state.oh.us).

Sincerely,

*Ron Shadrach*

Ronald J. Shadrach  
Environmental Specialist  
Division of Hazardous Waste Management

RJS:ddw

ec: Frank Popotnik, DHWM, NEDO  
Harry Sarvis, DHWM, CO  
Bruce Miller, DERR, NEDO

**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.