



**Environmental  
Protection Agency**

John R. Kasich, Governor  
Mary Taylor, Lt. Governor  
Scott J. Nally, Director

April 4, 2011

**RE: JD SERVICES  
CUYAHOGA COUNTY  
SECOND NOTICE OF VIOLATION  
(NOV)  
OHD 007 832 827  
COMPLAINT NUMBER 7301**

**CERTIFIED MAIL**

James Dupre  
JD Services  
P.O. Box 93823  
Cleveland, OH 44101

Dear Mr. Dupre:

On April 20, 2010, Robert Almquist and I, as representatives of the Ohio EPA Division of Hazardous Waste Management, conducted an inspection of JD Services, located at 16100 S. Waterloo Road, Cleveland, Ohio 44110, for compliance with Ohio's hazardous waste and used oil regulations. You represented JD Services during that inspection; you also reported that you operate JD Services as a sole proprietorship. Ohio EPA had received a complaint alleging that the facility was mismanaging oil, transmission fluid, diesel fuel and possibly gasoline at this location.

A Notice of Violation (NOV) letter dated May 6, 2010 was issued to you at JD Services identifying several violations of the used oil rules and specifying actions that were to be taken to return to compliance. (A copy of that letter is attached.) The NOV letter included the following statement:

"Submit all the above requested documentation to this office within 30 days of the date of this letter demonstrating that all violations have been abated and that the designated actions have been taken."

Simply stated, all violations were to have been corrected prior to June 5, 2010, and documentation that all violations were corrected was to have been submitted to Ohio EPA by June 5, 2010. This was not done.

Attached is a document entitled *Partial History of Events After the April 20, 2010 Complaint Inspection of JD Services*. The history indicates numerous delays in responding to the violations, especially the violation regarding removal of used oil contaminated soil. The violation that was expected to require the most significant level of effort was responding to the presence of soil and other surface materials

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contaminated from used oil releases. Ohio EPA has been very responsive to multiple requests from JD Services for additional time to address the soil contaminated with used oil. However, even with this flexibility, JD Services has not yet removed the soil and other surface materials contaminated from used oil releases.

On March 23, 2011, Nyall McKenna and I, as representatives of the Ohio EPA Division of Hazardous Waste Management, conducted a follow-up inspection of JD Services, located at 16100 S. Waterloo Road, Cleveland, Ohio 44110, to determine the status of the response to the violations cited in the May 6, 2010 NOV letter. You and Ed Haddad, Jr. of Clean CEMP Engineering represented JD Services during the March 23, 2011 follow-up inspection.

As discussed during the March 23 site visit and inspection, Ohio EPA expects you on behalf of JD Services to promptly address the used oil contaminated soils/surface materials and that additional delays are not acceptable.

Based on the observations made during the facility visit/inspection of March 23, 2011, Ohio EPA has determined that JD Services is in continuing violation of the following state used oil regulations:

1. **OAC 3745-279-22(C)(1) Used oil containers and tanks must be labeled with the words Used Oil**

We observed one 55-gallon drum partially full of used oil in the north room of the maintenance garage that was not marked with the words "Used Oil" as is required by regulation.

This violation was to be abated after the inspection by marking the words "Used Oil" on the drum.

To return to compliance, JD Services must:

- Label or mark the drum with the words "Used Oil"; and
- Send a picture of the properly marked drum to me within 30 days of the date of receipt of this letter.

2. **OAC 3745-279 22(D) Generator must respond to used oil releases and perform cleanup steps**

A pile of surface soil and materials that had been scraped from the property was being stored south of the maintenance garage building. This pile is part of the used oil contaminated soils and materials that were to be removed from the site in response to the May 6, 2010 NOV letter. Two pictures of the soil pile taken during the March 23 inspection visit are attached.

Truck engines and other truck parts were observed on the ground in the yard behind (to the south of) the maintenance garage. Numerous depressions in the south yard contained puddles of water from recent precipitation. One puddle approximately 1 foot by 4 feet in size was about 50% covered with an oil slick, possibly from leakage from a transmission located nearby.

The floors in the maintenance garage were oily with excessive amounts of oil sorbent on the floor. The soil adjacent to the east side of the building appeared oily. Oil adhering to vehicle tires exiting the maintenance garage may be contributing oil to this area.

As stated in the May 6, 2010 letter, OAC rule 3745 279 22(D) requires JD Services, as a generator of used oil, to respond to releases of used oil. JD Services must take the following steps to respond to this violation:

- A. Do not perform work that results in the release of used oil to the ground.
- B. Promptly ship the soils/materials pile now on site behind (to the south of) the maintenance garage to a solid waste landfill; Ohio EPA believes that these shipments should be completed within 60 days of the date of receipt of this letter.
- C. Develop a schedule for expeditiously completing the scraping of soils/materials contaminated with used oil from the parts of the property where this has not been done. Equipment lying on the ground will have to be removed and/or relocated as necessary to complete this work.
- D. Place newly scraped soils/materials into a dumpster as it is scraped and ship promptly when the dumpster is full. Newly scraped soils/materials are not to be stored in piles on the ground.
- E. Submit documentation in the form of a landfill manifest for all shipments from the soils/materials pile and future soils and materials contaminated with used oil that are removed from the site.
- F. Submit documentation (for example, a landfill manifest or billing statement) for the load of used oil contaminated soil that was reportedly removed last winter, but then reportedly required thawing to remove from the container.

Ohio EPA uses a visual standard when determining whether a clean-up of released used oil and any media (for example soil) containing used oil is adequate. Ohio EPA does not require confirmatory soil sampling and lab analysis to demonstrate that the release has been cleaned up.

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Enclosed you will find a copy of the checklist completed during the March 23, 2011 inspection.

**Required Written Response and Documentation**

The following response items must be submitted to this office within 60 days of the date of receipt of this letter:

- A. A written procedure stating that no disassembly of oil-containing equipment is to be conducted outdoors unless work is done over a containment box. (Note: my understanding is that no outdoor disassembly work is allowed by the zoning laws applicable to this facility.)
- B. A written procedure on using and removing oil sorbent in the maintenance garage. For example, place oil sorbent on the floor whenever any oil gets on the floor and at a minimum sweep up at the end of the work day. (Note: used oil sorbent should be placed in your trash dumpster.)
- C. Landfill manifests for the shipments from the soils/materials from the pile currently on site to a solid waste landfill. (Note: clearly these shipments are expected to be completed sooner than 60 days after the date of receipt of this letter.)
- D. A schedule for expeditiously completing the scraping of soils/materials contaminated with used oil from the parts of the property where this has not been done and shipping these to a solid waste landfill. The submitted schedule should be one that JD Services intends to follow as additional extensions to that schedule are not likely.
- E. Documentation (for example, a landfill manifest or a billing statement) for the load of used oil contaminated soil that was reportedly removed last winter for disposal.

Response correspondence should be sent to:

Neil Wasilk  
Northeast District Office  
Ohio Environmental Protection Agency  
2110 East Aurora Road  
Twinsburg, OH 44087

Present or past instances of non-compliance may be subjects of pending or future enforcement actions.

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Should you have any questions regarding this letter, please contact me at (330) 963-1165.

Sincerely,



Neil J. Wasilk  
Environmental Specialist  
Division of Hazardous Waste Management

NJW:cl  
Enclosures

cc: Jeff Clark, City of Cleveland, Building Department  
Marlene Kinney, DHWM, NEDO

ec: Nyall McKenna, DHWM, NEDO  
Natalie Oryshkewych, DHWM, NEDO

**NOTICE:**

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



**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 <input type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
a.	Is the surface impoundment or waste pile regulated as a hazardous waste management unit? [3745-279-12(A)]	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>

*NOTE: For example, used oil contaminated scrap metal stored in a pile.*

2.	Is used oil used as a dust suppressant? [3745-279-12(B)]	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
3.	Is off-specification used oil fuel burned for energy recovery in devices specified in 3745-279-12(C)?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>

*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 <input type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
a.	Is the mixture managed as specified in 3745-279-10(B)? [3745-279-21(A)]	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>

*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 <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
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*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 <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
7.	Are containers and aboveground tanks used to store used oil in good condition with no visible leaks? [3745-279-22(B)]	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
8.	Are containers, above ground tanks, and fill pipes used for underground tanks clearly labeled or marked "Used Oil?" [3745-279-22(C)]	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
9.	Has the generator, upon detection of a release of used oil, done the following: [3745-279-22(D)]	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
a.	Stopped the release? <i>SMALL AMOUNT OF OIL ON PUDDLE NEAR TRANSMISSION IN YARD</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
b.	Contained the release? <i>4</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
c.	Cleaned up and properly managed the used oil and other materials?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
d.	Repaired or replaced the containers or tanks prior to returning them to service, if necessary?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>

**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 <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
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 <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>

b.	Is the heater designed to have a maximum capacity of not more than 0.5 million BTU per hour?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
c.	Are the combustion gases from heater vented to the ambient air?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>

NOTE: Ash accumulated in a space heater must be managed in accordance with 3745-279-10(E).

**GENERATOR TRANSPORTATION**

11.	Does the generator have the used oil hauled only by transporters that have obtained a U.S. EPA ID#? <i>PLANS TO USE PEEPLESS OIL SERVICE</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
12.	If the generator self-transport used oil to an approved collection site or to an aggregation point owned by the generator: [3745-279-24]			
a.	Does the generator transport used oil in a vehicle owned by the generator or an employee of the generator?[3745-279-24]	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
b.	Does the generator transport more than 55 gallons of used oil at any time?[3745-279-24]	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>

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**

13.	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 <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
14.	Is the non-DIY used oil collection center registered with Ohio EPA? [3745-279-31]	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
15.	Is the used oil aggregation point in compliance with the generator standards in 3745-279-20 to 3745-279-24? [3745-279-32]	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>

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.