



**Environmental
Protection Agency**

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

February 3, 2011

**RE: FORMER GILLESPIE PAVING
580 WEST MAIN ROAD
ASHTABULA COUNTY
NOV/PRTC**

OHR 006 129650

Mr. Rudy Pryately
1524 Lake Road
Conneaut, OH 44030-1020

Dear Mr. Pryately:

On January 5, 2011, the Ohio Environmental Protection Agency (Ohio EPA) conducted a partial inspection of the property located at 580 West Main Road (State Route 20) in Conneaut, Ohio, in follow-up to previous inspections conducted at this site. At one time, a complaint alleged the storage and dumping of 55-gallon drums on the property. The storage of numerous drums on the property was confirmed. The current inspection was conducted to update the site status and determine compliance with Ohio's hazardous waste laws and regulations. The inspection of this property did not include the interior building area or current operations.

During a phone conversation on January 31, 2011, you stated that you would properly send off all drums of waste and used oil and that I would not need to send a letter. This would save taxpayer money. However, if I do not receive correspondence that specific violations of rule and law have been addressed, I would have to visit the site at a far greater taxpayer expense. Should violations remain, like the current situation, where you had believed that all had been cleaned and removed, more tax payer expense would be incurred. As you can see, the cost to confirm compliance via correspondence by mail is considerably more efficient.

Please review the status of the violations below and provide the information requested within 45 days.

Hazardous Waste Violations

- 1. OAC rule 3745-279-22(B) - Condition of used oil storage units.** This rule requires that containers and above ground tanks that store used oil be in good condition and not leaking. This rule was violated by having a 55-gallon drum observed to contain used oil that was in poor condition.

To abate this violation, please store all used oil in containers that are in good condition and not leaking, or remove and properly recycle or dispose the used oil. Please provide a photograph of proper storage or a copy of the shipping paper or destination of this used oil. A list of registered used oil transporters and recyclers in

northeast Ohio is enclosed for your use. Please note that OAC rule 3745-279-24 requires that generators ensure that their used oil is transported only by transporters who have obtained US EPA identification numbers, unless the generator qualifies for an exemption listed in this rule. One of these exemptions is transporting no more than 55 gallons of used oil at one time in a vehicle owned by either the generator or an employee of the generator.

2. **OAC 3745-279-22(D) Response to Releases of Used Oil** states, in part, "*Upon the detection of a release of used oil to the environment, a generator shall ... clean up and manage properly the released used oil...*" At one time, there were observed eight (8) drums that appeared to contain used oil with associated releases.

This violation appears to have been abated based on my site visit observations on March 13, 2009. However, Ohio EPA received no documentation to confirm released used oils were properly cleaned up and disposed per the rule.

3. **OAC 3745-279-22(C) Used Oil Storage Requirements for Generators (Labels)** states "*Containers and above ground tanks used to store used oil at generator facilities shall be labeled or marked clearly with the words 'Used Oil'.*" At one time, there were observed 8 drums that appeared to contain used oil. Currently, there is known to remain at least one drum containing what appears to be used oil that is in poor condition.

This violation was abated on January 5, 2011, when the building tenant, Mike Taylor properly labeled the used oil container. The used oil should be sent for recycling. It is understood that other drums remaining under the trees along the property line contain tar.

4. **OAC 3745-273-13(A) Waste management-standards** states, in part, "*A small quantity handler of universal waste (SQHUW) shall manage universal waste batteries in a way that prevents release of any universal waste or component of universal waste to the environment...*" Gillespie had left at least three lead acid batteries on the ground, some with battery caps missing.

It is understood that the batteries were recycled and the violation thus abated based on observations of the March 13, 2009 site visit. However, Ohio EPA received no documentation to confirm the batteries were recycled.

5. **OAC 3745-273-14(A) Labeling/Marking of Universal waste:** "Universal waste batteries, or a container in which the batteries are contained, shall be labeled or marked clearly with any one of the following phrases: 'Universal Waste-Batteries or Waste Batteries, or Used Batteries.'" Batteries that had been accumulated at the site, were not labeled.

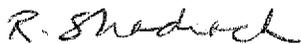
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Response

You must respond in writing to this notice of violation within forty-five (45) days of receipt of this letter with the information requested. Enclosed you will find a copy of an identification form and the checklists completed for the inspection.

If you have questions or require additional information to assist you with this effort, please contact me at (330) 963-1146. You can find copies of the rules and other information on the DHWM's web page at: <http://www.epa.state.oh.us/dhwm>.

Sincerely,



Ronald J. Shadrach
Environmental Specialist II
Division of Hazardous Waste Management

RJS:cl

Enclosure

cc: Cady Hutchinson, Conneaut City Health Department
Marlene Kinney, DHWM, NEDO

ec: Frank Popotnik, DHWM, NEDO
Natalie Oryshkewych, DHWM, NEDO
Harry Sarvis, DHWM, CO
Kris Coder, DHWM, 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.



Send to Central Office <input checked="" type="checkbox"/>	Ohio Environmental Protection Agency RCRA SUBTITLE C SITE IDENTIFICATION/VERIFICATION FORM	For Ohio EPA use only
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Completed verification forms required to be submitted to CO should be e-mailed to paula.canter@epa.state.oh.us.

Site EPA ID No. Site Name	EPA ID Number: Non-notifier Name: OH 000 129 650		Website: (Optional)
Site Location Information	Street Address: 580 W. Main Rd.		State: OH
Site Land Type (check only one) NAICS code(s) www.census.gov/epcd/www/naics.html	City, Town, or Village: Conneaut	County Name: Ashtabula Zip Code: 44030	
	Private <input checked="" 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"/>	

Facility Representative Additional names can be recorded in number 12 Only provide address information if it is different than the site address	First Name: Mike	MI:	Last Name: Taylor
	Title: building tenant		
	Phone Number:		Phone Number Extension:
	E-Mail Address:		
	Fax Number:		Fax Number Extension:
	Street or P.O. Box:		
	City, Town or Village:		
	State:		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: Rudy Pyratelny		Date Became Owner (mm/dd/yyyy):	
	Owner Type:	Private <input checked="" 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 #:	
	State:		Country:	
	Name of Site's Operator:		Date Became Operator (mm/dd/yyyy):	
	Operator 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 #:	
	State:		Country:	
			Zip Code:	

VIOLATIONS CITED? Yes No

TYPE OF HANDLER - MARK "X" AS APPROPRIATE

<input type="checkbox"/> Not a HW Generator	<input type="checkbox"/> UNKNOWN: Cited for violation of 3745-52-11	<input type="checkbox"/> Large Quantity Generator (LQG)
	<input type="checkbox"/> Short-Term/Temporary Generator (generates from a short-term or one-time event and not from on-going processes). <i>Check the box for the applicable generator status and provide a comment.</i>	<input type="checkbox"/> Small Quantity Generator (SQG)
		<input checked="" type="checkbox"/> Conditionally Exempt Small Quantity Generator
		<input type="checkbox"/> U.S. Importer of Hazardous Waste
		<input type="checkbox"/> Mixed Waste (Hazardous and Radioactive) Generator



TYPE OF REGULATED WASTE ACTIVITY (MARK 'X' IN ALL OF THE APPROPRIATE BOXES)

- | | |
|---|--|
| <input type="checkbox"/> Hazardous Waste Transporter | <input type="checkbox"/> Exempt Boiler and/or Industrial Furnace |
| <input type="checkbox"/> Hazardous Waste Transfer Facility | <input type="checkbox"/> Small Quantity On-Site Burner Exemption |
| <input type="checkbox"/> Treater, Storer or Disposer of Hazardous Waste | <input type="checkbox"/> Smelting, Melting, Refining Furnace Exemption |
| <input type="checkbox"/> Recycler of Hazardous Waste | <input type="checkbox"/> Underground Injection Control Facility |
| <input type="checkbox"/> 72-Hour Recycler | <input type="checkbox"/> Receives Hazardous Waste from Off-site |

UNIVERSAL WASTE ACTIVITIES (INDICATE TYPES OF UNIVERSAL WASTE MANAGED

(CHECK ALL BOXES THAT APPLY)

- | | |
|---|---|
| <input type="checkbox"/> Small Quantity Handler of Universal Waste | <input type="checkbox"/> Destination Facility for Universal Waste |
| <input type="checkbox"/> Large Quantity Handler of Universal Waste
(accumulates 5,000 kg. or more) | |

CHECK ALL BOXES BELOW THAT APPLY FOR THE TYPES OF UNIVERSAL WASTE THE FACILITY MANAGES

- Batteries
- Pesticides
- Mercury containing equipment
- Lamps

USED OIL ACTIVITIES (INDICATE TYPE(S) OF ACTIVITY(S))

- Used Oil Generator
- Used Oil Transporter
- Used Oil Transfer Facility
- Used Oil Processor
- Used Oil Re-refiner
- Off-Specification Used Oil Burner
- Used Oil Fuel Marketer who directs shipment of Off-Spec Used Oil
- Used Oil Fuel Marketer who first claims the Used Oil meets the specifications

Eligible Academic Entities with Laboratories: Facility has previously notified that they are opting into managing laboratory hazardous waste pursuant to OAC rules 3745-52-200 through 3745-52-216. Check the box(es) below to indicate the laboratory type.

- College or University
- Teaching hospital that is owned by or has a formal written affiliation agreement with a college or university
- Non-profit Institute that is owned by or has a formal written affiliation agreement with a college or university

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 or list them in the comments if more space is needed. If the waste codes are the same as listed in the most recent RCRAInfo source record, you do not need to list them. 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 | |
| Containers | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | |

Date of Inspection/Time
(mm/dd/yyyy) (hh:mm)
01/05/2011 14:00

Name of Inspector(s) Name of Inspector(s)
Ron Shadrach, DHWM, NEDO, **Kris Coder, DHWM, NEDO**

Comments:
Used oil was abandoned by previous owner. Currently not a generator.

**USED OIL INSPECTION CHECKLIST
GENERATORS, COLLECTION CENTERS AND AGGREGATION POINTS**

NOTE: 1. 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.

2. Inspectors can check BUSTR's web-site at https://www.comapps.ohio.gov/sfm/fire_apps/bust/bustr/PublicInquiry.asp to determine if a UST containing used oil is registered with BUSTR. Inspectors may call BUSTR at 614-752-7938 or a BUSTR site coordinator to report an unregistered UST or a UST that appears to not be in compliance with BUSTR regulations. A list of BUSTR coordinators by county are at: https://www.comapps.ohio.gov/sfm/fire_apps/bust/bustr/SearchByCounty.asp.

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 type="checkbox"/> N/A <input checked="" 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 type="checkbox"/> No <input checked="" 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 checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
a.	Stopped the release?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
b.	Contained the release?	Yes <input checked="" 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 checked="" type="checkbox"/> No <input 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:	
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 type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
b.	Is the heater designed to have a maximum capacity of not more than 0.5 million BTU per hour?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
c.	Are the combustion gases from heater vented to the ambient air?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
<i>NOTE: Ash accumulated in a space heater must be managed in accordance with 3745-279-10(E).</i>		
GENERATOR TRANSPORTATION		
11.	Does the generator have the used oil hauled only by transporters that have obtained a U.S. EPA ID#? [3745-279-24]	Yes <input checked="" 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 checked="" 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 checked="" type="checkbox"/> N/A <input type="checkbox"/>
<i>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).</i>		
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"/>
<i>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.</i>		

Previous site owner abandoned drums of used oil and tar at the site. Current owner appeared to remove and clean up the majority of issues.

On January 5, 2011, there remained at least one drum of used oil in poor condition. Due to snow cover, the area could not be verified for occurrence of a release. Releases of used oil need to be visually removed and can be disposed as a solid waste. Mr. Pryately stated he would correct the matter when there was a break in the weather.

The used oil drum was labeled during the site visit abating the labeling violation.