



Environmental Protection Agency

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

Eval 001

Enf. 001

RTZ'd 1 violation

May 7, 2012

Mr. Alvin Bishop
Bishop Towing
3845 E. Foster Maineville Road
Morrow, Ohio 45152

OH R 000 168963

RE: Complaint Investigation – Bishop Towing, 350 King Avenue, ^{South} Lebanon

45065

Dear Mr. Bishop:

On April 26, 2012, the Ohio EPA conducted a complaint investigation of Bishop Towing's Lebanon property. The complaint alleged improper chemical storage and spills along with solid waste issues. This letter only addresses the chemical storage and spills portion of the complaint. The solid waste issues will be addressed separately by Craig McConkey with Warren County Public Health and by Pat Willoughby with Ohio EPA's Division of Materials and Waste Management. During the inspection, I observed three (3) containers of used oil not properly labeled. I did not find evidence to support illegal disposal of chemicals onto the ground. Based on this information, Bishop Towing is in violation of the following used oil regulation:

1. **Used oil storage requirements for generators, Ohio Administrative Code (OAC) 3745-279-22(C):** Containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words, "Used Oil."

As stated above, Bishop Towing did not have three (3) used oil containers properly labeled. **Therefore, Bishop Towing is in violation of OAC 3745-279-22(C).**

This violation was corrected during the inspection. **Bishop Towing is no longer in violation of OAC 3745-279-22(C).**

Southwest District Office
401 East Fifth Street
Dayton, OH 45402-2911

937 | 285 6357
937 | 285 6249 (fax)
www.epa.ohio.gov

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Included with this letter is a guidance document on the proper management of used oil. If you have any questions, please either email me at cathy.altman@epa.ohio.gov or call me at (937) 285-6093.

Sincerely,



Cathy L. Altman
Environmental Specialist
Division of Materials and Waste Management

cc: DMWM Data Entry/Facility File

ec: Bob Craig, South Lebanon Administrator

The Regulation of Used Oil: An Overview for Ohio Businesses Who Generate Used Oil

DHWM Guidance Document

Date: April 2006

If your business generates used oil, it is important that you understand and comply with Ohio EPA's used oil regulations. This guidance document outlines the basic used oil generator requirements in Ohio Administrative Code (OAC) rules 3745-279-20 through 3745-279-24. If you need more information or have questions about Ohio's used oil regulations, please contact the Division of Hazardous Waste Management (DHWM) at (614) 644-2917 or visit our [Web site](#).

Why is Used Oil Regulated?

Used oil that is not managed safely can pose a threat to humans and the environment. Improperly disposing of used oil can also lead to contamination of drinking water, surface water, ground water and soils. The used oil regulations describe proper used oil management. Because used oil is a reusable resource, the regulations also promote used oil recycling.

What is Used Oil?

Petroleum-based or synthetic oils that are used and contaminated with physical and chemical impurities are defined as used oil. To determine whether your material meets the definition of used oil, you must determine if it meets the following three criteria:

Did you know that...

U.S. businesses produce about 1.2 billion gallons of used oil a year?

- 1) **Origin** - The material must come from either refined crude oil or from synthetic materials including materials derived from coal, shale or polymer-based starting material (e.g., Mobil 1, Castrol Syntec, and water based cutting and hydraulic oils).
- 2) **Use** - The material must be used as a lubricant, hydraulic fluid, heat transfer fluid (coolant), cutting fluid, buoyant or for some other similar purpose. Materials that have not been used, such as bottoms from a virgin oil tank clean-out or a virgin oil spill, are not considered used oil. Other materials that are not considered used oil include petroleum products used for cleaning (solvents) and other petroleum-derived products such as antifreeze and kerosene.

Used Oil Generators

- 3) **Contaminants** - the material must be contaminated with either physical or chemical impurities from its use. Examples of contaminants could include dirt, metal shavings, solvents or halogens.

What is a Used Oil Generator?

A used oil generator is a person whose action or process first causes used oil to become subject to regulation. Used oil is commonly generated through vehicle or equipment maintenance. Many different types of businesses generate used oil, including: manufacturing companies, machine shops, metal working industries, auto service stations, quick lube shops and others.

There are additional regulations for other used oil activities such as:

- transportation
- collection centers
- re-refining or reprocessing
- burning
- marketing

If your business is involved in any of these activities, you may have to comply with the applicable requirements. For information about the regulations that might apply to you, contact the Division of Hazardous Waste Management.

What Are My Responsibilities if I Generate Used Oil?

Ohio's regulations include some specific requirements for used oil generators. Most of these regulations relate to good housekeeping practices. See the checklist on the following page for used oil generator requirements.

What is Used Oil?

Used Oil Includes:

- engine oils from vehicles and equipment
- lubricating oil
- brake fluids
- transmission fluid
- hydraulic fluid
- insulating oils
- metal cutting fluids
- industrial process oils
- compressor/refrigerant oils

Used oil does not include:

- oil products
- cleanup materials from oil product spills
- animal or vegetable oils
- oil sludge from virgin oil storage tanks
- antifreeze
- kerosene (unless used as a lubricant)
- petroleum distillates used as solvents

Used Oil Generators

Besides Ohio's used oil regulations, you may be subject to regulation under other programs. For example, if your facility has the ability to store 660 or more gallons of used oil in a single above ground storage container or tank, you may need to develop a spill prevention plan (called an SPCC plan). Call Ohio EPA's Division of Emergency and Remedial Response at (614) 644-2924 for more information.

If you store used oil in an underground tank, you may be subject to regulation by the Bureau of Underground Storage Tank Regulation (BUSTR), Division of State Fire Marshal. Contact BUSTR for more information at (614) 752-7938.

How Can I Dispose of or Recycle My Used Oil?

As a used oil generator, you have several recycling and management options. Under no circumstances, however, can you dispose of used oil on your property.

Take your used oil to a collection center

You can transport small amounts of used oil generated at your site to a registered used oil collection center without being subject to the used oil transporter requirements. To do this, you must use your own vehicle or a vehicle owned by an employee and transport no more than fifty-five gallons at a time.

Take your used oil to an aggregation point(s)

You can transport small amounts of used oil that you generate to aggregation points that you own. A used oil aggregation point is a site or facility that you own in which you transport used oil to. You can transport your used oil to your aggregation point(s) without being subject to the used oil transporter requirements if you use your own vehicle or a vehicle owned by an employee and you transport no more than fifty-five gallons at a time.

Burn your used oil in a space heater

You can burn used oil generated at your business or used oil received from a household do-it-yourselfer in an on-site space heater.

Used Oil Generator ✓ List

- ✓ Label containers or tanks of used oil with the words, "Used Oil."
- ✓ Store used oil in containers or tanks that are in good condition (not rusting, leaking, etc.).
- ✓ If there is a leak of used oil: stop the leak, contain it, clean it up and properly manage the cleanup materials.
- ✓ Use a transporter with an EPA identification number when shipping used oil off site.
- ✓ Do not mix your used oil with other wastes such as mineral spirits, brake cleaner fluid or washer solvents, unless you are sure that you are complying with the appropriate regulations.

Used Oil Generators

To do this, your space heater cannot burn used oil at a rate exceeding 0.5 million Btu per hour and all combustion gases from your space heater must be vented to the outside. Please note, though, that besides complying with the used oil regulations, you may also be subject to regulation by Ohio EPA's Division of Air Pollution Control. If you want to burn used oil in a space heater, you should contact the air division at your local Ohio EPA District Office to discuss any applicable requirements.

Contact a used oil recycler

The best way to manage your used oil is to send it to a used oil recycler. Ohio EPA maintains a list of companies that recycle used oil. Used oil recyclers conduct various recycling methods such as:

Reconditioning

Involves removing impurities and reusing the oil.

Re-refining

Involves treating the used oil and removing impurities. Re-refining returns the oil to close to its original state so that it can be used to make new products.

Note: If you mix your used oil with other wastes (solvents, for example), this may cause the entire mixture to become a hazardous waste. This mixture may subject you to the hazardous waste rules, or to other rules which may result in higher recycling/disposal costs.

Reusing

Used oil is returned to a petroleum refiner to be used as a feedstock for gasoline or coke production.

Burning for energy recovery

Used oil is treated to remove impurities such as water and solids. It is then burned as a fuel to generate heat.

If you plan to send your used oil off-site to a used oil recycler, you must use a used oil transporter who has a U.S. EPA identification number.

Additional Tips on Handling Used Oil

Good housekeeping practices and training can help your company stay in compliance with the used oil regulations. In addition, there are other things you can do to reduce the amount of used oil generated at your company. These include:

- 1) Use high performance or long-lasting oils. They prolong the need for an oil change.

Used Oil Generators

- 2) Consider testing the oil periodically to determine the level of contamination or degradation. The testing may reveal problems in machinery or equipment.
- 3) Install by-pass on vehicle engines. These small devices are used to complement "full-flow" oil filters by removing contaminants smaller than 40 microns. These filters extend engine and oil life.

Handling Used Oil...

DO inspect equipment for oil leaks and take quick actions if repairs are needed.

DO train personnel on the correct methods for handling used oil.

DO look for ways to reduce the amount of used oil waste that your business generates.

Handling Used Oil...

DON'T throw your used oil on the ground, down the sewer, in a septic tank or down a floor drain.

DON'T put liquid used oil in the trash dumpster with your solid waste. Solid waste landfills cannot take liquids.

DON'T mix your used oil with other wastes that might cause the whole mixture to become a hazardous waste.

You can contact your vendor or supplier for additional information. Ohio EPA's [Office of Pollution Prevention](#) at (614) 644-3469 also can provide information about reducing the amount of waste you generate.

How Can I Dispose of Used Oil Filters?

According to OAC rule [3745-51-04\(B\)\(13\)](#), non-terne plated used oil filters that are hot-drained are not hazardous wastes. Non-terne plated filters do not contain lead in the metal portion of the filter. Hot-draining may be accomplished by either:

- puncturing the anti-drain back valve or the filter dome end and hot-draining;
- hot-draining and crushing;
- dismantling and hot-draining; or
- other equivalent method.

We consider a filter to be hot-drained when it is brought up to normal engine operating temperature just before you remove it for draining. The oil filter should be allowed to drain for 12 hours. After the oil has been drained, the filter may be disposed of in the municipal waste stream. However, we encourage you to recycle the filters as scrap metal. The oil collected must be managed as used oil.

Used Oil Generators

While most automobile oil filters are non-terne plated, industrial filters and other types may still be terne-plated. The Filter Manufacturers Council (FMC) maintains information on filters. For more specific data on the discontinuation of terne-plated oil filters and other types of filters, you should refer to [FMC's Web site](#).

Where Can I Go For More Help?

Please contact Ohio EPA's Division of Hazardous Waste Management's [Regulatory Services Unit](#) at 614-644-2917 if you have used oil management questions or wish to learn about ways you can reduce the amount of waste you generate.

Common Used Oil Management Standards (Ohio Administrative Code Chapter 3745-279)

Handler Type Mgmt. Standards	<u>Generator/</u> <u>Collection</u> <u>Center</u>	<u>Transporter/</u> <u>Transfer</u> <u>Facility</u>	<u>Off-Spec</u> <u>Burner</u>	<u>Processor/</u> <u>Re-refiner</u>	<u>Marketer*</u>
Storage	Yes 3745-279-22(A)	Yes 3745-279-45(A)	Yes 3745-279-64(A)	Yes 3745-279-54(A)	N/A
Secondary Containment	No	Yes 3745-279-45(D)	Yes 3745-279-64(C)	Yes 3745-279-54(C)	N/A
Response to Releases	Yes 3745-279-22(D)	Yes 3745-279-45(H)	Yes 3745-279-64(G)	Yes 3745-279-54(G)	N/A
<u>Notification/</u> <u>EPA ID</u> <u>Number</u>	No (Non-DIY collection centers must register with the state)	Yes 3745-279-42(A)	Yes 3745-279-62(A)	Yes 3745-279-51(A)	Yes 3745-279-73(A)
Tracking	No	Yes 3745-279-46	Yes 3745-279-65	Yes 3745-279-56	Yes 3745-279-74

* Storage, secondary containment and release response issues are not applicable to marketers, however, marketers must be one other type of handler.