



**Environmental
Protection Agency**

John Kasich, Governor

Mary Taylor, Lt. Governor

David J. Nye, Director

CERTIFIED MAIL

May 31, 2012

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

**RE: JD SERVICES, CUYAHOGA COUNTY, FOURTH NOTICE OF VIOLATION (NOV)
OHD 007 832 827, COMPLAINT NUMBERS 7301, 7449**

Dear Mr. Dupre:

On May 17, 2012 I and Nyall McKenna, as representatives of the Ohio EPA Division of Materials and 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 and Ed Haddad, your environmental consultant, represented JD Services during that inspection.

I have conducted previous inspections of this site. On April 20, 2010 Robert Almquist and I conducted an inspection which resulted in a Notice of Violation (NOV) letter dated May 6, 2010. On March 23, 2011, Nyall McKenna and I conducted a follow-up inspection which resulted in a Notice of Violation (NOV) letter dated April 4, 2011. On August 10, 2011, I conducted an inspection which resulted in a Notice of Violation (NOV) letter dated September 14, 2011.

Observations made during the May 17, 2012 inspection of the 16100 S. Waterloo Road facility include:

- Significantly fewer trucks, truck parts and other equipment were present outdoors in the salvage yard area to the south of the maintenance garage than during previous visits. Equipment relocation or removal is needed to provide access to soil to determine whether oil releases are present. Reportedly this work is being driven in part to meet requirements established by the Cleveland Municipal Court. My understanding is zoning restrictions do not allow salvage operations outdoors or storage of salvaged parts outdoors at this site. You stated that all outdoor truck and vehicle parts and debris would be removed by the end of May. Reportedly removal of used oil releases to meet the visually clean standard required by previous NOV letters will be completed within a few weeks after all truck and vehicle parts are removed.
- The surface soil on about approximately the north 1/3 to 1/2 of the yard has a brownish appearance. You and Mr. Haddad stated that steel mill slag had been used at the site by a previous occupant and that asphalt shavings had also been used at the site which might account for some of the brown color. In the south 1/2 to 2/3 of the yard, surface soil is predominantly a whitish color. Isolated spots of grossly oily soil and oil leakage and spillage were present in both portions of the salvage yard.

- The soil pile created by scraping part of the site in 2010, that was still in place in March 2011 and that had been spread out near the maintenance building between March 2011 and August 2011, was no longer on-site.
- Surface soil appeared to have been scraped from portions of the yard area south of the maintenance garage. Much of this soil apparently has been removed from the site.
- Truck engine dismantling was being conducted in the north room of the maintenance garage.
- Automotive engines and transmissions were stored in a pile at the back (west) end of the south room of the maintenance garage. Other salvaged parts were also stored in this room.

Ohio EPA expects you on behalf of JD Services to complete the response to used oil releases as requested in my previous NOV letters and to address the other used oil violations listed below.

Based on the observations made during the facility visit/inspection of May 17, 2012, Ohio EPA has determined that JD Services is in continuing violation of the following state used oil regulation on release response and is also in violation of the other used oil regulations cited below:

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

The pile of surface soil and materials that had been scraped from the property in 2010 reportedly has been shipped off-site along with some additional soil scraped from the property. These actions indicate progress towards meeting the used oil response requirements stated in earlier NOV letters. However, additional actions to address these releases are required.

As stated in the May 6, 2010 NOV letter, and re-iterated in subsequent NOV letters, 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. Don't perform work that results in the release of used oil to the ground.
- B. Complete the scraping of soils/materials contaminated with used oil from the parts of the property where this has not been done. Recheck previously scraped areas for visual indications of used oil releases; where used oil releases are present additional scraping will be necessary. Equipment lying on the ground will have to be removed and/or relocated as necessary to complete this work.
- C. Place newly scraped soils/materials into a dumpster as it is scraped. Newly scraped soils/materials are not to be stored in piles on the ground.
- D. Evaluate the newly scraped soil and material to determine if it is a hazardous waste or only used oil. Ship to an appropriate facility consistent with the results of this evaluation.
- E. Submit documentation, for example copies of manifests, for all shipments of contaminated soils and materials removed from the site.

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.

Required Written Response and Documentation

The following response items must be submitted to this office within 14 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. My understanding is that no outdoor disassembly work is allowed by the zoning laws applicable to this facility; if this is correct, respond accordingly. Provide documentation that all your employees working on this site have been trained in this procedure.
- B. A written procedure on using and removing oil sorbent in the maintenance garage to manage oil spillage in the building and to minimize tracking oil out of the building. For example, place oil sorbent on the floor whenever any oil gets on the floor, sweep up the sorbent prior saturation, and at a minimum sweep-up at the end of each work day. Used oil sorbent cannot be placed in vehicles sent to recyclers. Used oil sorbent must be evaluated to determine if it is hazardous waste or used oil and then managed accordingly. Provide documentation that all your employees working on this site have been trained in this procedure.
- C. Landfill manifests for the shipments of soils/materials from the site to Petro Environmental. Mr. Haddad submitted an update letter dated April 5, 2012 which provided manifest numbers (410780, 410781) for two shipments to Petro Environmental. Please submit copies of the manifests as well as the results of any analytical work for these shipments done by Petro Environmental. (In a letter to me dated January 13, 2012, Mr. Haddad stated, "The stock piled soils will be tested. Upon receipt of test results, the soils will be taken to an approved disposal site (Petro Environmental, in Lodi, Ohio), probably within two weeks.")
- D. A schedule for expeditiously completing the scraping of soils/materials contaminated with used oil. This schedule should address the areas of the property where scraping has not been done as well as visually rechecking areas that have been previously scraped to determine whether any used oil releases remain. Where used oil releases remain, additional scraping will be necessary to remove them. If any soil has staining consistent with used oil releases and the facility concludes that this is not the result of a used oil release, the facility should document its reasons for so concluding. The submitted schedule should be one that JD Services intends to follow as additional extensions to that schedule are not likely.
- E. A procedure for evaluating the newly scraped soil and material to determine if it is hazardous waste or used oil.
- F. A schedule for shipping the soils/materials to either a solid waste or hazardous waste facility, as appropriate, based on the results of the evaluation.
- G. An explanation of whether a load of used oil contaminated soil was shipped during the winter of 2010-2011. My notes from the March 23, 2011 inspection refer to such a shipment and that the facility was waiting for documentation. If this shipment was made, provide documentation (for example, a landfill manifest or a billing statement). Documentation for this possible shipment was requested in my April 4, 2011 and September 14, 2011 NOV letters but was never received.
- H. Schedule a date for a return visit by me to assess status of the removal action. No materials (e.g. shaved asphalt, crushed concrete, gravel) are to be spread before this visit. No materials (e.g. shaved asphalt, crushed concrete, gravel) are to be spread until a formal written response is received from Ohio EPA and until all required approvals are obtained from the City of Cleveland.

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

JD Services collects used oil. One 55 gallon open-top drum nearly full (about 90% full) of used oil was observed in the south room of the maintenance garage. The drum was not marked with the words "Used Oil".

To return to compliance JD Services must:

- Determine if there are any other containers holding used oil in addition to the one mentioned above;
- Label each container holding used oil with the words "Used Oil"; and,
- Submit a photo of the containers marked with the words "Used Oil" to me within 14 days of receipt of this letter.

3. OAC Rule 3745 279-72(A) Used oil marketer must ensure used oil meets specs by proper documents

Some of the used oil generated at this facility is reportedly given to a friend. Transfer and disposal of used oil from a business, including giving it away, is subject to the used oil marketer rules. The facility did not provide any documentation that it had performed any analyses or possessed other documentation that indicates that the used oil met the standards for on-spec used oil as is required by the marketer rules.

You had previously stated that you would use a licensed used oil transporter for your used oil.

To return to compliance the facility must:

- Cease giving used oil away unless the facility intends to comply with the used oil marketer rules;
- Indicate in writing how the facility intends to manage its used oil in future; and,
- Provide this information to this office within 14 days of receipt of this letter.

JD Services needs to immediately take the necessary measures to return to compliance with Ohio's environmental laws. **Within 14 days** of receipt of this letter, JD Services is requested to provide documentation to this office including the steps taken to abate the violations cited above. Documentation of steps taken to return to compliance includes written correspondence, updated policies, and photographs, as appropriate, and may be submitted via the postal service or electronically to neil.wasilk@epa.ohio.gov. Response correspondence sent by the U. S. Postal Service should be sent to:

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

Please be advised that violations cited above will continue until the violations have been properly abated. Failure to comply with Chapter 3734 of the Ohio Revised Code and rules promulgated thereunder may result in a civil penalty of up to \$10,000 per day for each violation. It is imperative that you return to compliance. If circumstances delay the abatement of violations, JD Services is requested to submit written correspondence of the steps that will be taken by a date certain to attain compliance.

Enclosed you will find a copy of the checklist completed during the May 17, 2012 inspection.

CONCERNS

Lead Acid Batteries

About twenty used lead acid batteries were observed on the floor in several areas within the maintenance garage. Reportedly these lead acid batteries are to be recycled, in which case they would not be hazardous waste. You were advised that some of the storage practices created a risk of cracking battery casings and releasing battery acid which is a hazardous waste. Any such spill must be cleaned up immediately and the clean-up debris must be managed as a hazardous waste or be evaluated by testing with the TCLP Test to determine whether it is or is not hazardous waste. Improvements in battery management practices are recommended to reduce the risk of damage to these batteries.

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

Sincerely,



Neil J. Wasilk
Environmental Specialist
Division of Materials and Waste Management

NJW:ddw

Enclosure

cc: Marlene Kinney, Ohio EPA, DMWM, NEDO
Jeff Clark, City of Cleveland, Building Department
ec: Natalie Oryshkewych, Ohio EPA, DMWM, NEDO
Nyall McKenna, Ohio EPA, DMWM, NEDO
Jeff Mayhugh, Ohio EPA, DMWM, CO

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 brad.hauser@epa.state.oh.us.

Site EPA ID No. Site Name	EPA ID Number: OHD 007 832 827		Website: (Optional)	
Site Location Information	Street Address: 16100 S. Waterloo Road			
	City, Town, or Village: Cleveland		State: OH	
Site Land Type (check only one) NAICS code(s) www.census.gov/epcd/www/naics.html	County Name: CUYAHOGA		Zip Code: 44110	
	Private <input checked="" type="checkbox"/>	County <input type="checkbox"/>	District <input type="checkbox"/>	Federal <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: James		MI:	Last Name: Dupre	
	Title:				
	Phone Number: 216-481-2293			Phone Number Extension:	
	E-Mail Address:				
	Fax Number:			Fax Number Extension:	
	Street or P.O. Box: P.O. Box 93823				
	City, Town or Village: Cleveland			Zip Code: 44101	
	State: OH				

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:		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:	Zip Code:
	Name of Site's Operator:				
	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 checked="" 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). Check the box for the applicable generator status and provide a comment.	<input type="checkbox"/> Small Quantity Generator (SQG)
		<input 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 RCRA Info 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 checked="" type="checkbox"/> Yes | <input 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 | |

Name of Inspector(s)
N. Wasilk

Name of Inspector(s)
N. McKenna

Date of Inspection/Time
 (mm/dd/yyyy) (hh:mm)
05/17/2012 12:30 p.m.

Comments:

**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? ISOLATED SPOTS OF GROSSLY OILY SOIL IN YARD	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
b.	Contained the release? u	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 NOT BURNING AT THIS TIME

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 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 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 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>UNLESS HOW USED OIL GIVEN AWAY IS TRANSPORTED</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.

USED OIL INSPECTION CHECKLIST - MARKETERS

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 Used Oil Marketer 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, scrap metal contaminated with used oil or used oil managed in a surface impoundment (i.e., pond).		
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: All used oil burned for energy recovery is presumed to be off-specification until all requirements of OAC rule 3745-279-11 have been met. <i>USED OIL GIVEN TO FRIEND, NO</i>		
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).		
4.	Does the used oil fuel marketer initiate shipments of off-spec used oil only to a used oil burner that has a U.S. EPA ID# and burns the used oil in an industrial furnace or boiler identified in 3745-279-61(A)? [3745-279-71]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
5.	Does the generator, transporter, processor/re-refiner, or burner who first claims that the used oil meets the specification for used oil fuel under 3745-279-11 keep copies of analyses of the used oil (or other information used to make the determination) for at least three years? [3745-279-72(B)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
6.	Has the used oil marketer notified Ohio EPA or U.S. EPA and obtained a U.S. EPA ID#? [3745-279-73(A)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
7.	Does the used oil marketer keep a record of each shipment of off-spec used oil directed to a used oil burner? [3745-279-74(A)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
a.	Does each record include the name and address of the transporter who delivers the used oil to the burner? [3745-279-74(A)(1)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
b.	Does each record include the name and address of the burner who receives the oil? [3745-279-74(A)(2)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
c.	Does each record include the U.S. EPA ID# of the transporter that delivers the used oil to the burner? [3745-279-74(A)(3)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
d.	Does each record include the U.S. EPA ID# of the burner? [3745-279-74(A)(4)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
e.	Does each record include the quantity of the used oil shipped? [3745-279-74(A)(5)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
f.	Does each record include the date of shipment? [3745-279-74(A)(6)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
8.	Does the generator, transporter, processor/re-refiner, or burner who first claims that the used oil meets the fuel specifications under 3745-279-11 keep a record of each shipment of used oil to an on-spec used oil burner? [3745-279-74(B)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
a.	Does each record include the name and address of the facility receiving the shipment? [3745-279-74(B)(1)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
b.	Does each record include quantity of used oil fuel delivered? [3745-279-74(B)(2)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
c.	Does each record include date of shipment or delivery? [3745-279-74(B)(3)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
d.	Does each record include a cross-reference to the record of used oil	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>

	analysis or other information used to make the determination that the used oil meets the specification as required in 3745-279-72(A)? [3745-279-74(B)(4)]	
9.	Are the records described in 3745-279-74(A) and (B) maintained for at least three years? [3745-279-74(C)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
10.	Before the used oil generator, transporter or processor/re-refiner directs the first shipment of off-spec used oil to a burner, does he obtain a one time written and signed notice from the burner certifying that:	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
	a. The burner has notified Ohio EPA stating the location and general description of the used oil management activities? [3745-279-75(A)(1)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
	b. The burner will burn the off-spec used oil only in an industrial furnace or boiler identified in 3745-279-61(A)? [3745-279-75(A)(2)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
11.	Is the certification maintained for at least three years from the date the last shipment of off-spec used oil was shipped to the burner? [3745-279-75(B)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>