



**Environmental
Protection Agency**

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

EWJ

Re: Kelsey Reidling Property
Sandusky County
Complaint # 3175
NOV

July 25, 2012

Mr. Kelsey W. Reidling, Owner
222 North Patterson Avenue
Gibsonburg, Ohio 43431

Dear Mr. Reidling:

On July 11, 2012, I conducted a complaint investigation/inspection of your property located at 270 North State Route 300, Gibsonburg, Sandusky County, Ohio. I was accompanied by your wife Casey. The complaint that Ohio EPA received stated that there several containers of used oil leaking at the property, including 10-15 drums and multiple small containers. The complainant also alleged open burning and an undetermined amount of solid waste at the site.

I inspected Kelsey Construction to determine the facility's compliance with Ohio's hazardous waste laws as found in Chapter 3734. of the Ohio Revised Code (ORC) and Chapter 3745. of the Ohio Administrative Code (OAC). This inspection consisted of a walkthrough of the facility and paperwork review.

When I spoke with you over the phone on July 10, 2012, you stated that you work in construction in your spare time and keep some of the equipment at your property. Upon arrival, I walked around the property and inside the steel building. I observed several containers of used oil including 5-gallon buckets, 1-gallon plastic containers, and 1-quart plastic containers. You previously stated that the used oil is generated during maintenance of your back-hoe, trucks, and other vehicles for your business. No evidence of used oil releases were observed in or around the steel building. In addition to the used oil containers, the building was packed with construction equipment, old cars, etc.

Based on my observations, I found the following violation of Ohio's hazardous waste laws. Reidling Construction needs to immediately take the necessary measures to return to compliance with Ohio's environmental laws. Within 14 days of receipt of this letter, Reidling Construction is requested to provide documentation to this office including the steps taken to abate this violation.

1. OAC 3745-279-22 (C)(1) Used oil storage container labeling.

Containers and above ground tanks used to store used oil at generator facilities shall be labeled or marked clearly with the words "Used Oil."

Reidling Construction did not properly label several containers storing used oil.

Reidling Construction must label the containers with the words "Used Oil" and send me photographic documentation that this has been completed. It is recommended that all containers of used oil be consolidated into a larger container, perhaps a 55-gallon drum. All containers found in the back of the woods must be brought in the building and also properly label. This will facilitate the management of your used oil.

2. OAC 3745-279-22 (C)(1) Used Oil Management – Response to releases.

A generator of used oil, upon detection, must perform the following cleanup steps:

1. Stop the release
2. Contain the released used oil
3. Clean up and manage the waste properly
4. If necessary, repair or replace any leaking used oil storage container

Reidling Construction failed to clean up the used oil released around used drums being accumulated in the wooded area in the back of the property.

To abate this violation, Reidling Construction must remove all used oil contaminated soil. It is recommended that contaminated soil be placed on plastic while waiting for the results of the sampling. A visual check must be conducted after the soil removal to ascertain that all used oil stained soil has been removed. Contaminated soil must be then properly evaluated prior to disposal. The contaminated soil must be analyzed TCLP RCRA metals. Reidling construction must send me copies of contaminated soil analytical results and a photographic documentation of the cleanup area.

Information Request/Recommendation:

During the site visit, I noticed that you have not determined a way to manage your used oil. Several options are available to you including, burning the oil in an on-site used oil furnace, self-transporting it (up 55-gallons) in a company vehicle to an approved collection center, and finally having a transporter with a USEPA ID number pick it up to transport to a recycling facility.

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Please refer to the enclosed guidance documents for a more detailed explanation on how to manage your used oil. Please include in your response a written statement of how you are planning to manage your used oil. Include the name and location of the facility you will be sending the used oil.

It is recommended that all car batteries that you have in the field be brought back in the building. The batteries that you have not used are core exchange, should be recycled off-site. Please informed in writing what are planning to do with these batteries.

Documentation of steps taken to return to compliance includes written correspondence, updated policies, and photographs, as appropriate, and may also be submitted via electronically to ed.pulido@epa.state.oh.us. 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, Reidling Construction is requested to submit written correspondence of the steps that will be taken by date certain to attain compliance.

Ohio EPA will issue an EPA ID number to track my inspection activity at Reidling Construction. Reidling Construction cannot use this number for manifesting hazardous waste shipments.

If Reidling Construction wants to use an EPA ID number for manifesting and other hazardous waste, used oil or universal waste activities, Reidling Construction must complete and submit a Notification of Regulated Waste Activity form (EPA Form 9029 [Rev. 11/2002]) to Ohio EPA. This form is available at <http://www.epa.ohio.gov/portals/32/notiform.pdf> or Reidling Construction can call me at (419) 373 3015 or the Division of Materials and Waste Management, Central Office, RIS, at (614) 644-2977 and a copy will be sent in the mail.

Enclosed you will find a copy of the checklists that were completed as a result of this inspection. You can find copies of the rules and other information on the division's web page at <http://www.epa.ohio.gov/dhwm/>.

For your information, I am providing you with the following documents: The Regulation of Used Oil: An Overview for Ohio Business Who Generate Used Oil, April, 2006; Burning Used Oil in a Space Heater – For Businesses, July 2009; Used Oil Recyclers List, 2009; and Registered Used Oil Collection Centers, May 2005.

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Should you have any questions or if I can be of assistance, please contact me at
(419) 373-3015.

Sincerely,



Edgar V. Pulido
Division of Materials and Waste Management

/ cg

Enclosures

pc: Cindy Lohrbach, DMWM, NWDO
Colleen Weaver, Supervisor, DMWM, NWDO w/ original checklist

ec: Ed Pulido, DMWM, NWDO
Colleen Weaver, Supervisor, DMWM, NWDO w/ checklist
Lynette Hablitzel, DSW, NWDO

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 brad.hauser@epa.state.oh.us

Site EPA ID No. Site Name Site Location Information Site Land Type (check only one) NAICS code(s) www.census.gov/epcd/www/naics.html	EPA ID Number:		Website: (Optional)					
	Name: Reidling Construction							
	Street Address: 270 North State Route 300							
	City, Town, or Village: Gibsonburg		State: OH					
County Name: Sandusky		Zip Code: 43431						
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: Kelsey		MI:	Reidling		
	Phone Number: (419)307-6649 Cell			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:				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: Oh				Country: USA		Zip Code:		
	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?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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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"/> 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"/> Recycler of Hazardous Waste <input type="checkbox"/> Underground Injection Control Facility <input type="checkbox"/> Hazardous Waste Transporter <input type="checkbox"/> Treater, Storer or Disposer of Hazardous Waste	<input type="checkbox"/> Exempt Boiler and/or Industrial Furnace <input type="checkbox"/> Small Quantity On-Site Burner Exemption <input type="checkbox"/> Smelting, Melting, Refining Furnace Exemption

UNIVERSAL WASTE ACTIVITIES (INDICATE TYPES OF UNIVERSAL WASTE MANAGED)

(CHECK ALL BOXES THAT APPLY)

- Small Quantity Handler of Universal Waste
- Large Quantity Handler of Universal Waste
(accumulates 5,000 kg. or more)

Destination Facility for Universal Waste

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. Oil
- Used Oil Fuel Marketer to Off-Specification Used Oil Burner

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:

- Announced Yes No
- Tanks Yes No
- Containers Yes No

Additional Facility Representatives:

Name of Inspector(s)
Ed Pulido

Name of Inspector(s)

Date of Inspection/Time
(mm/dd/yyyy) (hh:mm)
07/11/2012 10:30

Comments: Complaint #3175

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

	0.5 million BTU per hour?	
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#?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
12.	If the generator self-transported 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 checked="" 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 checked="" 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>		