



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

November 21, 2012

Tim Goehring
Director of Operations
Berner Trucking, Inc.
5885 Crown Rd. NW
Dover, OH 44622

**TUSCARAWAS COUNTY
GENERAL FILE
(BERNER TRUCKING)
DMWM/SEDO
NON-NOTIFIER**

Dear Mr. Goehring:

On, November 8, 2012 I investigated a complaint at Berner Trucking, Inc.'s facility in Dover, Ohio. According to the complaint received by Ohio EPA, Berner Trucking is spraying a mixture of used oil and diesel fuel or antifreeze onto truck beds to prevent loads from sticking to the beds. The complainant alleged that these materials were being applied so heavily that quarts of the liquid drip onto the ground. The complainant was concerned about this leading to soil and water contamination. During my visit to the Berner Trucking facility I also assessed your compliance with used oil and hazardous waste generator requirements found in Chapter 3734 of the Ohio Revised Code (ORC) and Chapter 3745. of the Ohio Administrative Code (OAC). This letter will explain the validity of the complaint, the violation found, and what you need to do to correct the violation, other general concerns I have and what you need to do to respond to the general concerns.

My investigation of the complaint confirmed that Berner Trucking is using a mixture of diesel fuel and used oil or antifreeze as a release agent for truck beds of approximately 100 trucks. The used oil and antifreeze come from maintenance of the Berner Trucking fleet. When hauling limestone Berner Trucking also uses a product called Caliber 1000 on ten of their trucks.

At the time of the investigation it was not possible to determine whether or not the diesel fuel and used oil or antifreeze were being over applied to the point of leaking onto the ground. There was no wide spread or excessive staining observed on the ground. However, truck beds are normally sprayed down at loading locations not at the Berner Trucking facility.

Ohio's used oil and hazardous waste regulations do not specifically prohibit using diesel fuel and used oil or antifreeze as release agents. However, if either of these materials spill on the ground the spilled material would be considered a waste that must be cleaned up.

BERNER TRUCKING
NOVEMBER 21, 2012
PAGE 2

The cleaned up waste must be evaluated to determine whether or not it is a hazardous waste under OAC Rule 3745-52-11. The cleaned up waste must then be disposed of accordingly as either a solid waste or a hazardous waste. While Ohio EPA cannot prohibit your current use of used oil and diesel fuel as a release agent, we recommend that you investigate using other products that are less toxic and more biodegradable. Used oil does not readily dissolve in water and is slow to degrade in the environment. One gallon of oil can produce an oil slick up to eight acres in size. Used oil from a single oil change can ruin one million gallons of water (a year's supply for 50 people) or make four acres of soil unusable for planting for decades. I have included as an attachment some alternative release agents suggested by Ohio EPA's Office of Pollution Prevention.

Violation

The following violation of Ohio's used oil laws was found. In order to correct this violation you must do the following and **send me the required information within 14 days of your receipt of this letter.**

- (1) ***Used Oil Storage Requirements, OAC Rule 3745-279-22(C)(1)***: Containers and above ground tanks used to store used oil at generator facilities shall be labeled or marked clearly with the words, "Used Oil."

Berner Trucking was storing used oil in a tank, mobile drain pans, and nineteen totes. None of these storage containers were labeled with the words "Used Oil" as required by this rule.

In order to return to compliance, submit photos of the used oil tank, mobile drain pans, and totes showing that they have been labeled with the words "Used Oil."

General Comments

- A. Berner Trucking uses fluorescent bulbs for lighting. Spent fluorescent bulbs often contain enough metals such as mercury, lead, cadmium and barium to make them a characteristic hazardous waste. If your spent fluorescent bulbs are not recycled you must determine if they exhibit any characteristics of a hazardous waste and manage them accordingly. Ohio EPA recommends that spent fluorescent bulbs be recycled. If Berner Trucking is inspected again you will be required to demonstrate that you have properly evaluated or recycled your spent bulbs. I have enclosed a fact sheet on fluorescent bulbs and a list of bulb recyclers for your consideration.

Berner Trucking needs to immediately take the necessary measures to return to compliance with Ohio's environmental laws. Within 14 days of receipt of this letter, Berner

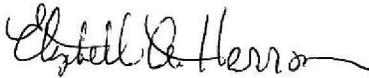
BERNER TRUCKING
NOVEMBER 21, 2012
PAGE 3

Trucking 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 Elizabeth.Herron@epa.ohio.gov.

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, Berner Trucking is requested to submit written correspondence of the steps that will be taken by date certain to attain compliance.

Should you have any questions, please feel free to call me at (740) 380-5248. You can find copies of the rules and other information on the division's web page at <http://www.epa.state.oh.us/dhwm/>.

Sincerely,



Elizabeth A. Herron
Environmental Specialist
Division of Materials and Waste Management

EH/mr

Enclosures

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
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: OHD049371693 Name: Berner Trucking, Inc. Website: (Optional) Street Address: 5885 Crown Road NW City, Town, or Village: Dover State: OH County Name: TUSCARAWAS Zip Code: 44622 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: Tim MI: Last Name: Goehring Title: Operations Director Phone Number: Phone Number Extension: E-Mail Address: Fax Number: Fax Number Extension: Street or P.O. Box: 5885 Crown Road NW City, Town or Village: Dover State: OH Zip Code: 44622		
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 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: 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			
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"/> 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"/> Large Quantity Generator (LQG) <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 checked="" 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 checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | |
| Containers | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | |

Name of Inspector(s)
Elizabeth Herron

Name of Inspector(s)

Date of Inspection/Time
(mm/dd/yyyy) (hh:mm)
11/8/2012 11:45 AM - 1:30 PM

Comments: