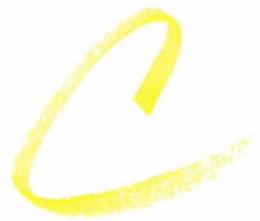




John R. Kasich, Governor  
Mary Taylor, Lt. Governor  
Scott J. Nally, Director



April 9, 2013

RE: BAUMANN RECYCLING CENTER  
CUYAHOGA COUNTY  
USED OIL GENERATOR  
COMPLAINT # 7590  
NOV

William Baumann  
Baumann Recycling Center  
4801 Chaincraft Road  
Garfield Hts., OH 44125

Dear Mr. Baumann:

On January 15, 2013, the Ohio EPA, the Northeast Ohio Regional Sewer District (NEORS), and the Cuyahoga County Board of Health conducted a complaint investigation of the Baumann Recycling Center (BRC) Garfield Heights, Ohio facility. The inspection conducted was limited in nature to the issues brought in the complaint. BRC was represented by you. The Cuyahoga County Board of Health (CCHB) was represented by Dane Tussel. Dan Bogoevski, Reggie Brown, Molly Drinkuth and I represented the Ohio EPA. Tom Zabloutny and Jill Novak represented NEORS.

The complaint alleged that BRC was managing their used oil by dumping it down the drain. The complainant also alleged that these drains may be connected to Mill Creek which lies adjacent to the property. In addition, the complaint noted concerns of oil spills in and around the Maintenance Building.

Ohio EPA did note two violations during the inspection:

1. **Used Oil Storage Requirements for Generators, OAC rule 3745-279-22(C)(1):** All containers of used oil shall be clearly labeled or marked "Used Oil".

None of the containers/tanks were marked with the words "Used Oil".

While the used oil above ground storage tank (AST) at the back of the Maintenance Building was labeled during the inspection, the other containers in the building used to collect the used oil from the vehicles were not labeled. In addition, Dan Bogoevski and I noted seven drums and three above ground tanks across the street from the trailer that were not labeled.

Per your e-mail dated January 17, 2013, you stated that Safety Kleen of Ohio was contracted to clean out the used oil.

Please submit documentation that the used oil was removed and photographs of any remaining used oil containers have been appropriately labeled.

2. ***Used Oil Storage Requirements for Generators, OAC rule 3745-279-22(D)***: Upon detection of a release of used oil... a generator shall perform the following cleanup steps: (1) stop the release; (2) contain the released used oil; (3) clean up and properly manage the released used oil and other materials; and (4) if necessary, to prevent future releases, repair or replace any leaking used oil storage containers or tanks prior to returning them to service.

Ohio EPA noted what appeared to be releases of used oil near the AST at the Maintenance Building and near the drums and AST across the street from the trailer.

The secondary containment of both of the ASTs had what appeared to be oil in them. There was at least one open container outside that had what appeared to be used oil in it. While used oil containers do not have to be kept closed, you should transfer the oil into containers that can be closed so that additional releases do not occur when it precipitates and the containers/containment overflows.

The used oil-contaminated soil from the spill must be disposed of at a permitted solid waste landfill. To demonstrate compliance with this rule, please provide copies of the receipts for the disposal of this soil.

Ohio EPA also noted the following concern during the inspection:

There were at least 42 55-gallon drums on site near the used oil AST near the Maintenance Building. You thought that all of these containers were empty. The few we checked appeared to be empty. As we discussed during the inspection, I would like you to inventory all of the drums and verify they are empty. In addition, they should all be closed so that water cannot enter the containers generating contaminated water that must be properly managed.

While outside of the scope of the complaint investigation, you told me that you had analytical results of the fines generated during the CD&D processing operations. You noted to me that the metals results varied quite a bit.

Ohio EPA considers these fines to be a new waste generated from your processing of the CD&D waste and therefore subject to the waste characterization requirements found in OAC rule 3745-52-11. We have concerns that hazardous constituents may be concentrated during the processing.

BAUMANN RECYCLING CENTER  
APRIL 9, 2013  
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Please submit all analytical data you have for the fines for my review. In addition, please include any information regarding sample collection (how the sample was collected, type of sample (grab vs. composite), chain of custody forms, etc. that supports the data.

You can find copies of the rules and other information on the Division of Hazardous Waste's web page at <http://www.epa.state.oh.us/DMWM>.

Nothing in this letter shall be construed to authorize any waiver from the requirements of any applicable state or federal laws or regulations. This letter shall not be interpreted to release the owner or operator, or others, from responsibility under Chapters 3704, 3714, 3734, or 6111 of the Ohio Revised Code or under the Federal Clean Water Act, Resource Conservation and Recovery Act, or Comprehensive Environmental Response, Compensation, and Liability Act for remedying conditions resulting from any release of contaminants to the environment.

Please submit the requested documentation to me by April 18, 2013. If you have any questions or require additional information, please contact me by telephone at (330) 963-1159 or by e-mail at [Karen.nesbit@epa.ohio.gov](mailto:Karen.nesbit@epa.ohio.gov).

Sincerely,



Karen L. Nesbit  
Division of Hazardous Waste Management

KLN:ddw

cc: Marlene Kinney, DMWM, NEDO  
Dan Bogoevski, DSW, NEDO  
ec: Jeff Mayhugh, DMWM, CO  
Frank Popotnik, DMWM, NEDO  
Natalie Oryshkewych, DMWM, NEDO  
Reggie Brown, DERR, NEDO

Completed verification forms required to be submitted to CO should be e-mailed to [RCRAInfo.Data@epa.state.oh.us](mailto:RCRAInfo.Data@epa.state.oh.us).

<b>Site EPA ID No.</b> <b>Site Name</b>	EPA ID Number:	
	Name: <b>BAUMANN RECYCLING CENTER</b>	Website: (Optional)
<b>Site Location Information</b>	Street Address: <b>4801 CHAINCRAFT ROAD</b>	
	City, Town, or Village: <b>GARFIELD HEIGHTS</b>	State: <b>OH</b>
	County Name: <b>CUYAHOGA</b>	
<b>Site Land Type</b> (check only one) <b>NAICS code(s)</b> <a href="http://www.census.gov/epcd/www/naics.html">www.census.gov/epcd/www/naics.html</a>	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"/>

<b>Facility Representative</b>  Additional names can be recorded in number 12  Only provide address information if it is different than the site address	First Name: <b>WILLIAM</b>		MI:	Last Name: <b>BAUMANN</b>	
	Title: <b>PRESIDENT</b>				
	Phone Number: <b>216-518-1144</b>			Phone Number Extension:	
	E-Mail Address: <b>BILL@BAUMANN-ENTERPRISES.COM</b>				
	Fax Number:			Fax Number Extension:	
	Street or P.O. Box:				
	City, Town or Village:				
State:			Zip Code:		

<b>Legal Owner And Operator of the Site.</b> List Additional Owners and/or Operators in the Comment Section or on another copy of this form page	Name of Site's Legal Owner: <b>BAUMANN PROPERTIES LTD</b>		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: <b>4801 CHAINCRAFT ROAD</b>				
	City, Town or Village: <b>GARFIELD HTS</b>				
	State: <b>OHIO</b>				
	Owner Phone #:				
	Country: <b>USA</b>				
	Zip Code: <b>44125</b>				
	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:					
State:			Operator Phone #:		
Country:			Zip Code:		

<b>VIOLATIONS CITED?</b>	<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"/> 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"/> 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
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**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<br>(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       Yes       No      Additional Facility Representatives:  
Tanks               Yes       No  
Containers         Yes       No

Name of Inspector(s)  
**KAREN L. NESBIT**

Name of Inspector(s)  
**ERM GOMES AND DAN  
BOGOEVSKI, DSW, NEDO**

Date of Inspection/Time  
(mm/dd/yyyy) (hh:mm)  
**01/15/2013 10:00**

**Comments:**