



Environmental
Protection Agency

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

August 13, 2012

Mr. Mark Gamble
Environmental Management Inc.
P.O. Box 175
Dublin, OH 43017

**Re: Complaint Investigation
CESQG - Non-Notifier
Union County
2nd Notice of Violation**

Dear Mr. Gamble:

On April 17, 2012, Ohio EPA, represented by Harry Kallipolitis, conducted a complaint investigation at the Environmental Management Inc. (EMI) facility located at 8220 Industrial Parkway, Plain City, Ohio 43064 in Union County. The complaint alleged improper management of storm water from the EMI facility. One of the observations noted during the complaint investigation was the management of used oil and used oil filters. Photographs were taken of the used oil/filter management area. Based on the observation and photographs, I went to the EMI facility on May 24, 2012 to review the used oil management practices for compliance with the rules established in accordance with the Ohio Administrative Code (OAC). On that day, you represented EMI and I represented Ohio EPA. We discussed not only EMI's used oil management practices, but the waste management practices in general, including any perceived pollution prevention opportunities. After the investigation, I sent you a notice of violation (NOV) dated June 1, 2012 which followed Harry's letter of May 10, 2012.

On June 19, 2012, I telephoned EMI and asked to speak to you. The receptionist said you did not answer her page so she would send you an e-mail message that indicated I had called and asked that you call me back. I did not receive a return call from you. On August 8, 2012, Harry Kallipolitis and I came back to the EMI facility and met with you. You indicated you had not seen either of Ohio EPA's letters to EMI to date. You asked us to resend them to you via e-mail and you would appropriately respond. On August 9, 2012, my June 1, 2012 NOV letter was provided to you via e-mail, as requested.

Based on the findings of the three (3) complaint investigations, it was determined that EMI remains in violation of the following rules established in accordance the OAC, as presented in the June 1, 2012 NOV:

1. **OAC Rule 3745-52-11 – Hazardous Waste Determination:** Any person who generates a waste, as defined in OAC Rule 3745-51-02, must determine if that waste is a hazardous waste. This determination can be completed by use of generator knowledge, analytical testing, and/or a combination of these methods.

There is an exclusion available for non-terne plated used oil filters, OAC Rule 3745-51-04(B)(13), that reads: The following materials are not wastes for the purpose of Chapter 3745-51 of the OAC: Non-terne plated used oil filters that are not mixed with waste listed in rules 3745-51-30 to 3745-51-35 of the OAC, if these oil filters have been gravity hot-drained using one of the following methods: (a) Puncturing the filter anti-drain back valve or the filter dome end and hot-draining; (b) Hot-draining and crushing; (c) Dismantling and hot-draining; or (d) Any other equivalent hot-draining method which will remove used oil.

As can be seen in the photographs enclosed (Enclosure 1), and also viewed on the days of my investigations, used oil filters had not been drained in accordance with the specifications listed above. The used oil filters had simply been placed within the secondary containment area and/or in buckets.

EMI must either evaluate the used oil filters and manage them in accordance with the results of the evaluation or drain the used oil filters of all the used oil remaining in them by an approved method, as specified by the exclusionary rule. Once drained of all used oil, the filters could be recycled as a scrap metal and/or disposed with the regular trash.

Within ten (10) days of the date of this communication, EMI must provide documentation of their used oil filter management procedures. This documentation should include the management method EMI intends to use in the future for their used oil filters (i.e., evaluation method and waste determination or selected operational procedures that would include the filter drainage method and recycle/disposal method).

3. **OAC Rule 3745-279-22(D)(3) – Used Oil Storage Requirements for Generators:** Upon detection of a release of used oil, a generator must perform the following cleanup step(s): (1) Stop the release; (2) Contain the release; (3) Clean up and manage properly the released used oil and other materials; and (4) If necessary, repair and replace any leaking used oil containers or tanks prior to returning them to service.

Within ten (10) days of receipt of this communication, EMI must clean this area of all visible staining from the used oil and submit documentation that includes the measures taken by EMI to clean this area. The method(s) of waste evaluation, management, and disposal of the removed waste material must also be included in the documentation provided. Also included in this documentation must be a description of the used oil management methods to be put in place to eliminate future releases to the ground.

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All documentation requested should be sent to my attention at the letterhead address within ten (10) days of the date of this Notice of Violation.

You may also find other helpful information on Ohio EPA's web site which can be found at: <http://www.epa.state.oh.us/>. Should you have any questions or need any additional information, I can be reached via e-mail or by telephone at 614-728-5037.

NOTICE: Ohio EPA's failure to list specific violations or deficiencies in this communication does not relieve EMI from having to comply with all applicable rules and regulations.

Respectfully,



Randy Sheldon
Environmental Specialist
Division of Materials and Waste Management
Central District Office

c: Harry Kallipolitis, DSW, CDO
~~DMWM, CDO, File~~

RS/nsm 8-12 NOV