



State of Ohio Environmental Protection Agency

**Southeast District Office**

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Ted Strickland, Governor  
Lee Fisher, Lieutenant Governor  
Chris Korleski, Director

July 6, 2007

**COSHOCTON COUNTY  
GENERAL FILE  
(J&J CORES)  
DHWM/SEDO  
OHR 000107177**

Mr. Richard Lehman  
J & J Cores  
122375 Oxford Township Road 105  
Newcomerstown, Ohio 43832

Dear Mr. Lehman:

On March 19, 2007, Dale Warner, Joe Holland (Division of Solid and Infectious Waste Management), Ralph Fogle (Coshocton County Health Department), and I performed a compliance inspection to determine your facility's compliance with Ohio's hazardous waste and solid waste laws and regulations as found in Chapter 3734. of the Ohio Revised Code (ORC) and Chapter 3745. of the Ohio Administrative Code (OAC).

Based on this inspection, a Notice of Violation letter was issued to you on March 23, 2007. To date, I have not received the documentation requested in that letter.

Based on this inspection, you are in violation of the following hazardous waste regulations:

- (1) **OAC rule 3745-279-22(D), Response to releases:** Upon detection of a release of used oil to the environment...a generator must perform the following 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, repair or replace any leaking used oil containers or tanks prior to returning them to service.

We observed several piles of used oil stained debris and/or soil at several locations at your facility. We also observed that used oil has been released from your scrap metal roll-off box which has run over the ground approximately 50 feet and entered the Tuscarawas River behind the trailer (see attached photographs). All soil and debris that is contaminated with used oil must be excavated and placed into a container and disposed at a permitted solid waste landfill. As we discussed, all containers that hold oily scrap metal must be kept under roof or kept tarped and on a bermed containment pad to prevent releases to soil or surface water. To demonstrate compliance, provide photographs of areas where used oil staining was evident and areas where pile of contaminated debris were placed, once the contaminated soil or debris has been removed, and provide the name and address of the landfill that accepts this soil for disposal. I have included a fact-sheet on used oil management for your use.

- (2) **OAC Rule 3745-279-22(C), Used oil storage requirements for generators:** Containers and aboveground tanks used to store used oil at generator facilities shall be labeled or marked clearly with the words, "Used Oil."

The 1500-gallon tank and several totes of used oil that we observed were not labeled properly. Please provide photographs of the tank and totes showing that they are clearly labeled "Used Oil".

**Other Compliance Issues:**

- (a) Your facility has a total above-ground oil storage capacity of at least 2,500 gallons (1,500 tank, ~four 250-gallon totes). Therefore, the federal Spill Prevention, Control and Countermeasure (SPCC) requirements (40 CFR 112) apply to your facility. Please see the attached fact sheet and the USEPA SPCC web page for more information regarding the SPCC requirements, you can go to <http://www.epa.gov/oilspill/spcc.htm>. The SPCC regulations require you to have a plan for releases and impervious secondary containment for all stored petroleum products. For additional SPCC compliance assistance, please contact Dennis Deavers in the Southeast District Office Emergency Response Section. Please provide photographs of secondary containment around the tank and the tote storage area and a copy of your SPCC plan to demonstrate compliance with these requirements.
- (b) We observed during the inspection that a release of used oil from your facility to the Tuscarawas River has occurred. Be advised that ORC Chapter 3750 requires the reporting of a release to Ohio EPA, the fire department of jurisdiction, and the local emergency planning committee (LEPC). The reportable quantity for releases of oil into navigable waters, as provided in OAC rule 3750-25-20, is "...any amount which causes a film or sheen upon or discoloration of the surface of the waters or cause a sludge or emulsion to be deposited beneath the surface of the waters." This notification is required within 30 minutes of the discovery of a release. The release at your facility was never reported by your company to Ohio EPA's Emergency Response Hotline. Future incidents which are not reported according to the requirements set forth in ORC Chapter 3750 may result in enforcement against your company.

The documentation required above should be provided **within 15 days of the date of this letter**. If you have any questions regarding waste management or pollution prevention activities, please call me at (740) 380-5278.

Sincerely,



Richard Stewart  
District Representative  
Division of Hazardous Waste Management

RS/mlm

cc:

Ralph Fogle, Coshocton County Health Department  
Dale Warner, DSIWM/SEDO  
Aaron Wolfe, DSW/SEDO

**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.