



State of Ohio Environmental Protection Agency

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P.O. Box 1049  
Columbus, OH 43216-1049

July 2, 2007

Re: GLV Excavating Inc.  
Franklin County  
Non-Notifier, CESQG  
NOV/RTC

Mr. Scott Varney  
GLV Excavating Inc.  
46 Israel Street  
Westerville, OH 43081

Dear Mr. Varney:

On June 18 and 26, 2007, Ohio EPA completed a complaint investigation and compliance evaluation inspection at the GLV Excavating Inc. (GLV) facility located at 46 Israel Street in Westerville, Ohio to determine GLV's compliance with Ohio's hazardous waste and used oil regulations as found in Chapters 3734. of the Ohio Revised Code and 3745. of the Ohio Administrative Code (OAC). On these days I met with Ms. Stephanie Varney, you, and your father. The complainant had alleged improper management of used oil at the facility.

During the investigation/inspection, the company business practices, waste generation and management, and pollution prevention were discussed. Based on the findings of the complaint investigation/compliance evaluation inspection, it has been determined that GLV violated the following used oil regulation:

**OAC Rule 3745-279-22(C)(1), Used Oil Storage Requirements:** Used Oil generators must store used oil in tanks or containers that are labeled with the words "used oil."

At the time of the investigation/inspection, the three (3) tanks/containers used for storage of the used oil were not appropriately labeled.

On this same day, in my presence, the tanks/containers were labeled with the words "used oil."

This violation has been adequately abated and no further action is needed regarding this violation.

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

Mr. Scott Varney  
GLV Excavating Inc.  
July 2, 2007  
Page 2

As we discussed, two (2) double-walled tanks (1,000 & 500 gallon) are used for refueling of diesel fuel (on-road, off-road). Based on discussions with Division of Emergency and Remedial Response (DERR) staff, these quantities, container volume, and environmental setting will require GLV to complete a Spill Prevention, Control, and Countermeasures (SPCC) Plan for the facility. I have enclosed a fact sheet regarding SPCC regulations and the associated district contacts for your review.

I have also enclosed information regarding the appropriate management, recycling, and/or disposal options available for spent fluorescent light bulbs.

Also enclosed, please find the used oil checklist completed from the inspection. Should you have any questions or need additional information, please feel free to call me at (614)728-5037.

Notice: Ohio EPA's failure to list specific violations or deficiencies in this letter does not relieve GLV from having to comply with all applicable regulations.

Respectfully,



Randy Sheldon  
Division of Hazardous Waste Management  
Central District Office

Enclosures

c: Tammy McConnell, DHWM, CO  
DHWM, CDO File

RS/ba glv\_let

E-mail this completed form to <a href="mailto:tammy.mcconnell@epa.state.oh.us">tammy.mcconnell@epa.state.oh.us</a> or mail it to Tammy McConnell, Central Office	<b>Ohio Environmental Protection Agency</b> <b>RCRA SUB E C SITE IDENTIFICATION/VERIFICATION FORM</b>		For Ohio EPA use only																		
2. Site EPA ID No.	EPA ID Number: Non-Notifier																				
3. Site Name	Name: GLV Excavating Inc.		Website (optional):																		
4. Site Location Information	Street Address: 46 Israel Avenue																				
	City, Town, or Village: Westerville		State: OH																		
	County Name: Franklin		Zip Code: 43081																		
5. Site Land Type (check only one)	<table border="1" style="width: 100%; text-align: center;"> <tr> <td>Private</td> <td>County</td> <td>District</td> <td>Federal</td> <td>Indian</td> <td>Municipal</td> <td>State</td> <td>Other</td> </tr> <tr> <td>X</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table>			Private	County	District	Federal	Indian	Municipal	State	Other	X									
Private	County	District	Federal	Indian	Municipal	State	Other														
X																					
6. NAICS code(s) <a href="http://www.census.gov/epcd/www/naics.html">www.census.gov/epcd/www/naics.html</a>	A.		B.																		
	C.		D.																		
7. Facility Representative:  Additional names can be recorded in number 12.  Only provide address information if it is different than the site address.	First Name: Scott		MI:																		
	Last Name: Varney																				
	Phone Number: 614-891-4854		Phone Number Extension:																		
	E-Mail Address:																				
	Fax Number:		Fax Number Extension:																		
	Street or P.O. Box: 46 Isreal Avenue																				
	City, Town or Village: Westerville																				
State: Ohio		Country: USA																			
Zip Code: 43081																					
8. 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.	A. Name of Site's Legal Owner: Mary E. Hollis		Date Became Owner (mm/dd/yyyy): 01/31/2003																		
	<table border="1" style="width: 100%; text-align: center;"> <tr> <td>Owner Type: Mark with an X</td> <td>Private</td> <td>County</td> <td>District</td> <td>Federal</td> <td>Indian</td> <td>Municipal</td> <td>State</td> <td>Other</td> </tr> <tr> <td></td> <td>X</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table>			Owner Type: Mark with an X	Private	County	District	Federal	Indian	Municipal	State	Other		X							
	Owner Type: Mark with an X	Private	County	District	Federal	Indian	Municipal	State	Other												
		X																			
	Street or P.O. Box: 5587 Connorwell Drive																				
	City, Town, or Village: Westerville		Owner Phone #:																		
	State: Ohio		Country: USA																		
	Zip Code: 43081																				
	B. Name of Site's Operator:		Date Became Operator (mm/dd/yyyy):																		
	<table border="1" style="width: 100%; text-align: center;"> <tr> <td>Operator Type: Mark with an X</td> <td>Private</td> <td>County</td> <td>District</td> <td>Federal</td> <td>Indian</td> <td>Municipal</td> <td>State</td> <td>Other</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table>			Operator Type: Mark with an X	Private	County	District	Federal	Indian	Municipal	State	Other									
Operator Type: Mark with an X	Private	County	District	Federal	Indian	Municipal	State	Other													
Street or P.O. Box:																					
City, Town, or Village:		Operator Phone #:																			
State:		Country:																			
Zip Code:																					
9. Violations Cited?	X	Yes	No																		
10. Type of Regulated Waste Activity (Mark "X" in all of the appropriate boxes.)																					
<input type="checkbox"/> Not Regulated																					

10. Type of Regulated Waste Activity (Mark "X" in all of the appropriate boxes.)

<b>A. Hazardous Waste Activities</b>	
(choose only one of the following categories)	<input type="checkbox"/> 3. Treater, Storer or Disposer of Hazardous Waste
<input type="checkbox"/> UNKNOWN: Cited for violation of 3745-52-11	<input type="checkbox"/> 4. Recycler of Hazardous Waste
<input type="checkbox"/> a. Large Quantity Generator (LQG):	<input type="checkbox"/> 5. Exempt Boiler and/or Industrial Furnace
<input type="checkbox"/> b. Small Quantity Generator (SQG)	<input type="checkbox"/> a. Small Quantity On-site Burner Exemption
<input checked="" type="checkbox"/> c. Conditionally Exempt Small Quantity Generator	<input type="checkbox"/> b. Smelting, Melting, Refining Furnace Exemption
<input type="checkbox"/> d. United States Importer of Hazardous Waste	<input type="checkbox"/> 6. Underground Injection Control Facility
<input type="checkbox"/> e. Mixed Waste (hazardous and radioactive) Generator	<input type="checkbox"/> 7. Hazardous Waste Transporter

<b>B. Universal Waste Activities</b>		<b>C. Used Oil Activities</b>	
<input checked="" type="checkbox"/> 1. Small Quantity Handler of Universal Waste (Indicate types of universal waste generated and/or accumulated (check all boxes that apply):	<input checked="" type="checkbox"/> 1. Used Oil Generator	<input type="checkbox"/> 2. Used Oil Transporter Indicate Type(s) of Activity(ies)	
<input type="checkbox"/> 2. Large Quantity Handler of Universal Waste (accumulates 5,000 kg or more).		<input type="checkbox"/> Transporter	
<input type="checkbox"/> 3. Destination Facility for Universal Waste (Check all boxes below that apply for each of the three types of facilities above.)		<input type="checkbox"/> Transfer Facility	
		<input type="checkbox"/> 3. Used Oil Processor and/or Re-refiner Indicate Type(s) of Activity(ies)	
		<input type="checkbox"/> Processor	
		<input type="checkbox"/> Re-refiner	
		<input type="checkbox"/> 4. Off-Specification Used Oil Burner	
		<input type="checkbox"/> 5. Used Oil Fuel Marketer - Indicate Type(s) of Activity(ies)	
		<input type="checkbox"/> a. Marketer Who Directs Shipment of Off-Specification Oil	
		<input type="checkbox"/> b. Used Oil to Off-Specification Used Oil Burner	

11. Waste Codes for Federally Regulated Hazardous Wastes. Please list the codes for the federally regulated hazardous waste handled at your site. List them in the order they are presented in the regulations (e.g., D001, D003, F007, U112). Use an additional page if more space is needed. If there are more than 7 waste codes and they are the same as listed in the most recent RCRAInfo source record, you do not need to list them all. Instead just indicate the date of the most recent source record.

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12. Comments: Use this area to describe whether the inspection was announced, whether the waste is stored in tanks or containers, etc.

N	Announced ?	Additional Facility Representatives:
N	Tanks?	Other comments: Used oil container labeling violation abated at the time of the inspection. Any liquid wastes are placed into the used oil container.
Y	Containers?	

13.	Name of Inspector(s)	Name of Inspector(s)	Date of Inspection/ Time (mm-dd-yyyy) (HH:MM)
	R. Sheldon		June 18 & 26, 2007, 9:30 AM

14. OPTIONAL CERTIFICATION. I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature of owner, operator, or an authorized representative	Name and Title (Print)	Date (mm-dd-yyyy)
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## COMPLAINT INVESTIGATION

On June 1, 2007, Ohio EPA received an anonymous complaint alleging improper management of used oil at the GLV Excavating Inc. (GLV) facility located at 46 Israel Street in Westerville, Ohio over the past seven (7) years. On June 18, 2007, I went to the facility to conduct a complaint investigation. I met with Ms. Stephanie Varney (Office Mgr.) and we walked the facility grounds and viewed the inside of the buildings (office, maintenance). Ms. Varney's duties were mainly administrative so she could answer questions regarding the entities hired to take the wastes off-site, but could not answer more specific questions regarding facility operations. As the facility buildings and grounds were found to be very orderly with no imminent threat to human health or the environment noted, it was agreed that I would schedule a time to meet with Mr. Scott Varney. Mr. Varney called me on this same day and we scheduled to meet on June 26, 2007 at 9:30 AM to discuss the complaint and facility operations in more detail.

I met with Mr. Varney on June 26, 2007, as scheduled. We discussed that GLV's main business is the digging of basements and installation of the associated drainage for new homes/buildings. The fenced facility consists of two (2) buildings (office, maintenance) with a large gravel parking lot area where equipment (track hoes, large hauling trucks, etc.) and several vehicles (company trucks, personal vehicles) park. The buildings were found to be very orderly on the inside. Some general vehicle/equipment maintenance (oil changes, grease jobs, parts installation, etc.) is completed in the maintenance shop. At the time of generation, used oils/fluids are taken to 1 of 3 used oil containers located on the eastern side of the property. Heartland Petroleum, LLC manages the used oil for GLV. A parts cleaner filled with diesel fuel is used and reportedly no waste have ever been removed from it. Only diesel product has been added when needed, as it is used very sparingly. Small amounts of painting may be done but only with cans of spray paint which are emptied prior to disposal. Vehicles batteries are exchanged when removed as needed. Paper rags/towels are used in the maintenance shop. Republic Wastes supplies the facility with regular trash removal services. We discussed fluorescent light bulb use and appropriate management options. No spent bulbs were in accumulation at this time.

During a review of the parking lot area, it was noted that the used oil tanks were not labeled with the words "used oil" as required. These tanks were then appropriately labeled in my presence on this day. Some minor soil staining (~ 6" X 6") was viewed at the northern most used oil container and Mr. Varney said he would clean it up on this day. The used oil containers are located at the eastern property line, but the area topography slopes distinctly to the west. We discussed that some type of secondary containment for these containers would be good, but was not required. A few other smaller spots of stained soils/gravel were noted in the parking lot area, but they were simply from vehicles that had a fluid leak. There are two (2) double-walled diesel fuel tanks (1,000 and 500 gallons) located in the parking lot. These tanks, surrounded by fencing, and the fuel are supplied by Guttman Oil. We discussed that he would need to complete a SPCC plan for the facility and that I would get him the information and contact to help him with this.

No further actions are currently required for hazardous waste and/or used oil regulations.



## USED OIL INSPECTION CHECKLIST (Short Version)

**NOTE:** *This checklist does not include requirements for used oil transporters and transfer facilities, processors and re-refiners, burners, and marketers.*

### PROHIBITIONS

1. Is used oil being managed in a surface impoundment or waste pile? If so: Yes \_\_\_ No  N/A \_\_\_ RMK# \_\_\_  
  
Is the surface impoundment or waste pile being regulated under OAC 3745-54 to 3745-57 and 3745-205 or 3745-65 to 3745-69 and 3745-256? [3745-279-12(A)] Yes \_\_\_ No  N/A  RMK# \_\_\_
2. Is used oil being used as a dust suppressant? [3745-279-12(B)] Yes  No  N/A \_\_\_ RMK# \_\_\_
3. Is off-specification used oil fuel burned for energy recovery only in devices specified in 3745-279-12(C)? Yes \_\_\_ No  N/A \_\_\_ RMK# 1

### USED OIL GENERATOR STANDARDS

4. Does the generator mix hazardous waste with used oil only as provided in 3745-279-10(B)? [2745-279-21(A)] Yes  No  N/A \_\_\_ RMK# \_\_\_
5. Does the generator of a 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 \_\_\_ No  N/A \_\_\_ RMK# \_\_\_
6. Does the generator only store used oil in tanks, containers, or units subject to OAC 3745-54 to 3745-57 and 3745-205 or 3745-65 to 3745-69 and 3745-256? [3745-279-22(A)] Yes  No  N/A \_\_\_ RMK# \_\_\_



7. Are containers and aboveground tanks used to store used oil in good condition with no visible leaks? [3745-279-22(B)] Yes  No  N/A  RMK# 2
8. Are containers, above ground tanks, and fill pipes used for underground tanks clearly labeled or marked "Used Oil?" [3745-279-22(C)] Yes  No  N/A  RMK# 3
9. Has the generator, upon detection of a release of used oil, done the following: [3745-279-22(D)]
- a. Stopped the release? Yes  No  N/A  RMK#
- b. Contained the release? Yes  No  N/A  RMK# 2
- c. Cleaned up and properly managed the used oil and other materials? Yes  No  N/A  RMK# 2
- d. Repaired or replaced the containers or tanks prior to returning them to service, if necessary? Yes  No  N/A  RMK#
10. Does the generator burn used oil in used fired space heaters? [3745-279-23] If so: Yes  No  N/A  RMK#
- 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  No  N/A  RMK#
- b. Is the heater designed to have a maximum capacity of not more that 0.5 million BTU per hour? Yes  No  N/A  RMK#
- c. Are the combustion gases from heater vented to the ambient air? Yes  No  N/A  RMK#



11. Does the generator have the used oil hauled only by transporters that have obtained U.S. EPA ID#, unless the generator qualifies for an exemption pursuant to 3745-279-24 (self transportation or tolling agreements)? [3745-279-24] Yes  No  N/A  RMK#

### USED OIL COLLECTION CENTERS AND AGGREGATION POINTS

12. 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  No  N/A  RMK#
13. Is the non-DIY used oil collection center registered with Ohio EPA? [3745-279-31] Yes  No  N/A  RMK#
14. Is the used oil aggregation point in compliance with the generator standards in 3745-279-20 to 3745-279-24? [3745-279-32] Yes  No  N/A  RMK#

### WASTE EVALUATION

15. Have all wastes generated at the facility been evaluated? [3745-52-11] Yes  No  N/A  RMK#

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### REMARKS

1. The used oil is not burned.
2. The used oil containers were surrounded by an earthen berm. A small quantity of used oil had been spilled onto the ground within the berm when filling the container. The stained soils were removed.
3. The 3 containers of used oil were not appropriately labeled with the words "used oil." All containers of used oil were labeled in my presence on the day of the inspection.

