



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

Re: Kotten Enterprises  
Hancock County  
Complain #3270  
NOV

August 30, 2013

Mr. Steve Kotten, Owner  
Kotten Enterprises  
12033 County Road 12  
Rawson, Ohio 45881

Dear Mr. Kotten:

Thank you for accompanying me during the Ohio Environmental Protection Agency's (Ohio EPA) August 14, 2013, complaint and subsequent compliance evaluation inspection of your Kotten Enterprises (KE). The anonymous complainant alleged mismanagement of auto fluids. Furthermore, a compliance evaluation inspection was conducted to determine the facility's compliance with Ohio's hazardous waste laws as found in Chapter 3734. of the Ohio Revised Code (ORC) and Chapter 3745. of the Ohio Administrative Code (OAC). This inspection consisted of a walkthrough of the facility and paperwork review. Pollution prevention options were also discussed during this inspection.

KE is small private business that purchases wrecked cars. Prior to dismantling the cars, used oil is removed and containerized in steel drums. The cars drive trains (engine and transmission) are removed and staged. Chassis and staged drive trains are then transported to different businesses and sold. KE generates approximately 10 gallons of used oil a month. You stated that you used to burn the used oil in an oil furnace in-house but it broke, so currently, you are giving the oil to somebody else to burn for energy recovery. KE is currently a non-generator of hazardous waste.

Based on my observations, I found the following violations of Ohio's hazardous waste laws. KE needs to immediately take the necessary measures to return to compliance with Ohio's environmental laws. Within 14 days of receipt of this letter, KE is requested to provide documentation to this office including the steps taken to abate this violation.

**1. OAC Rule 3745-279-22(C): Used Oil Container Labeling**

Containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words "Used Oil." Also, if applicable, fill pipes used to transfer used oil into underground storage tanks at generator facilities must be labeled or marked clearly with the words "Used Oil."

KE failed to label containers being used to store used oil clearly with the words "Used Oil." The containers are being currently stored indoors.

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**To abate this violation**, KE must properly label the container with the words "Used Oil." and send me photographic documentation.

## **2. OAC Rule 3745-279-24: Used Oil Transportation**

Generators must ensure that their used oil is transported only by transporters who have obtained a U.S. EPA identification numbers.

KE failed to have its used oil removed by a transporter that had obtained a U.S. EPA identification number.

In addition, you cannot burn used oil from other businesses in your space heater or give it to burn to other businesses, unless you or the other business has information that shows that the used oil meets the specification levels found in Ohio Administrative Code (OAC) rule 3745-279-11. Usually the demonstration that the used oil meets the specification levels in OAC rule 3745-279-11 is made by analysis of a representative sample of the used oil for the constituents listed in the rule. The demonstration can also be made by obtaining copies of analyses or other information documenting that the used oil fuel meets the specification. The person who first makes the claim that the used oil meets the specification (either you or the other business owner) is considered to be a used oil fuel marketer under the used oil rules. Until someone makes the demonstration that the used oil meets the specification, it is subject to the used oil regulations including: prohibitions from burning used oil in space heaters not owned by the generator of the used oil; transportation requirements; storage, transportation and notification requirements.

**To abate this violation**, KE must identify a used oil transporter and inform me in writing of the name and U.S. EPA Identification number of this company. Keep in mind that you are allowed to self-transport in a company vehicle up to 55-gal. of used oil to a used oil collection center. You must provide documentation of how you are planning to manage your used oil from now on (either by explaining the demonstration of who will make an on-spec determination or by explaining what recycler you will now use.)

Documentation of steps taken to return to compliance includes written correspondence, updated policies, and photographs, as appropriate, and may be submitted electronically to [ed.pulido@epa.state.oh.us](mailto:ed.pulido@epa.state.oh.us). 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, KE is requested to submit written correspondence of the steps that will be taken by date certain to attain compliance.

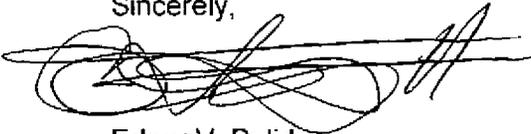
Enclosed you will find a copy of the checklists that were completed as a result of this inspection. You can find copies of the rules and other information on the division's web page at <http://www.epa.ohio.gov/dhwm/>.

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For your information, I providing you the following documents: Universal Waste Guidance, December, 2004; Universal Waste Rules for Handlers of Lamps, June 2005, The Regulation of Used Oil: An Overview for Ohio Businesses Who Generate Used Oil, April 2006; Burning Used Oil in a Space Heater, July 2009; and Used Oil Recyclers.

Should you have any questions or if I can be of assistance, please contact me at (419) 373-3015.

Sincerely,



Edgar V. Pulido  
Division of Materials and Waste Management

/lir

pc: Lisa Gifford, DMWM, NWDO  
Colleen Weaver, Supervisor, DMWM, NWDO w/ original checklists

ec: Ed Pulido, DMWM, NWDO  
Colleen Weaver, Supervisor, DMWM, NWDO w/ checklists

**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"/>	<b>Ohio Environmental Protection Agency</b> <b>RCRA SUBTITLE C SITE</b> <b>IDENTIFICATION/VERIFICATION FORM</b>	For Ohio EPA use only
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Completed verification forms required to be submitted to CO should be e-mailed to  
[Ruthanne.Flottman@epa.state.oh.us](mailto:Ruthanne.Flottman@epa.state.oh.us)

<b>Site EPA ID No.</b> <b>Site Name</b> <b>Site Location Information</b>	EPA ID Number:						
	Name: <b>Kotten Enterprises</b>   Website: (Optional)						
<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>	Street Address: <b>12033 County Road 12</b>						
	City, Town, or Village: <b>Rawson</b>	State: <b>OH</b>					
	County Name: <b>Hancock</b>						
	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"/>
Zip Code: <b>45881</b>							

<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>Steve</b>   MI:   <b>Kotten</b>	
	Phone Number: <b>(419) 425-2632</b>   Phone Number Extension:	
	E-Mail Address:	
	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:		Date Became Owner (mm/dd/yyyy):					
	Owner Type: <input checked="" type="checkbox"/> 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
	Street or P.O. Box: <b>same</b>		Owner Phone #:					
	City, Town or Village:		Country: <b>USA</b>		Zip Code:			
	State: <b>Oh</b>		Date Became Operator (mm/dd/yyyy):					
	Operator Type: <input type="checkbox"/> 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
	Street or P.O. Box:		Operator Phone #:					
	City, Town or Village:		Country:		Zip Code:			
State:								

**VIOLATIONS CITED?**  Yes  No

<b>TYPE OF HANDLER - MARK "X" AS APPROPRIATE</b>		
<input checked="" type="checkbox"/> Not a HW Generator	<input type="checkbox"/> UNKNOWN: Cited for violation of 3745-52-11	<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

<b>TYPE OF REGULATED WASTE ACTIVITY (MARK "X" IN ALL OF THE APPROPRIATE BOXES)</b>	
<input type="checkbox"/> Recycler of Hazardous Waste <input type="checkbox"/> Underground Injection Control Facility <input type="checkbox"/> Hazardous Waste Transporter <input type="checkbox"/> Treater, Storer or Disposer of Hazardous Waste	<input type="checkbox"/> Exempt Boiler and/or Industrial Furnace <input type="checkbox"/> Small Quantity On-Site Burner Exemption <input type="checkbox"/> Smelting, Melting, Refining Furnace Exemption

UNIVERSAL WASTE ACTIVITIES (INDICATE TYPES OF UNIVERSAL WASTE MANAGED)

(CHECK ALL BOXES THAT APPLY)

- Small Quantity Handler of Universal Waste  Destination Facility for Universal Waste  
 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. Oil  
 Used Oil Fuel Marketer to Off-Specification Used Oil Burner

**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:

- Announced  Yes  No  
Tanks  Yes  No  
Containers  Yes  No

Additional Facility Representatives:

Name of Inspector(s)  
Ed Pulido

Name of Inspector(s)

Date of Inspection/Time  
(mm/dd/yyyy) (hh:mm)  
08/14/2013 11:30

Comments:



**USED OIL INSPECTION CHECKLIST  
GENERATORS, COLLECTION CENTERS AND AGGREGATION POINTS**

*NOTE: A facility is subject to the federal SPCC regulations (40 CFR 112) if it is non-transportation related (e.g., fixed) and has an aggregate above ground storage capacity greater than 1,320 gallons or a total underground storage capacity greater than 42,000 gallons of oil (including used oil), and there is reasonable expectation of a discharge to navigable waters.*

**PROHIBITIONS**

1.	Does the generator manage used oil in a surface impoundment or waste pile? If yes:	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
a.	Is the surface impoundment or waste pile regulated as a hazardous waste management unit? [3745-279-12(A)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>

*NOTE: For example, used oil contaminated scrap metal stored in a pile.*

2.	Is used oil used as a dust suppressant? [3745-279-12(B)]	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
3.	Is off-specification used oil fuel burned for energy recovery in devices specified in 3745-279-12(C)?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>

*NOTE: Multiple used oil checklists may be applicable if used oil handler is performing multiple tasks (e.g., if generating used oil and shipping directly to a burner, complete generator and marketer checklists at a minimum).*

**GENERATOR STANDARDS**

4.	Does the generator mix hazardous waste with used oil? If so,	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
a.	Is the mixture managed as specified in 3745-279-10(B)? [3745-279-21(A)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>

*NOTE: Used Oil mixed with listed (3745-51-30 to 3745-51-35) or characteristic (3745-51-20 to 3745-51-24) hazardous waste are subject to regulation as a hazardous waste, unless the listed hazardous waste is listed solely because it exhibits a hazardous characteristic, and the resultant mixtures do not exhibit a characteristic. Mixtures of used oil and CESQG hazardous waste are subject to OAC Chapter 3745-279.*

5.	Does the generator of 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 <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
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*NOTE: If used oil contains greater than 1000 ppm total halogens, it is presumed to be listed hazardous waste until the presumption is successfully rebutted.*

6.	Does the generator store used oil in tanks; or containers; or a unit(s) subject to regulation as a hazardous waste management unit? [3745-279-22(A)]	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
7.	Are containers and aboveground tanks used to store used oil in good condition with no visible leaks? [3745-279-22(B)]	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
8.	Are containers, above ground tanks, and fill pipes used for underground tanks clearly labeled or marked Used Oil? [3745-279-22(C)]	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
9.	Has the generator, upon detection of a release of used oil, done the following: [3745-279-22(D)]	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
a.	Stopped the release?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
b.	Contained the release?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
c.	Cleaned up and properly managed the used oil and other materials?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
d.	Repaired or replaced the containers or tanks prior to returning them to service, if necessary?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>

**ON-SITE BURNING IN SPACE HEATER**

10.	Does the generator burn used oil in used-oil fired space heaters? [3745-279-23] If so:	
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 <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
b.	Is the heater designed to have a maximum capacity of not more that	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>

	0.5 million BTU per hour?	
c.	Are the combustion gases from heater vented to the ambient air?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
<i>NOTE: Ash accumulated in a space heater must be managed in accordance with 3745-279-10(E).</i>		
<b>GENERATOR TRANSPORTATION</b>		
11.	Does the generator have the used oil hauled only by transporters that have obtained a U.S. EPA ID#?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
12.	If the generator self-transport used oil to an approved collection site or to an aggregation point owned by the generator: [3745-279-24]	
a.	Does the generator transport used oil in a vehicle owned by the generator or an employee of the generator?[3745-279-24]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
b.	Does the generator transport more than 55 gallons of used oil at any time?[3745-279-24]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
<i>NOTE: Used oil generators may arrange for used oil to be transported by a transporter without a U.S. EPA ID # if the used oil is reclaimed under a contractual agreement (i.e., tolling arrangement).</i>		
<b>COLLECTION CENTERS AND AGGREGATION POINTS</b>		
13.	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 <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
14.	Is the non-DIY used oil collection center registered with Ohio EPA? [3745-279-31]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
15.	Is the used oil aggregation point in compliance with the generator standards in 3745-279-20 to 3745-279-24? [3745-279-32]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
<i>NOTE: Complete Used Oil Generator and any other applicable used oil handler checklist (e.g., marketer, burner, etc.) for used oil collection centers and aggregation points.</i>		