



**Environmental
Protection Agency**

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

April 13, 2011

Scott Brua
Avon Concrete Corporation
26000 Sprague Rd.
Olmsted Falls, OH 44138

**RE: AVON CONCRETE, OHR000163725, LORAIN COUNTY
USED OIL GENERATOR, NOV-PRTC**

Dear Mr. Brua:

On March 16, 2011, this writer, representing Ohio EPA, Division of Hazardous Waste Management (DHWM), visited Avon Concrete Corporation (Avon Concrete), located at 930 Miller Road in Avon, Ohio to conduct a hazardous waste compliance evaluation inspection (CEI). Avon Concrete was represented by Richard Hausrod and you. The inspection was a result of a complaint received by Ohio EPA concerning the mismanagement of used oil.

The purpose of the inspection was to determine Avon Concrete's compliance with Ohio's hazardous waste and used oil laws as found in Chapter 3734 of the Ohio Revised Code (ORC) and Chapter 3745 of the Ohio Administrative Code (OAC). The inspection included a review of the facility's operations, as well as the management of wastes. Avon Concrete was evaluated for the requirements of a used oil generator.

On March 16 and April 6, 2011, Avon Concrete submitted documentation concerning used oil and other corrective actions implemented at the facility.

Based on the inspection, Ohio EPA identified the following violation:

1. **OAC rule 3745-279-22(C)(1)(D), Used Oil Storage Requirements for Generators:** Used oil generators must store used oil in containers and tanks that are in good condition and not leaking. The containers and tanks must be labeled with the words "Used Oil." If used oil is released to the environment, the generator must stop the release, contain the used oil, and clean-up and properly manage the released oil and other materials.
 - A. Avon Concrete failed to label one, 55-gallon drum and two above ground storage tanks with the words "Used Oil." Avon Concrete's April 6, 2011 response included photographs to document that the drum and tanks were labeled as "Used Oil." **Based upon submitted documentation, this violation has been adequately addressed. No further response is requested at this time.**

Scott Brua
Avon Concrete Corporation
April 13, 2011
Page 2

- B. Avon Concrete failed to clean up a release of used oil observed near the Concrete Block Casting Pad. To abate this violation, please submit the following:
- A description of corrective actions taken to clean up the used oil release,
 - Photographs which clearly depict that all used oil contaminated material was cleaned up from alongside the edges of the pad, and
 - Results of the waste characterization testing for the used oil contaminated material.

The above violation must be addressed and all of the above requested documentation must be submitted to my attention at the Ohio EPA within 14 days of receipt of this letter. Information obtained pertaining to waste generation is included on the Process Description-Waste Activities Summary Sheet within the enclosed inspection checklist.

Ohio EPA offers the following comments:

1. Avon Concrete will eliminate used motor oil as a concrete form release agent. When switching to an alternative, please evaluate using a release agent that is water based and biodegradable. With respect to the application of the release agent, it should not be over applied resulting in excess material that releases from the form and puddles. Additionally, the release agent can be effectively applied using a low pressure sprayer (i.e., hand sprayer).
2. Adequately drained used oil filters may be sent for scrap metal recycling.
3. When generated, used fluorescent lamps should be placed into a container/cardboard box, labeled as "used lamps," and delivered to an appropriate facility for handling. Lorain County Solid Waste Management District's facility in Elyria is acceptable.
4. Ohio EPA assigned an EPA ID number to track the inspection activity at Avon Concrete. If Avon Concrete wishes to use this EPA ID number for manifesting and other hazardous waste, used oil or universal waste activities, please complete and submit a Notification of Regulated Waste Activity form (EPA Form 9029) to Ohio EPA. This form is available at: <http://www.epa.ohio.gov/dhwm/notiform.aspx> or by contacting me.

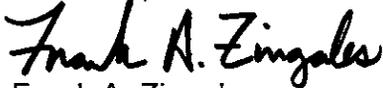
Scott Brua
Avon Concrete Corporation
April 13, 2011
Page 3

5. Ohio EPA has created an electronic news service to provide facilities with quick and timely updates on news and events related to hazardous waste activities in Ohio. For more information, please refer to: http://ohioepa.custhelp.com/cgi-bin/ohioepa.cfg/php/enduser/doc_serve.php?2=subscriptionpage.
6. The Ohio Department of Development's Office of Energy Efficiency may be able to help with energy efficiency issues. For more information, please refer to: <http://development.ohio.gov/Energy>.
7. You may be able to reduce the amount of waste your facility generates by finding ways to recycle, reduce, or eliminate it. OCAPP provides free compliance and pollution prevention assistance on environmental issues related to air, land and water. Should your facility be interested in receiving a free pollution prevention assessment in the future, please contact me or OCAPP. OCAPP may be contacted at (800) 329-7518, or via the internet at: <http://www.epa.ohio.gov/ocapp/contact.aspx>.
8. You may find copies of the hazardous waste rules and other information on Ohio EPA's web page at: <http://www.epa.ohio.gov/dhwm>.

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

Should you have any questions, please contact me at (330) 963-1108.

Sincerely,



Frank A. Zingales
Environmental Specialist
Division of Hazardous Waste Management

FAZ:cl

ec: Natalie Oryshkewych, DHWM, NEDO
Nyall McKenna, DHWM, NEDO
Mike Stevens, DSW, NEDO

cc: Marlene Kinney, DHWM, NEDO

PROCESS DESCRIPTION / WASTE ACTIVITIES SUMMARY

Facility Name: Avon Concrete Corp.

Facility Type: Used Oil Generator

EPA ID#:

Process Information: Production facility for ready mix concrete. Additionally, the facility sells building supplies.

Regulatory / Enforcement History: None

| <i>Description of Waste</i> | | | | <i>On-Site Management</i> | <i>Off-Site Management</i> |
|--|-------------------------|-----------------------|---------------------------|---------------------------------------|---|
| Process/Activity Generating Waste | Waste Generated | EPA Waste Code | Quantity Generated | Type of Accumulation / Storage | Name, state, and type of activity occurring at the facility. |
| Equipment maintenance | Used oil Oil filters | Used Oil | | Container and two tanks | On-site used oil burner – Clean Burn CB-2500 Oil filters may be drained and recycled as scrap metal. |
| Building maintenance | Spent fluorescent lamps | Universal Waste | | | When generated, may be taken to Lorain County Solid Waste Mgt. District's facility in Elyria. |

Would this facility be interested in a pollution prevention (P2) assessment? Made facility aware of opportunity.

Office of Compliance Assistance and Pollution Prevention: 1-800-329-7518 or p2mail@epa.state.oh.us or <http://epa.ohio.gov/ocapp/contact.aspx>

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

NOTE: 1. 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 checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input 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 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 <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> |
|----|--|--|

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 type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/> |
| a. | Stopped the release? | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/> |
| b. | Contained the release? | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/> |
| c. | Cleaned up and properly managed the used oil and other materials? | Yes <input type="checkbox"/> No <input checked="" 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 type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" 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 checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> |

| | | | | | |
|--|----|--|---|-----------------------------|------------------------------|
| | b. | Is the heater designed to have a maximum capacity of not more than 0.5 million BTU per hour? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| | c. | Are the combustion gases from heater vented to the ambient air? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |

NOTE: Ash accumulated in a space heater must be managed in accordance with 3745-279-10(E).

GENERATOR TRANSPORTATION

| | | | | | |
|-----|----|--|------------------------------|-----------------------------|---|
| 11. | | Does the generator have the used oil hauled only by transporters that have obtained a U.S. EPA ID#? [3745-279-24] | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 12. | | If the generator self-transported 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"/> |

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).