



State of Ohio Environmental Protection Agency

Northeast District Office

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Twinsburg, Ohio 44087

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www.epa.state.oh.us

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

September 24, 2009

Larry Orlandi
The Collinwood Shale Brick & Supply Co.
12400 Broadway Ave.
Cleveland, OH 44125

**RE: SOUTHWEST SUPPLY, CUYAHOGA COUNTY, COMPLAINT 7226, CESQG
NOV/RTC**

Dear Mr. Orlandi:

On July 13, 2009, this writer, representing Ohio EPA, Division of Hazardous Waste Management (DHWM), visited the Southwest Supply and Concrete Company / Collinwood Shale Brick and Supply Company (Southwest Supply) located at 4015 West 150TH Street in Cleveland, Ohio to conduct a complaint inspection. Southwest Supply was represented by Jim Leon and you.

The purpose of the inspection was to determine Southwest Supply's compliance with Ohio's hazardous waste laws as found in Chapter 3734 of the Ohio Revised Code (ORC) and the rules promulgated thereunder in the Ohio Administrative Code (OAC). Southwest Supply was inspected for the requirements of a conditionally exempt small quantity generator (CESQG) of hazardous waste.

On July 14, 2009, I faxed you a list of items that required your attention based on the facility inspection. On August 3, 2009, I received Southwest Supply's fax concerning the progress made to address these items. On September 3, 2009, Southwest Supply submitted information, via e-mail, concerning the management of used oil and scrap tires at the facility. On September 3, 2009, I received Southwest Supply's fax containing waste evaluation information. On September 15, 2009, I received Southwest Supply's fax containing waste shipment information.

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

1. OAC rule 3745-52-11, Waste Evaluation: Any person who generates a waste must evaluate the waste to determine if it is a hazardous waste in accordance with OAC Chapter 3745-51.

Southwest Supply failed to evaluate the following wastes:

- A. One, 55-gallon drum of out-dated hydrochloric acid. This waste was subsequently managed as a corrosive (D002) hazardous waste and sent off-site to a permitted facility on September 11, 2009.
- B. One, 55-gallon drum of waste fuel/water mixture. This waste was subsequently managed as an ignitable (D001) hazardous waste and sent off-site to a permitted facility on September 11, 2009.
- C. Out-dated admixture products. This waste was subsequently managed as non-hazardous waste and sent off-site to a permitted facility on September 11, 2009.

Based on documentation submitted on September 3 and September 15, 2009, this violation has been adequately abated. No further information is requested.

- 2. OAC rule 3745-279-22 (C)(1), 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. (C)(1) The containers and aboveground tanks must be labeled with the words "Used Oil."

Southwest Supply failed to label one, 55-gallon drum of used oil. On September 3, 2009, Southwest Supply submitted a photograph of the drum labeled as "Used Oil." On September 11, 2009, Southwest Supply shipped the used oil to a permitted facility. **This violation has been adequately abated. No further information is requested.**

Ohio EPA has the following comments:

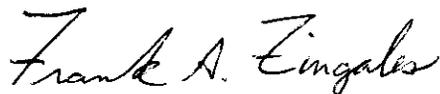
- 1. Ohio EPA will issue an EPA ID number to track the inspection activity at Southwest Supply's 4015 West 150TH Street facility. Southwest Supply may not use this number for manifesting hazardous waste shipments. If Southwest Supply wishes to use an EPA ID number for manifesting and other hazardous waste, used oil or universal waste activities, Southwest Supply must 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 calling me.
- 2. 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

3. Technical assistance and pollution prevention information is available from Ohio EPA at: <http://www.epa.ohio.gov/Default.aspx?alias=www.epa.ohio.gov/ocapp>
4. 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://www.odod.state.oh.us/cdd/oe>
5. 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/Default.aspx?alias=www.epa.ohio.gov/ocapp>
6. 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/laws_regs.aspx

Please find enclosed a copy of the completed inspection checklist. Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve Southwest Supply 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:ddw

Enclosure

cc: Natalie Oryshkewych, DHWM, NEDO
ec: Niall McKenna, DHWM, NEDO
Harry Sarvis, DHWM, CO

Ohio Environmental Protection Agency
**RCRA SUBTITLE C SITE
IDENTIFICATION/VERIFICATION FORM**

For Ohio EPA use only

E-mail this completed form to kristina.durnell@epa.state.oh.us
or mail it to Kristina Durnell, Central Office

Site EPA ID No.	EPA ID Number: Not Assigned	
Site Name	Name: Southwest Supply and Concrete Co.	Website: (Optional)
Site Location Information	Street Address: 4015 W. 150 St.	State: OH
	City, Town, or Village: Cleveland	Zip Code: 44125
	County Name: Cuyahoga	
Site Land Type (check only one)	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"/> Other <input type="checkbox"/>
NAIPSS code(s) www.census.gov/epcd/www/naipss.html	327320	
Facility Representative	First Name: Larry MI: _____ Last Name: Orlandi	Phone Number: 216-587-2700 Phone Number Extension: _____
Additional names can be recorded in number 12	E-Mail Address: _____	Fax Number: 216-587-2711 Fax Number Extension: _____
Other provide address information if it is different than the site address	Street or P.O. Box: 12400 Broadway Ave.	City, Town or Village: Cleveland State: OH Zip Code: 44125
Legal Owner And Operator of the Site. List additional Owners and Operators in the Comment Section on another copy of this form page.	Name of Site's Legal Owner: The Collinwood Shale Brick and Supply Co.	Date Became Owner (mm/dd/yyyy): _____
	Owner 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"/> Other <input type="checkbox"/>	
	Street or P.O. Box: 12400 Broadway Ave.	Owner Phone #: 216-587-2700
	City, Town or Village: Cleveland	Country: USA Zip Code: 44125
	State: OH	Date Became Operator (mm/dd/yyyy): _____
	Name of Site's Operator:	
	Operator 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 <input type="checkbox"/>	
	Street or P.O. Box: _____	Operator Phone #: _____
	City, Town or Village: _____	United States Zip Code: _____
	State: _____	

VIOLATIONS CITED? Yes No

TYPE OF HANDLER- A MINIMUM OF ONE BOX MUST BE CHECKED

<input 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 checked="" 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

TYPE OF REGULATED WASTE ACTIVITY (MARK "X" IN ALL OF THE APPROPRIATE BOXES)

- | | |
|---|--|
| <input type="checkbox"/> Recycler of Hazardous Waste | <input type="checkbox"/> Exempt Boiler and/or Industrial Furnace |
| <input type="checkbox"/> Underground Injection Control Facility | <input type="checkbox"/> Small Quantity On-Site Burner Exemption |
| <input type="checkbox"/> Hazardous Waste Transporter | <input type="checkbox"/> Smelting, Melting, Refining Furnace Exemption |
| <input type="checkbox"/> Treater, Storer or Disposer of Hazardous Waste | |

UNIVERSAL WASTE ACTIVITIES (INDICATE TYPES OF UNIVERSAL WASTE MANAGED)

(CHECK ALL BOXES THAT APPLY)

- | | |
|---|---|
| <input type="checkbox"/> Small Quantity Handler of Universal Waste | <input type="checkbox"/> Destination Facility for Universal Waste |
| <input type="checkbox"/> 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 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.

D001 D002

COMMENTS: USE THIS AREA TO DESCRIBE WHETHER THE INSPECTION WAS ANNOUNCED, WHETHER THE WASTE IS STORED IN TANKS OR CONTAINERS, ETC.

Announced	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Additional Facility Representatives:	Jim Leon
Tanks	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Other Comments:	Facility not currently operating. May re-start operations based on business demand.
Containers	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No		

Name of Inspector(s)

Name of Inspector(s)

Date of Inspection/Time

(mm/dd/yyyy) (hh:mm)

Frank Zingales

7/13/2009 0930

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)

PROCESS, WASTE, P2 SUMMARY SHEET

Facility Name: Southwest Supply and Concrete Co. **Facility Type:** CESQG **Date of Inspection:** 7/13/09 **EPA ID#:** Not assigned
General Process Information: Facility is a concrete batch plant that is not currently operating. Operations may be re-started.
Regulatory/Enforcement History: None
Additional P2 remarks and information: None

Waste Generated		On- or Off-Site Management			P2 Activities	
Process/Activity Generating Waste	Waste Description & EPA Waste Numbers (if applicable)	Quantity Generated, Type of Accumulation, Location of Waste Accumulation Area	Type of On-Site Treatment	Name, state, and type of activity occurring at the off-site facility.	Current P2 Activities	P2 Opportunities
1	Out-dated hydrochloric acid	D002 55-gallons	None	Hukill Chemical Co. Bedford, OH OHD001926740		
2	Waste fuel/water mixture	D001 55-gallons	None	Hukill Chemical Co.		
3	Used oil from equipment maintenance.	Used Oil 55-gallons	None	Hukill Chemical Co.		
4	Out-dated admixture products.	330-gallons		Hukill Chemical Co.		

Would this facility be interested in a P2 assessment? Yes* No *If yes, refer promptly to your district P2 coordinator.

Office of Compliance Assistance and Pollution Prevention - 1-800-329-7518 or p2mail@epa.state.oh.us or www.epa.state.oh.us/ocapp/ocapp.html

**CONDITIONALLY EXEMPT SMALL QUANTITY GENERATOR REQUIREMENTS
COMPLETE AND ATTACH A PROCESS, WASTE, P2 SUMMARY SHEET**

CESQG: ≤100Kg. (Approximately 25-30 gallons) of waste in a calendar month or < 1 Kg. of acutely hazardous waste.
 SQG: Between 100 and 1,000 Kg. (About 25 to under 300 gallons) of waste in a calendar month.
 LQG: ≥ 1,000 Kg. (~300 gallons) of waste in a calendar month or ≥1 Kg. of acutely hazardous waste in a calendar month.
 NOTE: To convert from gallons to pounds: Amount in gallons x Specific Gravity x 8.345 = Amounts in pounds.

Safety Equipment Used: None

WASTE EVALUATION

1.	Have all wastes generated at the facility been adequately evaluated? [3745-52-11]	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
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GENERATOR CLASSIFICATION

2.	Does the generator produce <100 kg. of hazardous waste per month? [conditionally exempt small quantity generator ("CESQG")]	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
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NOTE: If quantities of hazardous waste accumulated on-site at any one time exceed 1,000 Kg. - or the generator produces between 100 and 1,000 Kg. of hazardous waste per month, it is operating as a Small Quantity Generator ("SQG"). **If so, complete the Small Quantity Generator Requirements checklist.**

OFF-SITE SHIPMENT OF HAZARDOUS WASTE

3.	Does the CESQG ensure delivery of hazardous waste(s) to an off-site permitted TSD? [3734.02(F)]	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
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TREATMENT OF HAZARDOUS WASTE

4.	Does the generator treat hazardous waste in a:	No treatment.
	a. Container that meets 3745-66-70 to 3745-66-77?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
	b. Tank that meets 3745-66-90 to 3745-66-101 except 3745-66-97(C)?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
	c. Drip pads that meet 3745-69-40 to 3745-69-45?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
	d. Containment building that meets 3745-256-100 to 3745-256-102?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>

NOTE: Complete appropriate checklist for each unit.

NOTE: If the CESQG conducts treatment they are subject to the LQG requirements.

NOTE: If waste is treated to meet LDRs, use LDR checklist.

MIX HAZARDOUS WASTE WITH USED OIL

5.	Does the CESQG mix its hazardous waste with used oil for the purpose of burning for energy recovery? [3745-51-05(J)] If so:	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
	a. Does the CESQG manage the mixture in accordance with 3745-279-21?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>

**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 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 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"/>
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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 type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
a.	Stopped the release?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
b.	Contained the release?	Yes <input 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 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 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:	No on-site burning.
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 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 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 type="checkbox"/>
<i>NOTE: Ash accumulated in a space heater must be managed in accordance with 3745-279-10(E).</i>		
GENERATOR TRANSPORTATION		
11.	Does the generator have the used oil hauled only by transporters that have obtained a U.S. EPA ID#?	Yes <input checked="" type="checkbox"/> No <input 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 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 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>		
COLLECTION CENTERS AND AGGREGATION POINTS		
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 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 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 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>		