



State of Ohio Environmental Protection Agency

Southeast District Office

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

March 21, 2008

**SCIOTO COUNTY
McGOVNEY READY MIX
DHWM/SEDO
NON NOTIFIER**

Mr. Dave Kegley
McGovney Ready Mix
PO Box 510
55 River Avenue
Portsmouth, Ohio 45662

Dear Mr. Kegley,

On March 12, 2008, I conducted a complaint investigation of McGovney Ready Mix ("McGovney") in response to a complaint received by this office. I represented the Division of Hazardous Waste Management of the Ohio EPA. I was accompanied by Mr. Clint Shuff of the Division of Solid and Infectious Waste. The complaint alleged that used oil, diesel fuel and antifreeze were being disposed of on the ground and entering a ditch which entered the Ohio River. In addition, it was alleged that iron waste and iron dust were dumped along the edges of this ditch.

During the investigation, I observed used oil and diesel fuel leaking onto the ground as a result of sloppy operations in maintenance and storage areas. These fluids then enter a drain which leads to a ditch that captures wastewater from the cleanout of concrete trucks. Wastewater which collects in the ditch is relayed to the Portsmouth wastewater treatment plant.

Based on my investigation, I found the following violations of Ohio's hazardous waste laws. In order to correct these violations, you must do the following and send me the following **within thirty days** of the date of this letter:

- (1) **OAC Rule 3745-52-34, Waste Evaluation:** Any person who generates a waste must evaluate it to determine if it is a hazardous waste.

During the investigation, you were unable to identify the contents of the following containers stored in various areas of your facility:

- A. One drum near an old loader near the maintenance garage;
- B. One red drum near the maintenance garage;
- C. Two blue drums in the storage garage;
- D. Three drums inside the old Dayton Walther process building.

In order to abate this violation, please immediately determine the contents of each container per the above rule and submit a waste evaluation to me at this office. In accordance with this regulation, unless you have process knowledge of the contents of each drum, you must sample and analyze the waste to determine if the waste is an ignitable, reactive, corrosive or characteristic waste. Should the contents of any of the drums be a hazardous waste, they must be managed in accordance with Ohio Hazardous waste laws. If this is the case, I will provide further instructions once you contact me with your waste evaluation. You can find information on how to identify your waste at the following website:

<http://www.epa.state.oh.us/ocapp/sb/publications/identifyingwaste.pdf>

- (2) **OAC Rule 3745-279-22 (B), (C) and (D), Used Oil Storage Requirements for Generators:** (B) Used oil must be stored in containers that are in good condition and not leaking; (C) containers must be labeled with the words "used oil"; and (D) upon detection of a release of used oil to the environment, a used oil generator must stop the release, contain the released used oil, clean up and properly manage the released used oil and materials used to clean up the used oil, and if necessary, repair or replace any leaking used oil storage containers prior to returning them to service for used oil storage.

(B) A drum of used oil near the storage building was leaking onto the ground.

(C) Numerous drums of used oil in drums near the storage building, next to an old loader near the storage building, and near and in the maintenance garage were not labeled. In addition, a tank of used oil inside the maintenance garage was not labeled. These were labeled during the investigation; therefore, this violation has now been abated.

(D) As a result of sloppy operations during vehicle maintenance and because of poor used oil handling and storage procedures, used oil was leaking onto the ground in the vicinity of the maintenance garage and storage building. Soils were heavily stained with used oil in these areas. Used oil fluids enter a storm drain near buildings and are relayed into a ditch which holds wastewater from the cleanout of concrete trucks. Wastewater from this ditch is relayed to the city wastewater treatment plant.

In order to correct (B) and (D) above, you must immediately stop used oil from leaking onto the ground and repair or replace any leaking containers, etc. Then you must clean up all areas of the ground where fluids were released by excavating soil until the soil that remains is no longer visibly contaminated and appears clean. (Note that you should also remove sludgy soils and dirt caked on the floor inside your maintenance garage as oils are dragged out of the building by vehicles, further contaminating soils outside.) All stained soil that has been excavated can be managed as a solid waste and disposed of by your regular solid waste/garbage disposal company. You may wish to contact your solid waste disposal company to

determine if they have any additional requirements for the disposal of this waste. In addition, you must revise your oil and fuel handling procedures to ensure that all spillage is immediately contained in labeled containers during maintenance operations. All spills that occur in the maintenance garage must immediately be cleaned up. To demonstrate a return to compliance with this rule, you must send photographs of all cleaned up areas to this office and documentation which demonstrates that your equipment mechanic has been properly instructed in used oil management and that procedures are in place to ensure that used oil is being properly managed.

McGovney was unable to provide documentation that used oil has ever been properly sent offsite for recycling. During the investigation, you stated that you would immediately ensure that the considerable amount of used oil that is currently stored onsite be sent offsite for recycling. Please submit a copy of a receipt for this from a legitimate used oil recycler. In addition, Ohio EPA recommends that you have a used oil recycler regularly pickup your used oil, rather than storing it onsite indefinitely and risking leakage. Note that you must recycle your used oil to a facility that has an EPA ID number. A list of used oil recyclers can be found at:

<http://www.epa.state.oh.us/ocapp/p2/recyc/oilmark.html>

GENERAL COMMENTS

- (a) Fuel oil has leaked onto the ground from a large fuel oil tank which is located behind the maintenance garage. It appears that leakage may be a result of sloppy operations or possibly a leaking hose. Leaking fuel oil has contaminated soils and is entering the ditch which contains wastewater from the cleanup of concrete trucks. McGovney must immediately stop fuel oil from leaking onto the ground, correct the conditions that caused the leak, and excavate all contaminated soils and dispose of them as a solid waste. In addition, McGovney must implement procedures and train staff in the prevention of spillage and immediate cleanup of fuel oil, should it occur. Please submit photographs of soils that have been excavated from the area, a description of your fuel oil spill control and cleanup procedure, and documentation that staff has been trained in these procedures.
- (b) Many spent oil filters are generated by your facility from the maintenance of trucks and other heavy equipment. Spent oil filters were observed in a variety of areas including in trash containers, in drums, and on the ground. Ohio EPA recommends that you implement a procedure for collecting, draining and containerizing all spent oil filters, and then sending them offsite for recycling. Metals in these filters are recoverable. A list of spent oil filter recyclers can be found at:

<http://www.epa.state.oh.us/opp/recyc/oiltrans.html>

- (c) During the investigation, I observed several containers of products that you stated are no longer being used, such as a 30-gallon drum of sample soap, and at the old Dayton Walther facility, several drums of grease and product oils. If you do not wish to use these for their intended purpose, and you have no further use for them, Ohio EPA recommends that they be sent back to the manufacturer or properly disposed (soap) or recycled (grease and oil).
- (d) Electronic waste, including a computer monitor and other computer parts, were disposed of on the ground outside the old Dayton Walther process building. Electronic wastes may contain hazardous constituents and must be either evaluated per citation #1, above, to determine if they are a hazardous waste, or recycled. Ohio EPA recommends that you recycle these parts to avoid the cost of evaluating them. Information on recycling of electronic waste can be found at:
- <http://www.epa.state.oh.us/ocapp/p2/recyc/comp-rc.html>
- (e) It appears as though the old Dayton Walther building has been accessed by vandals. We were unable to enter the building because there were no lights, however, we were able to determine that some drums exist inside (see citation #1, above). Ohio EPA recommends that you take stock of the contents of this old building and properly manage all wastes contained inside. Any unknown wastes should be evaluated as described in citation #1 and if hazardous managed accordingly.
- (f) Solid waste violations and concerns identified during the Ohio EPA investigation by Mr. Clint Shuff, of the Division of Solid and Infectious Waste Management, are being addressed in a separate letter to you.

Should you have any questions, please feel free to contact me at 740-380-5293.

Sincerely,



Donna Goodman
District Representative
Division of Hazardous Waste Management

DG/mlm

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.

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

For Ohio EPA use only

E-mail this completed form to
tammy.mcconnell@epa.state.oh.us or mail it to Tammy
 McConnell, Central Office

2. Site EPA ID No.	EPA ID Number: Non notifier								
3. Site Name	Name: McGovney Ready Mix						Website: (Optional)		
4. Site Location Information	Street Address: 55 River Avenue								
	City, Town, or Village: Portsmouth						State: OH		
	County Name: Scioto						Zip Code: 45662		
5. 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"/>	
6. NAICS code(s) www.census.gov/epcd/www/naics.html	327320								
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: Dave				MI:	Last Name: Kegley			
	Phone Number: 740-354-4111					Phone Number Extension:			
	E-Mail Address:								
	Fax Number:					Fax Number Extension:			
	Street or P.O. Box:								
	City, Town or Village:								
	State:			Country:			Zip Code:		
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	Name of Site's Legal Owner:						Date Became Owner (mm/dd/yyyy):		
	Owner Type:	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:								
	City, Town or Village:					Owner Phone #:			
	State:					Country:		Zip Code:	
	Name of Site's Operator: McGovney Ready Mix						Date Became Operator (mm/dd/yyyy):		
	Owner Type:	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:								
	City, Town or Village:					Operator Phone #:			
	State:					Country:		Zip Code:	
9. Violations Cited?	<input type="checkbox"/> Yes <input type="checkbox"/> No								
10A. Type of Regulated Waste Activity (Mark "X" in all of the appropriate boxes)									
<input type="checkbox"/> Not Regulated					<input type="checkbox"/> Conditionally Exempt Small Quantity Generator				
<input checked="" type="checkbox"/> UNKNOWN: Cited for violation of 3745-52-11					<input type="checkbox"/> United States Importer of Hazardous Waste				
<input type="checkbox"/> Large Quantity Generator (LQG)					<input type="checkbox"/> Mixed Waste (Hazardous and Radioactive) Generator				
<input type="checkbox"/> Small Quantity Generator (SQG)									
<input type="checkbox"/> Hazardous Waste Transporter					<input type="checkbox"/> Exempt Boiler and/or Industrial Furnace				
<input type="checkbox"/> Treater, Storer or Disposer of Hazardous Waste					<input type="checkbox"/> Small Quantity On-Site Burner Exemption				
<input type="checkbox"/> Recycler of Hazardous Waste					<input type="checkbox"/> Smelting, Melting, Refining Furnace Exemption				
<input type="checkbox"/> Underground Injection Control Facility									

10B. 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"/> Large Quantity Handler of Universal Waste (accumulates 5,000 kg. or more)	
<input type="checkbox"/> Destination Facility for Universal Waste			
Check all boxes below that apply for each of the three types of facilities above		10C. Used Oil Activities (Indicate Type(s) of Activity(ies))	
	Managed	<input checked="" type="checkbox"/> Used Oil Generator	<input type="checkbox"/> Off-Specification Used Oil Burner
Batteries	<input type="checkbox"/>	<input type="checkbox"/> Used Oil Transporter	<input type="checkbox"/> Used Oil Fuel Marketer Who Directs Shipment of Off-Spec. Oil
Pesticides	<input type="checkbox"/>	<input type="checkbox"/> Used Oil Transfer Facility	<input type="checkbox"/> Used Oil Fuel Marketer to Off-Specification Used Oil Burner
Mercury containing equipment	<input type="checkbox"/>	<input type="checkbox"/> Used Oil Processor	
Lamps	<input type="checkbox"/>	<input type="checkbox"/> Used Oil Re-refiner	
11. 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.			
12. 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:	
Tanks	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Other Comments:	
Containers	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
13. Name of Inspector(s)		Name of Inspector(s)	Date of Inspection/Time (mm/dd/yyyy) (hh:mm)
Donna Goodman, DHWM		Clint Shuff, DSIWM	3/12/2008
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)