



**Environmental
Protection Agency**

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

May 17, 2011

**WASHINGTON COUNTY
GENERAL FILE (ASPHALT MATERIALS)
DMWM/SEDO
OHD018153577**

Mr. Larry Ruble, Plant Manager
Asphalt Materials
13925 State Route 7
Marietta, Ohio 45750

Dear Mr. Ruble:

On May 2, 2011, Ohio EPA inspected Asphalt Materials' Plant 3 in Marietta, Ohio to determine Asphalt Materials' 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). Asphalt Materials was represented by you. This letter will explain the violations I found, what you need to do to correct the violations, other general concerns we have, what you need to do to respond to my general concerns and any pollution prevention opportunities I identified.

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 required information **within 30 days** of the date of this letter:

- (1) **OAC Rule 3745-52-11, Hazardous Waste Determination:** Any person who generates a waste in Ohio must evaluate it to determine if the waste is hazardous waste in accordance with the criteria set forth in OAC Chapter 3745-51. Asphalt Materials failed to evaluate three drums generated from the cleaning of "latex waste." The drums were stored in a scrap area of the plant and had been onsite since November 2010. According to you, this waste, when last generated three years ago, was sent offsite for incineration.

Asphalt Materials must evaluate this waste by using process knowledge or chemical analysis. The results of this evaluation should be submitted to this office for review and further instructions. Please note that basing your waste evaluation on MSDS information may not be sufficient to determine if the contents of the drums are a hazardous waste, since additional contaminants could be present in the waste. Should the wastes be hazardous, they must be managed as such.

GENERAL COMMENTS

- (a) Your company generates spent fluorescent lamps which are a universal waste in Ohio. Information on proper management of universal waste lamps, as well as a list of recyclers of spent fluorescent lamps, can be found at the following links:

<http://www.epa.ohio.gov/dhwm/fluorescent.aspx>

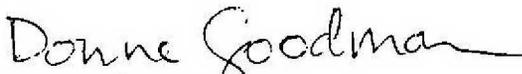
- (b) During the inspection, we discussed the use of a parts washer that recycles spent solvent. Information on this option can be found at the following two links:

<http://epa.ohio.gov/portals/32/pdf/NotifierSummer05.pdf>

<http://www.epa.ohio.gov/portals/32/pdf/NotifierSpring04.pdf>

Enclosed, you will find a copy of the checklists that were completed during the inspection. Should you have any questions, please feel free to call me at (740) 380-5293. You can find copies of the rules and other information on the division's web page at <http://www.epa.state.oh.us/dhwm>.

Sincerely,



Donna Goodman
District Representative
Division of Materials and Waste Management

DG/dh

Enclosure

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 type="checkbox"/>	Ohio Environmental Protection Agency RCRA SUBTITLE C SITE IDENTIFICATION/VERIFICATION FORM	For Ohio EPA use only
--	---	-----------------------

Completed verification forms required to be submitted to CO should be e-mailed to brad.hauser@epa.state.oh.us.

Site EPA ID No.	EPA ID Number: OHD018153577	
Site Name	Name: Asphalt Materials, Inc.	Website: (Optional)
Site Location Information:	Street Address: 13925 State Route 7	
	City, Town, or Village: Marietta	State: OH
Site Land Type (check only one)	County Name: Washington	
NAICS code(s) www.census.gov/epcd/www/naics.html	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"/>	Zip Code: 45750
	324121	

Facility Representative	First Name: Larry	MI:	Last Name: Ruble
Additional names can be recorded in number 12	Title: Plant Manager		
Only provide address information if it is different than the site address	Phone Number: 740-374-5100		Phone Number Extension:
	E-Mail Address:		
	Fax Number:		Fax Number Extension:
	Street or P.O. Box:		
	City, Town or Village:		
	State:		Zip Code:

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: Heritage Group		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: 5400 W. 86th St.			
	City, Town or Village: Indianapolis		Owner Phone #:	
	State: IN		Country:	Zip Code: 46268
	Name of Site's Operator:		Date Became Operator (mm/dd/yyyy):	
	Operator Type:	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:			
	City, Town or Village:		Operator Phone #:	
	State:		Country:	Zip Code:

VIOLATIONS CITED? Yes No

TYPE OF HANDLER - MARK "X" AS APPROPRIATE

<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"/> Short-Term/Temporary Generator (generates from a short-term or one-time event and not from on-going processes). Check the box for the applicable generator status and provide a comment.	<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

PROCESS, WASTE, P2 SUMMARY SHEET

Facility Name: Asphalt Materials Facility Type: CESQG Date of Inspection: 05/02/11 EPA ID#: OHD018153577

Waste Generated			On- or Off-Site Management		P2 Activities	
Process/Activity Generating Waste (e.g. plating bath, machining, baghouse, painting, general maintenance, etc)	Waste Description (e.g. sludge, solvent, ash, used oil, spent lamps, etc.) and EPA Waste Code, if applic.	QTY Generated per Month, Type of Accumulation (container, tank, etc) and location of waste accumulation area	Type of On-Site Treatment (recycle, wwt, etc)	Name, state, and type of activity occurring at the off-site facility.	Current P2 Activities	P2 Opportunities
1	Laboratory Analysis	Spent citrus solvent (D001)	1 gallon per month generated in lab	Recycled back into manuf. process		Recycled onsite
2	Parts Washing	Spent mineral spirits (D001)	Approx. 30 gallons per 3 mos.	Recycled back into manuf. Process.		Recycled onsite
3	Cleaning of Latex waste from tanks.	3 drums, unevaluated	Generated in November 2010 and stored onsite in scrap yard.		Typically sent to Heritage Environmental for incineration. Last generated 3 yrs ago.	
4						
5						
6						

REMARKS GENERAL INFORMATION

General Process Information:

Asphalt Materials manufactures emulsion asphalt for use on chip and seal roads. Raw materials such as emulsifier, asphalt cement and a variety of other additives are mixed together and milled to micron size for pliability. The mixture is then placed in tanks from which it is sold, loaded onto trucks and transported offsite for the paving of roads.

Regulatory/Enforcement History (if applicable):

NA. Company was last inspected as CESQG on 8/28/96.

Additional P2 remarks and information:

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

Other:

**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:

WASTE EVALUATION

1.	Have all wastes generated at the facility been adequately evaluated? [3745-52-11] Three drums of waste from cleaning out tanks were not evaluated and had been onsite since November 2010.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
----	--	--

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"/>
----	--	--

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)] Spent solvents (D001) are recycled back into the asphalt.	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
----	--	---

TREATMENT OF HAZARDOUS WASTE

4.	Does the generator treat hazardous waste in a:	
	a. Container that meets 3745-66-70 to 3745-66-77?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" 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 checked="" 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 checked="" 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 checked="" 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 type="checkbox"/> N/A <input checked="" 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 checked="" type="checkbox"/>