



**Environmental
Protection Agency**

Ted Strickland, Governor
Lee Fisher, Lt. Governor
Chris Koneski, Director

November 9, 2010

RE: SHERMAN INDUSTRIES, INC.
LAKE COUNTY
CRO THIRD NOV

Mr. Scott Terhune, Owner
30799 Pinetree Rd.
P.O. Box 410
Cleveland, OH 44124

CERTIFIED MAIL
RETURN RECEIPT

Dear Mr. Terhune:

On October 5, 2010, Kris Coder and I of the Ohio EPA's Division of Hazardous Waste Management visited the site and met with Mr. Nils Widing of Complete Waste Disposal. On October 8, 2010 Ohio EPA received from Mr. Widing confirmation of the removal of used oil and batteries that had been stored outside.

Review of this documentation indicates abatement of the violations identified as follows:

1. OAC 3745-279-22(D), Response to Releases of Used Oil.
2. OAC 3745-279-22(C), Used Oil Storage Requirements for Generators (Labels).
11. Labeling/Marking of Universal waste OAC 3745-273-14(A).

Background Information

Ohio EPA understands that this facility is a State Emergency Response Commission (SERC) notifier that ceased operations in about 2008. On June 24, 2010 this site was inspected for compliance with Ohio's Cessation of Regulated Operations (CRO) including Ohio's hazardous waste laws and regulations, as found in the Ohio Revised Code and the Ohio Administrative Code ("ORC" and "OAC" respectively). Subsequently it was determined that the property owner failed to notify the Ohio EPA and other agencies that operations had ceased, failed to secure the site and failed to remove all waste, hazardous waste and regulated substances in accordance with the CRO rules and law.

Summary of CRO Inspection

Ohio EPA identified numerous drums and containers of regulated substances onsite. The regulated substances include: hydrochloric acid, antifreeze, oils, used oils, fuels in containers and underground storage tanks, grease, paints, solvents, compressed gas, cleaners, solid waste and debris, parts washer fluid, aerosol cans, office electronics, fluorescent lamps, lead acid truck batteries, calcium chloride, Portland cement, concrete plasticizers, admixes, form release oils and numerous trucks containing fuel, lead acid batteries and oils.

As of the October 5, 2010 inspection the “admix trailer” that contained seven poly tanks of liquid admixes (1,200 gallons) and the approximate 400 gallons of oily fluid in the five foot diameter rusty tank, was removed. Many of the numerous drums of fluids and used oil stored outside have been properly removed. There remain numerous 1-20 gallon size and smaller containers that were observed to include: diesel fuel, antifreeze, oils and grease, solvents, paints and miscellaneous adhesives, sealants and chemicals. The contents of all containers need to be verified and properly recycled, transferred, or disposed. There also remain drums of used oil cleanup contaminants. This waste must be properly recycled or disposed.

Violations

The following violations of Ohio’s hazardous waste regulations were observed during the June 24, 2010 and continue unabated. In order to abate the violations you must do the following ***within 30 days*** of receipt of this letter:

- 3. OAC Rule 3745-52-11, Waste Evaluation:** Any person who generates a waste must evaluate the waste to determine if the waste is a hazardous waste in accordance with the criteria set forth in OAC Chapter 3745-51.

You failed to determine if the wastes abandoned at the site are a hazardous waste. At least one full drum of hydrochloric acid was observed on the southwest side of the old batch plant. There remains an additional partially full 55-gallon black poly drum of unknown contents. There are also several five and numerous one gallon and smaller containers of unknowns and solvent, paints, sealers, adhesives and drums of used oil contaminated debris.

- You must immediately evaluate each container of waste to determine if it is a listed or characteristic hazardous waste as required by OAC 3745-52-11. Guidance to assist you in waste evaluation was previously provided and may be found at: <http://www.epa.ohio.gov/portals/41/sb/publications/identifyingwaste.pdf>. Once you have made this determination, you must send me the documentation.

- 4. Designation of a contact person, ORC § 3752.05 and OAC 3745-352-20 (A)(1)(c):**

You failed to identify a contact person on EPA Form 0327.

- You must update Ohio EPA with the name and telephone number of the contact person through completion of EPA Form 0327 and submit it to the requisite agencies and departments identified on this form. A copy of Form 0327 may be accessed at: http://epa.ohio.gov/portals/32/pdf/CRO_Manual.pdf.

5. Drain or remove all regulated substances from each stationary item, ORC §3752.06(A)(4): All regulated substances must be drained or removed from each stationary vat, tank, electrical transformer, and vessel, and from all piping that is to remain at the Facility and a combination of the following must also be done:

1. Transfer the regulated substances to another Facility owned or operated by the owner or operator.
2. Lawfully transfer ownership of the regulated substances to another person through sale or otherwise; or
3. Cause the regulated substances to be transported off the premises and managed in compliance with all applicable regulations for disposal.

You failed to send off numerous containers of fluids, solvents, fuel, compressed gas, admixes and substances identified in your SERC notification (attached).

- Please provide copies of receipts or manifests that show all oil, fuel and fluids have been received by a hazardous waste facility or properly transferred offsite for recycling or proper disposal.

6. Submission of a list of all stationary items contaminated with regulated materials remaining at the facility, ORC § 3752.06(A)(3) and OAC 3745-352-20(A)(2)(d): If an owner/operator will be leaving any stationary tank, vat, electrical transformer, or vessel of any type that contains or is contaminated with regulated substances, the owner/operator must submit a precise description of where each stationary tank, vat, electrical transformer, or vessel of any type is located, and a description of what regulated substance each stationary tank, vat, electrical transformer, or vessel of any type contains or is contaminated with.

No such descriptions have been submitted per regulated substances observed onsite and as identified on your SERC Notification (attached).

- Please submit the required descriptions of all stationary equipment or locations that contain or is contaminated with a regulated substance.

7. Removal of Regulated substances from non-stationary items, ORC § 3752.06(A)(5) and OAC 3745-352-20(A)(2)(c): The owner/operator must remove from the Facility all regulated substances and all debris, and non-stationary equipment and furnishings, non-stationary containers, and motor vehicles and rolling stock that contain or are "contaminated with" regulated substances, as defined in rule 3745-352-05 of the Administrative Code by doing any or a combination of the following:

(i) Lawfully transfer the regulated substances and the debris, non-stationary equipment and furnishings, non-stationary containers, and motor vehicles and rolling stock that contain or are "contaminated with" regulated substances, to another operating Facility that you own or operate; or

(ii) Lawfully transfer ownership of the regulated substances and the debris, non-stationary equipment and furnishings, non-stationary containers, and motor vehicles and rolling stock that contain or are "contaminated with" regulated substances, to another person; or

(iii) Cause the regulated substances and the debris, non-stationary equipment and furnishings, non-stationary containers, and motor vehicles and rolling stock that contain or are "contaminated with" regulated substances, to be transported off the premises of the Facility and managed in compliance with all applicable regulations.

You failed to remove numerous containers of oil, fluids, fuel, acid, paints solvents, aerosols, admixes, and cleaners in compliance with this rule.

- You must submit per OAC 3745-352-20(A)(2)(e) documentation that each stationary tank, vat, electrical transformer, vessel of any type, piping, non-stationary equipment and furnishing, non-stationary container, motor vehicle, rolling stock or debris is not contaminated with a regulated substance. You must record in a log the standard industrial method used to remove the regulated substance from each of these items.

10.90-day Notification to the Director, ORC § 3752.06(A)(6) and OAC 3745-352-20(A)(2)(g): The owner/operator must make a written certification to the director of Ohio EPA concerning the completion of the removal action within 90 days after ceasing regulated operations using form EPA 0329.

You failed to provide this form to Ohio EPA.

- You need to immediately complete removal per the rules and submit this certification. A copy of Form 0329 may be found at: <http://epa.ohio.gov/portals/32/pdf/epa0329.pdf>.

11.Labeling/Marking of Universal waste OAC 3745-273-14(A): "Universal waste batteries, or a container in which the batteries are contained, shall be labeled or marked clearly with any one of the following phrases: 'Universal Waste-Batteries or Waste Batteries, or Used Batteries'.

- You failed to label eight spent lead acid vehicle batteries per this rule.

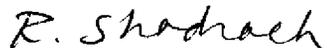
This violation was abated when the batteries were sent offsite for recycling.

SHERMAN INDUSTRIES, INC.
NOVEMBER 9, 2010
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Failure to list specific deficiencies in this communication does not relieve the parties from the responsibility of complying with all applicable laws and regulations. Please be advised that present or past instances of non-compliance can continue as subjects of pending or future enforcement actions.

The Division of Hazardous Waste Management (DHWM) has copies of the rules and other information on the DHWM's web page at: <http://www.epa.ohio.gov/dhwm>. Please provide your response in writing to me **within 30 days** of receipt of this letter. Should you have any questions, please call me at (330) 963-1146 or email me at: ron.shadrach@epa.state.oh.us.

Sincerely,



Ronald J. Shadrach
District Representative
Division of Hazardous Waste Management

RJS:ddw

Enclosure

ec: Frank Popotnik, DHWM, NEDO
Marlene Kinney DHWM, NEDO
Natalie Oryshkewych, DHWM, NEDO
Harry Sarvis, DHWM, CO

cc: Ralph McGinnis, DHWM, CO
Nils Widing, Complete Waste Disposal, w/attachments
Lake County LEPC
Willoughby Fire Department
Matthew J. Caiazza, The Meridian Group, Receiver