



State of Ohio Environmental Protection Agency

Northwest District Office

347 North Dunbridge Road
Bowling Green, OH 43402-9398

TELE: (419) 352-8461 FAX: (419) 352-8468
www.epa.state.oh.us

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

Re: Sims Bros., Inc.
Hazardous Waste
Marion County
Notice of Violation

February 18, 2009

Mr. Tim Menzie, Director Safety/Environmental
Sims Bros., Inc.
P.O. Box 1170
Marion, Ohio 43301-1170

Dear Mr. Menzie:

Thank you for accompanying Kara Reynolds and me during Ohio EPA's January 28, 2009, hazardous waste compliance evaluation inspection (CEI) of Sims Bros., Inc (Sims). Upon arriving at Sims it was discovered that your "facility" actually has four different locations as part of the "facility" as a whole. All operate as Sims, but they have different addresses and different operations occur at these facilities. Thus, Ohio EPA conducted a CEI at four different facilities as part of an overall CEI for Sims. These CEI's consisted of the following locations:

1. Main office building – OHD⁰¹⁸~~184~~161885
 - 1011 S. Prospect Street, Marion, OH 43302
 - Consists of main office building, paper recycling building, and truck garage
2. Recycling Building – OHD987044534
 - 1044 S. Prospect Street, Marion, OH 43302
 - Consists of recycling building, truck wash building, break room
3. New paper building (old smelter building)– no EPA ID number
 - 486 Barks Road, Marion, OH 43302
4. Welder shop (maintenance shop) - no EPA ID number
 - 1299 S. Prospect Street, Marion, OH 43302

These inspections were conducted to determine Sim's compliance with Ohio's hazardous waste laws as found in Chapter 3734. of the Ohio Revised Code (ORC), and Ohio's hazardous waste regulations as adopted under Chapter 3745. of the Ohio Administrative Code (OAC). Sims was represented by you. The inspections included a tour of your facilities and a review of your facility's paperwork.

This letter will explain the violations I discovered and what you need to do to correct these violations. This letter encompasses all the violations that were noted separately based on each individual CEI conducted at each of the sites as listed above. The violations are noted and broken down per individual site below.

During the inspections, I gave you the following information: the fact sheets Universal Waste Rules for Handlers of Lamps; Fluorescent Lamps: What you Should Know; The Regulation of Used Oil: An Overview for Ohio Businesses Who Generate Used Oil; Identifying your Hazardous Waste; a sheet listing generator quantity information and a list of computer, fluorescent lamp and ballast recyclers.

Sims as a whole is an industrial recycler. Sims does not provide recycling pick-up at residences, however, residents may bring their household recycling to Sims. In addition, Sims recycles household recyclables from city and county household recycling programs. Items recycled at Sims include: paper, cardboard, plastic, magazines, glass, aluminum, and metal, etc.

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Main office building – OHD ~~181~~161885

The main office building consists of the main office building, paper recycling building, and truck garage. The main office building is a non-generator of hazardous waste. The facility does have a parts washer located in the truck garage, however, this material is picked up by Heritage Crystal Clean and recycled as part of Heritage's continued use program. Other wastes generated include used oil and lamps.

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 your receipt of this letter:

1. Waste Evaluation.
OAC Rule 3745-52-11

Any person who generates a waste must determine if that waste is a hazardous waste in accordance with the criteria for hazardous waste as set forth in Chapter 3745-51 of the Administrative Code.

Sims failed to have waste evaluation documentation for the fluorescent bulbs generated at the facility.

Sims is currently disposing of their fluorescent bulbs in the trash. Sims must cease disposing of their fluorescent bulbs as non-hazardous waste in the local landfill until a proper waste evaluation has been completed.

The waste evaluation can be conducted by taking a representative sample of this waste to properly evaluate this waste stream through a laboratory analysis which lists constituents present and at what concentration. Sims must ensure that the laboratory chosen to perform this sampling utilizes the proper method(s) to evaluate these bulbs.

Sims must sample the fluorescent bulbs to determine the Toxicity Characteristic Leaching Procedure (TCLP) concentrations of barium (D005), cadmium (D006), lead (D008), and mercury (D009) as listed in OAC Rule 3745-51-24 following the methods as outlined in U.S. EPA's SW-846. Sims may run total concentrations for these constituents as a screening tool. If the concentration(s) are detected for any of these constituents at or above the regulatory limit, a TCLP may be required to ensure these constituent(s) are not present above the Ohio EPA regulatory level.

If the bulbs are determined to be hazardous through a proper waste evaluation, Sims will have to manage their bulbs either as 1) a universal waste (OAC Chapter 3745-273), or 2) as a hazardous waste under Ohio's generator standards (OAC Chapter 3745-52). Sims may recycle their bulbs if they are hazardous or non-hazardous. Ohio EPA would encourage this option as a pollution prevention alternative.

- In lieu of conducting a waste evaluation, Sims may choose to manage their bulbs as a universal waste as outlined in OAC Chapter 3745-273. Please consult the fact sheet Universal Waste Rules for Handlers of Lamps given to you during the inspection for more information. If you choose this option, please provide me an outline of your universal waste management plan.
- ***To abate this violation, please submit to me your waste evaluation of your lamps or an outline of your universal waste management plan (indicating how you will manage, label, send off-site within one year, where lamps will be recycled, etc.)***

If sampling is performed, please notify me at least seven days prior to taking the samples so that I or an Ohio EPA representative may be present.

**2. Used oil storage requirements - proper labels.
OAC Rule 3745-279-22 (C) (1)**

Containers used to store used oil shall be labeled or marked clearly with the words "Used Oil."

Sims failed to mark their 700-gallon used oil tank with the words "Used Oil."

- ***To abate this violation, Sims must submit photograph documentation indicating that the 700-gallon used oil tank has been properly labeled "Used Oil".***

Recycling Building – OHD987044534

The recycling building consists of the recycling building, truck wash building, and break room. The only waste the recycling building generates is spent lamps.

I found the following violation of Ohio's hazardous waste law. In order to correct this violation you must do the following and send me the required information **within 30 days** of your receipt of this letter:

**1. Waste Evaluation.
OAC Rule 3745-52-11**

Any person who generates a waste must determine if that waste is a hazardous waste in accordance with the criteria for hazardous waste as set forth in Chapter 3745-51 of the Administrative Code.

Sims failed to have waste evaluation documentation for the fluorescent bulbs generated at the facility.

Sims is currently disposing of their fluorescent bulbs in the trash. Sims must cease disposing of their fluorescent bulbs as non-hazardous waste in the local landfill until a proper waste evaluation has been completed.

- ***To abate this violation, please submit to me your waste evaluation of your lamps or an outline of your universal waste management plan (indicating how you will manage, label, send off-site within one year, where lamps will be recycled, etc.)***

New paper building (old smelter building) - no EPA ID number

The New paper building (old smelter building) is a generator of spent lamps.

I found the following violation of Ohio's hazardous waste law. In order to correct this violation you must do the following and send me the required information **within 30 days** of your receipt of this letter:

**1. Waste Evaluation.
OAC Rule 3745-52-11**

Any person who generates a waste must determine if that waste is a hazardous waste in accordance with the criteria for hazardous waste as set forth in Chapter 3745-51 of the Administrative Code.

Sims failed to have waste evaluation documentation for the fluorescent bulbs generated at the facility.

Sims is currently disposing of their fluorescent bulbs in the trash. Sims must cease disposing of their fluorescent bulbs as non-hazardous waste in the local landfill until a proper waste evaluation has been completed.

- ***To abate this violation, please submit to me your waste evaluation of your lamps or an outline of your universal waste management plan (indicating how you will manage, label, send off-site within one year, where lamps will be recycled, etc.)***

Welder shop (maintenance shop) - no EPA ID number

The welder shop is Sims' maintenance shop. This facility provides general facility maintenance for the entire Sims complex. In addition, the facility used oil burner is at this location, thus used oil is stored at this facility. The facility does have a parts washer located in the maintenance shop, however, this material is picked up by Heritage Crystal Clean and recycled as part of Heritage's continued use program. Other wastes generated include used oil, spent oil dry, and lamps.

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 your receipt of this letter:

**1. Waste Evaluation.
OAC Rule 3745-52-11**

Any person who generates a waste must determine if that waste is a hazardous waste in accordance with the criteria for hazardous waste as set forth in Chapter 3745-51 of the Administrative Code.

A.) Sims failed to have waste evaluation documentation for the fluorescent bulbs generated at the facility.

Sims is currently disposing of their fluorescent bulbs in the trash. Sims must cease disposing of their fluorescent bulbs as non-hazardous waste in the local landfill until a proper waste evaluation has been completed.

- ***To abate this violation, please submit to me your waste evaluation of your lamps or an outline of your universal waste management plan (indicating how you will manage, label, send off-site within one year, where lamps will be recycled, etc.)***

B.) Sims failed to have waste evaluation documentation for the spent oil dry generated at the facility from the clean-up of used oil spills.

Sims is currently disposing of this material in the trash. Sims must cease disposing of this waste as a non-hazardous waste in the local landfill until a proper waste evaluation has been completed.

To properly evaluate the above waste stream, Sims must do one of three options: 1) Sims must take a representative sample of this waste to properly evaluate this waste stream through a laboratory analysis which lists constituents present and at what concentration.

Sims must sample their spent oil dry used to clean-up used oil spills to determine the TCLP concentrations of all the Resource Conservation and Recovery Act (RCRA) metals [excluding mercury (D009)] and any other regulated characteristic that may be present based on the waste (in light of the materials or the processes used) as listed in OAC Rule 3745-51-24 following the methods as outlined in U.S. EPA's SW-846. Sims may run total concentrations for these constituents as a screening tool. If the concentrations are detected for the constituents at or above the regulatory limit, a TCLP may be required to ensure this constituent is not present above the Ohio EPA regulatory level, or 2) Sims must apply generator knowledge of the hazardous characteristic(s) of the waste in light of the materials or the processes used through adequate documentation, or 3) a combination of option one and two.

- ***To abate this violation, Sims must submit the analytical information and/or the documentation for generator knowledge to me. Your results must document if the waste is hazardous or not and whether it is restricted from land disposal. If it is hazardous, you must explain what treatment, storage, or disposal facility you will send it to. If the waste is hazardous, I will determine the status of your compliance with other hazardous waste laws and notify you of my findings in a separate letter.***

If sampling is performed, please notify me at least seven days prior to taking the samples so that I or an Ohio EPA representative may be present.

**2. Used oil storage requirements - proper labels.
OAC Rule 3745-279-22 (C) (1)**

Containers used to store used oil shall be labeled or marked clearly with the words "Used Oil."

Sims failed to mark a green container storing used oil with the words "Used Oil."

- ***To abate this violation, Sims must submit photograph documentation indicating that the green container storing used oil has been properly labeled "Used Oil".***

Sims reuses their used oil generated on-site in a used oil burner. In addition, Sims has reduced their hazardous waste generation from a conditionally exempt small quantity generator to a non-generator by placing their parts washers in a continued use program. If you find additional ways to recycle, reduce, or altogether eliminate the amount of waste that your company generates you may be able to reduce treatment and disposal costs. Furthermore, you may possibly reduce your regulatory requirements. You can find helpful information about pollution prevention at the following web address:
<http://www.epa.state.oh.us/ocapp/ocapp.html>.

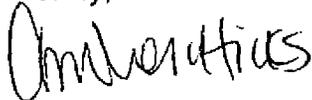
Ohio EPA will issue an EPA ID number to track our investigation activity at the properties in question (at the facilities that do not currently have a number). You cannot use this number for manifesting hazardous waste shipments. If you want to use an EPA ID number for manifesting and other hazardous waste, used oil or universal waste activities, you must complete and submit a Notification of Regulated Waste Activity form (*EPA Form 9029 (Rev. 11/2002)*) to Ohio EPA. This form is available on our Web page at <http://www.epa.state.oh.us/dhwm/notiform.html> or you can call me or the Division of Hazardous Waste Management, Central Office, RIS at (614) 644-2977 and we will mail you a copy.

The Division of Hazardous Waste Management (DHWM) has created an electronic news service to provide you with quick and timely updates on events and news related to hazardous waste activities in Ohio. If you haven't already, we encourage you to sign-up for this free service. You can find more information at the following Web link <http://www.epa.state.oh.us/dhwm/listserv.html>. Please feel free to share this information with your colleagues.

A copy of all checklists completed during these inspections is attached for your review. Please address all correspondence to Amber Hicks, Ohio EPA, 347 N. Dunbridge Road, Bowling Green, Ohio 43402. Should you have any questions, please feel free to call me at (419) 373-3082.

You can find copies of the rules and other information on the division's web page at <http://www.epa.state.oh.us/dhwm>. Ohio EPA has helpful information about pollution prevention at the following web address: <http://www.epa.state.oh.us/ocapp/ocapp.html>.

Sincerely,



Amber M. Hicks
Division of Hazardous Waste Management

/llr

Enclosures

pc: Colleen Weaver, DHWM, NWDO
Cindy Lohrbach, DHWM, NWDO
DHWM, NWDO File: Sims Bros., Inc. (4 separate facilities - addresses/ID #'s)
ec: Amber Hicks, DHWM, NWDO

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 kristina.durnell@epa.state.oh.us
or mail it to Kristina Durnell, Central Office

Recycling Bld
OH D 987 044 534

<p>Site EPA ID No. Site Name</p> <p>Site Location Information</p> <p>Site Land Type (check only one) NAICS code(s) www.census.gov/epcd/www/naics.html</p>	<p>EPA ID Number: OHD987044534 Name: Sims Bros., Inc. (recycling building)</p> <p>Street Address: 1044 S. Prospect Street City, Town, or Village: Marion County Name: Marion</p> <p>Private <input checked="" type="checkbox"/> County <input type="checkbox"/> District <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Indian <input type="checkbox"/> Municipal <input type="checkbox"/> State <input type="checkbox"/> Other <input type="checkbox"/></p> <p>Website: www.simsbros.com (Optional)</p> <p>State: OH Zip Code: 43302</p>	
<p>Facility Representative</p> <p>Additional names can be recorded in number 12</p> <p>Only provide address information if it is different than the site address</p>	<p>First Name: Tim MI: Last Name: Menzie Phone Number: 740-387-9041 Phone Number Extension: E-Mail Address: tim@simsbros.com Fax Number: 740-387-0083 Fax Number Extension: Street or P.O. Box: P.O. Box 1170 City, Town or Village: Marion State: Ohio Zip Code: 43301-1170</p>	
<p>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</p>	<p>Name of Site's Legal Owner:</p> <p>Owner Private County District Federal Indian Municipal State Other Type: <input type="checkbox"/> <input type="checkbox"/></p> <p>Street or P.O. Box: City, Town or Village: State: Date Became Owner (mm/dd/yyyy):</p> <p>Name of Site's Operator:</p> <p>Owner Private County District Federal Indian Municipal State Other Type: <input type="checkbox"/> <input type="checkbox"/></p> <p>Street or P.O. Box: City, Town or Village: State: Date Became Operator (mm/dd/yyyy):</p> <p>Owner Phone #: Zip Code: Country: Zip Code: Operator Phone #: Zip Code: United States</p>	

VIOLATIONS CITED? Yes No

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

<p><input type="checkbox"/> Not a Generator</p>	<p><input checked="" type="checkbox"/> UNKNOWN: Cited for violation of 3745-52-11</p>	<p><input type="checkbox"/> Large Quantity Generator (LQG) <input type="checkbox"/> Small Quantity Generator (SQG) <input 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</p>
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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	
<input type="checkbox"/> Batteries	
<input type="checkbox"/> Pesticides	
<input type="checkbox"/> Mercury containing equipment	
<input type="checkbox"/> Lamps	

USED OIL ACTIVITIES (INDICATE TYPE(S) OF ACTIVITY(S))	
<input type="checkbox"/> Used Oil Generator	
<input type="checkbox"/> Used Oil Transporter	
<input type="checkbox"/> Used Oil Transfer Facility	
<input type="checkbox"/> Used Oil Processor	
<input type="checkbox"/> Used Oil Re-refiner	
<input type="checkbox"/> Off-Specification Used Oil Burner	
<input type="checkbox"/> Used Oil Fuel Marketer Who Directs Shipment of Off-Spec. Oil	
<input type="checkbox"/> 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.

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 type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	

Name of Inspector(s)	Name of Inspector(s)	Date of Inspection/Time (mm/dd/yyyy) (hh:mm)
Amber Hicks	Kara Reynolds	1/28/2009 10:50-14:10

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: Sims Bros, Inc. (recycling building) **Facility Type:** LQG SQG CESQG TSD **Date of Inspection:** 1-28-09 **EPA ID#:** OHD987044534

Waste Generated			On- or Off-Site Management		P2 Activities		
Process/Activity Generating Waste <small>(e.g. plating bath, machining, baghouse, painting, general maintenance, etc)</small>	Waste Description <small>(e.g. sludge, solvent, ash, used oil, spent lamps, etc.) and EPA Waste Code, if applic.</small>	QTY Generated per Month, Type of Accumulation (container, tank, etc) and location of waste accumulation area	Type of On-Site Treatment <small>(recycle, wwt, etc)</small>	Name, state, and type of activity occurring at the off-site facility.	Current P2 Activities	P2 Opportunities	
1	Lightning	Fluorescent bulbs	Unknown	NA	Disposing in solid waste stream - 52-11 violation.	None	Gave list of recyclers & explained proper management - UW & recycling.
2							
3							
4							
5							
6							
7							
8							

REMARKS-GENERAL INFORMATION**General Process Information:**

Facility does not generate hazardous waste (52-II for bulbs). Facility a non-generator at this time.

Regulatory/Enforcement History (if applicable):**Additional P2 remarks and information:**

Not sure if facility would be interested or not.

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: