



Environmental  
Protection Agency

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

Re: Wylie Trucking  
Complaint #3038  
Lucas County  
OHR000163683  
Hazardous Waste  
2<sup>nd</sup> Notice of Violation/  
Partial Return to Compliance

June 13, 2011

Mr. Dick Wylie, Owner  
Wylie Trucking  
9225 Angola Road  
Holland, Ohio 43528

Dear Mr. Wylie:

On March 16, 2011, the Ohio Environmental Protection Agency (Ohio EPA) conducted a complaint investigation and compliance evaluation inspection of Wylie Trucking (Wylie) located at 9225 Angola Road in Holland, Ohio. The Ohio EPA received a complaint that you were dumping used oil on the ground, using oil to start fires, burning tires, and dumping antifreeze on the ground.

Wendy Miller and I inspected Wylie to determine its 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). As a result of the complaint investigation, the Ohio EPA did not find evidence to support the complainant's allegations; therefore, the Ohio EPA considers the complaint investigation closed.

On March 30, 2011, you were sent a Notice of Violation/Partial Return to Compliance (NOV/PRTC) letter. This letter outlined the violations we found as a result of our compliance evaluation inspection and what you needed to do to correct these violations. To date, Wylie has failed to respond to the NOV/PRTC letter and the violations cited remain outstanding.

The following is a summary of the violations cited in the NOV/PRTC which was sent to you on March 30, 2011:

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

Any person who generates a waste must determine if that waste is a hazardous waste by using generator knowledge or by testing the waste.

Wylie failed to have waste evaluation documentation or an established recycling plan in place for the fluorescent bulbs generated at the facility.

Wylie must immediately cease disposing of the fluorescent lamps as non-hazardous waste until a proper waste evaluation has been completed. Incandescent, fluorescent, metal halide, neon, high-intensity discharge, high-pressure sodium and mercury-vapor lamps could be hazardous waste when discarded. Fluorescent lamps may contain up to 40 milligrams (mg) of mercury, depending on the brand and manufacturer. Lamps may also contain lead and cadmium. Many lamps exhibit a characteristic of toxicity for heavy metals when disposed.

A copy of Fluorescent Lamps: What You Should Know, was given to you at the time of our inspection. I recommend that you review this document and contact me if you have any questions.

Hazardous bulbs are considered "spent materials" and remain hazardous waste even when recycled. Hazardous waste lamp generators have the option of handling their lamps as hazardous waste or as universal waste. Managing hazardous waste lamps under the universal waste rules eases certain regulations imposed on generators of spent lamps.

Basically, you can run analytical to determine if the spent bulbs contain mercury, lead, or cadmium (if you would like to continue to dispose of them) OR you can choose to manage them through the universal waste rules by recycling. When the bulbs are recycled as a universal waste, they are not considered a hazardous waste. You must ensure that the spent bulbs are recycled within one year of being generated and that you keep documentation showing the bulbs were recycled. In addition, you must label the box containing the burned out bulbs (prior to recycling) with the words "universal waste lamps".

To abate this violation, Wylie must confirm how you plan to manage the spent bulbs in the future and where they will be recycled if you choose to handle them as universal waste.

**2. OAC Rule 3745-279-22(C)(1): Labeling:**

Containers, aboveground tanks, and fill pipes used for underground storage tanks shall be labeled or marked clearly with the words "used oil."

Wylie had two 55-gallon poly drums of used oil that were not properly labeled.

At the time of our inspection, Wylie properly labeled the 55-gallon drums with the words "used oil". A copy of the fact sheet, The Regulation of Used Oil: An Overview for Ohio Businesses Who Generate Used Oil, was given to you at the time of our inspection. Please review this information and contact me if you have any questions.

***This violation was previously abated in the NOV/PRTC letter dated March 30, 2011.***

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**3. OAC Rule 3745-279-24: Off-Site Shipment:**

Generators shall ensure that their used oil is transported only by transporters who have obtained an EPA identification number.

Wylie has been giving the used oil they generate to another business, Wylie & Sons Sand & Stone, who burns it in a used oil burner. On March 29, 2011, I spoke with Tom Wylie regarding the used oil you give to his business. Wylie Trucking and Wylie & Sons Sand & Stone are not owned and/or operated by the same person, therefore, neither location can be considered an aggregation point as outlined in OAC Rule 3745-279-24(B).

Wylie must immediately cease giving used oil to any person or transporter who does not have an EPA identification number.

In order to correct this violation, Wylie must notify Ohio EPA with how you plan to manage your used oil in the future and provide the applicable documentation for review.

Ohio EPA has helpful information about compliance assistance and pollution prevention at the following web address: <http://www.epa.ohio.gov/ocapp>. In addition, you can find copies of the rules and other information on the division's web page at: <http://www.epa.ohio.gov/dhwm/>.

Please submit documentation demonstrating abatement of the above outstanding violations to this office **within 15 days** of receipt of this letter.

Should you have any questions or if I can be of assistance, please contact me at (419) 373-3066.

Sincerely,



Melissa L. Boyers  
Division of Materials and Waste Management

/l/r

pc: Cindy Lohrbach, DMWM, NWDO  
Colleen Weaver, DMWM, NWDO  
(DMWM-HW, NWDO 2011 Lucas County General File ...)

ec: Melissa Boyers, DMWM, NWDO

**Notice:**

Ohio's 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.