



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: Sylvester Material Company  
Lucas County  
Hazardous Waste  
OHD 048 782 288  
**Return to Compliance**

March 20, 2009

Mr. Peter Thomas  
The Shelly Company  
7901 Sylvania Avenue  
Sylvania, Ohio 43560

Dear Mr. Thomas:

Thank you for accompanying Wendy Miller and me during the Ohio Environmental Protection Agency's (Ohio EPA's) March 12, 2009, follow-up site visit at the former Sylvester Material Company facility located at 7901 Sylvania Avenue in Sylvania, Ohio. On November 8, 2005, the Ohio EPA conducted a hazardous waste compliance evaluation inspection of Sylvester Material Company (SMC). Notice of violation (NOV) letters were sent to SMC on November 23, 2005, and April 14, 2006. On April 27, 2006, SMC submitted a response to the NOV's. SMC stated in this response that on February 14, 2006, SMC sold the property to The Shelly Company and were no longer operating in the state of Ohio.

On October 14, 2008, the Ohio EPA made a site visit to obtain information on the new owner, The Shelly Company, and work towards resolving the outstanding violations. On March 12, 2009, the Ohio EPA met with you at the facility and verified the compliance status of the outstanding violations cited in the NOV's issued to SMC. The Shelly Company is the parent company for All Ohio Ready Mix which operates at the 7901 Sylvania Avenue address. All Ohio Ready Mix operates their administrative offices and a ready mix concrete plant at this location. The Shelly Company is a non-generator of hazardous waste.

The following is a summary of the violations cited in the November 23, 2005, and April 14, 2006, NOV's and your compliance with respect to each:

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

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

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

SMC must immediately cease disposing of the fluorescent bulbs as non-hazardous waste until a proper waste evaluation has been completed. 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.

On March 12, 2009, the Ohio EPA verified that the spent fluorescent bulbs located at this facility are being managed as universal waste. The spent fluorescent bulbs were stored in secure boxes that were properly labeled "universal waste lamps" and included the accumulation start date. The Shelly Company has arranged for Safety Kleen Corporation to pick up the spent fluorescent bulbs for recycling.

*With this information, this violation is considered abated.*

**2. Labeling, OAC Rules 3745-279-22(C)(1) and 3745-279-45(G):**

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

The drain tank for the used oil filters located in the maintenance area was not properly labeled. In addition, the drum located outside the shop building was not properly labeled.

SMC must properly label the above listed containers with the words "used oil" and submit photographic documentation to demonstrate compliance with this rule.

On March 12, 2009, the Ohio EPA verified that the used oil drain tank and storage tank were properly labeled "used oil". The drum located outside the shop building is no longer there and was removed by SMC when they vacated the property.

*With this information, this violation is considered abated.*

**3. Storage, OAC Rule 3745-279-22(D)(3):**

Upon detection of a release of used oil, a generator shall clean up and manage properly the released used oil and other materials.

The area surrounding the used oil pan drain area located in the shop building had evidence of spilled used oil.

SMC must clean up the used oil on the concrete floor in this area. SMC must evaluate the used oil and clean-up material generated to determine if it is a characteristic hazardous waste. SMC must obtain a representative sample of the generated waste and have it analyzed for Toxic Characteristic Leaching Procedure (TCLP) Resource Conservation and Recovery Act (RCRA) metals (SW-846 Method 1311/6010). SMC need only to analyze the sample for cadmium, chromium, lead, and benzene.

To abate this violation, SMC must submit a copy of the analytical results to Ohio EPA. Once analytical results have been reviewed, Ohio EPA will advise SMC on proper disposal options for this waste stream. SMC must also submit photographic documentation to demonstrate that the used oil in this area has been cleaned up.

On March 12, 2009, the Ohio EPA verified that the used oil pan drain area located in the shop building was well maintained and any oil that was once spilled is no longer present. SMC stated in their letter received on April 27, 2006, that this area was cleaned up and a sample of the material was taken for analysis. The analytical results were never submitted to Ohio EPA and SMC is no longer operating the facility.

*With this information, this violation is considered abated.*

Mr. Peter Thomas  
March 20, 2009  
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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 Hazardous Waste Management

/csi

pc: Cindy Lohrbach, DHWM, NWDO  
Colleen Weaver, DHWM, NWDO  
DHWM, NWDO File: Lucas County General File

ec: Melissa Boyers, 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](mailto:kristina.durnell@epa.state.oh.us)  
or mail it to Kristina Durnell, Central Office

<b>Site EPA ID No.</b> <b>Site Name</b>	EPA ID Number: <b>OHD048782288</b> Name: <b>All Ohio Ready Mix</b>	Website: (Optional)
<b>Site Location Information</b>	Street Address: <b>7901 Sylvania Avenue</b> City, Town, or Village: <b>Sylvania</b> County Name: <b>Lucas</b>	State: <b>OH</b> Zip Code: <b>43560</b>
<b>Site Land Type</b> (check only one) <b>NAICS code(s)</b> <a href="http://www.census.gov/epcd/www/naics.html">www.census.gov/epcd/www/naics.html</a>	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"/>	
<b>Facility Representative</b>  Additional names can be recorded in number 12  Only provide address information if it is different than the site address	First Name: <b>Peter</b> MI: <b>W</b> Last Name: <b>Thomas</b> Phone Number: <b>419-429-3422</b> Phone Number Extension: E-Mail Address: <b>pthomas@shellyco.com</b> Fax Number: <b>419-429-3469</b> Fax Number Extension: Street or P.O. Box: <b>1700 Fostoria Avenue</b> City, Town or Village: <b>Findlay</b> State: <b>Ohio</b> Zip Code: <b>45840</b>	
<b>Legal Owner And Operator of the Site.</b> List Additional Owners and/or Operators in the Comment Section or on another copy of this form page	Name of Site's Legal Owner: <b>The Shelly Company</b> Owner Private County District Federal Indian Municipal State Other Type: <input checked="" type="checkbox"/> <input type="checkbox"/> Street or P.O. Box: City, Town or Village: State: Name of Site's Operator:  Owner Private County District Federal Indian Municipal State Other Type: <input type="checkbox"/> <input type="checkbox"/> Street or P.O. Box: City, Town or Village: State:	Date Became Owner (mm/dd/yyyy):  Owner Phone #: Country: Zip Code: Date Became Operator (mm/dd/yyyy):  Operator Phone #: United States Zip Code:

**VIOLATIONS CITED?**  Yes  No

TYPE OF HANDLER-- A MINIMUM OF ONE BOX MUST BE CHECKED		
<input checked="" type="checkbox"/> Not a Generator	<input type="checkbox"/> UNKNOWN: Cited for violation of 3745-52-11	<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

**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 checked="" 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<br>(accumulates 5,000 kg. or more) |   |

**CHECK ALL BOXES BELOW THAT APPLY FOR THE TYPES OF UNIVERSAL WASTE THE FACILITY MANAGES**

- Batteries  
 Pesticides  
 Mercury containing equipment  
 Lamps

**USED OIL ACTIVITIES (INDICATE TYPE(S) OF ACTIVITY(S))**

- Used Oil Generator  
 Used Oil Transporter  
 Used Oil Transfer Facility  
 Used Oil Processor  
 Used Oil Re-refiner  
 Off-Specification Used Oil Burner  
 Used Oil Fuel Marketer Who Directs Shipment of Off-Spec. Oil  
 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  Yes  No Additional Facility Representatives:  
Tanks  Yes  No Other Comments:  
Containers  Yes  No

Name of Inspector(s)	Name of Inspector(s)	Date of Inspection/Time
<b>Melissa Boyers</b>	<b>Wendy Miller</b>	(mm/dd/yyyy) (hh:mm) <b>3/12/2009 9:30</b>

**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) \_\_\_\_\_