



State of Ohio Environmental Protection Agency

Northeast District Office

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Twinsburg, Ohio 44087

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

May 3, 2010

RE: HUGO SAND COMPANY
PORTAGE COUNTY
COMPLAINT No. 7311
NOV/RTC

Mr. Scott Terhune
Hugo Sand Company
7055 State Rt. 43
Kent, OH 44240

Dear Mr. Terhune:

On April 14, 2010, representing the Ohio EPA's Division of Hazardous Waste Management (DHWM), I conducted a complaint investigation of portions of your Hugo Sand Company (Hugo) at 7055 State Rt. 43 in Franklin Township. The complaint alleged that solid waste, drums and tires were being dumped at this facility during temporary or perhaps a permanent shut-down. The purpose of my investigation was to determine compliance with Ohio's hazardous waste, universal waste and used oil laws and regulations as found in the Ohio Revised Code and the Ohio Administrative Code ("ORC" and "OAC" respectively).

Present during the investigation were Jarnal Singh of the Ohio EPA's Division of Solid and Infectious Waste Management (DSWIM), Adam Harris of the Portage County Health Department, Mr. Gilbert Binegar, Hugo Supervisor, representing the Hugo Sand Company and Mr. Sam Abell, Franklin Township Zoning Inspector. Violations and concerns of the DSIWM will be provided under a separate cover by Mr. Harris.

From the investigation, the DHWM had initial concern about two dark colored soil piles that were anomalous based on observations of other colored material in the Hugo clean hard fill/soil area. Mr. Gilbert Binegar identified that this material was from a bridge project on Brady Lake Rd. A site visit was made to the bridge site on April 20, 2010. Observations and discussion with the site superintendent verified that a pre-project evaluation had characterized the material as non hazardous/non contaminated as required by OAC Chapter 3745-51, resolving our concern.

On April 14, 2010, a fax of the *Table of Contents* of a site *Spill Prevention Control and Countermeasure plan* (SPCC) was received. On April 21, 2010 a fax receipt for the removal of used oil and antifreeze was received along with a receipt for scrapped drums. On April 26, 2010, a fax receipt for plastic drums being recycled was received.

On April 20 and 28, 2010, I re-inspected the Hugo site and determined that previously identified violations of Ohio's used oil regulations, have been abated.

1. **OAC 3745-279-22(D) Response to Releases of Used Oil:** Previously Hugo had failed to clean up oil releases at the following locations:
 - a) on the ground adjoining your "used oil" tank,
 - b) on the floor in the oil storage building,
 - c) at a drum storage area south of the storage building on a concrete pad, and
 - d) at two open half barrels where oil from equipment had been collected.

Site observations on April 28, 2010 confirmed Mr. Binegar's verbal report that areas of oily contaminated soil and floor had been cleaned up. The generated waste was characterized as a solid waste for offsite disposal.

2. **OAC 3745-279-22(B) Condition of units:** At the four areas above, Hugo had failed to provide containers that were in good condition and without leaks.

A receipt was provided showing that the used oil was accepted by a registered used oil hauler and the leaking drums were sent offsite for recycling. A "Best Management Practices Plan" that minimizes such releases and addresses clean up of a release when it occurs should be part of your site SPCC plan.

3. **OAC 3745-279-22(C) Used Oil Storage Requirements for Generators (Labels) :** Previously Hugo had failed to label two full half barrels collecting used oil from equipment.

This violation was abated April 21, 2010 when the used oil drums and their contents were taken for recycling as evidenced by Hugo's receipt and our April 28th inspection.

ADDITIONAL GUIDANCE AND CONCERNS

- *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. A spent green tip lamp was among the waste dumped with the clean hard fill. The lamp was removed and saved for recycling. Spent fluorescent lamps (including green tips) and high intensity discharge lamps may be a hazardous waste due to mercury, lead and other metal content and must be evaluated and properly disposed or alternatively recycled. Spent lamps that are recycled under the universal waste rules are not subject to the hazardous waste rules. For additional information refer to the Ohio EPA Fact Sheet "Universal Waste Rules for Handlers of Lamps" at:*

http://epa.ohio.gov/portals/32/pdf/Universal_Waste_Rules_for_Handlers_of_Lamps.pdf

A list of lamp recyclers may be found at: <http://www.epa.ohio.gov/portals/32/pdf/comp.lamp.ballast.list.pdf>. This information is also enclosed. It was reported that lamps will now be saved for recycling as a universal waste.

- Proper management of used oil is described in the enclosed *Fact Sheet* on "The Regulation of Used Oil:" and may be also found at: <http://epa.ohio.gov/portals/32/pdf/Used Oil Generators Guidance.pdf>.
- Lead-acid batteries have lead and sulfuric acid that could be released if not properly managed and recycled. Guidance for the recycling and management of lead acid batteries is enclosed and can be found at: <http://epawebapps.epa.state.oh.us/Recyclers/jsp/results.jsp>.
- Ohio EPA's Division of Emergency and Remedial Response administers rules regarding onsite oil and fuel storage capacity. The table of contents for the SPCC plan that was faxed on April 14, 2010 did not appear to consider management of used oil storage. Mr. Binegar indicated that all fuel and oil storage are to be eliminated with the temporary shut-down. Enclosed is a Fact Sheet regarding SPCC Requirements which may also be found at: <http://www.epa.ohio.gov/portals/41/sb/publications/spcc.pdf>. Additional SPCC guidance information may be found at: <http://www.epa.gov/region5oil/>. Ohio EPA's Division of Emergency and Remedial Response has been notified to determine any appropriate follow-up.
- A Portage County Health Department representative was present during the initial inspection and will contact you regarding violations or concerns of the state's solid waste rules that were identified.
- Burn drum ash included oil filters and other solid waste visible in the debris. Mr. Binegar said the ash was generated from workers using a burn drum for heat. Mr. Binegar was asked to recycle any metals and properly dispose of the ash waste. The Ohio EPA's Akron Air Division of Air Pollution Control has been notified to determine appropriate follow-up regarding this issue.
- Ohio EPA's Office of Compliance Assistance and Pollution Prevention (OCAPP) provides compliance and pollution prevention assistance on environmental issues related to air, land, and water. If desired, this can include an onsite assessment of your operations with a resulting report containing waste minimization and energy conservation suggestions. OCAPP can be contacted at 800-329-7518 or <http://www.epa.ohio.gov/ocapp.html>. You may also contact Adrienne Lafavre at (330) 963-1250 for compliance assistance.

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Copies of the rules cited above as well as other information can be found on the Division of Hazardous Waste Management's web page at: <http://www.epa.ohio.gov/dhwm/>.

Enclosed you will find a copy of the checklists completed for the investigation. Thank you for your cooperation and addressing the previous hazardous waste and used oil violations. Should you have any questions, please feel free to contact me at (330)963-1146 or at ron.shadrach@epa.state.oh.us.

Sincerely,

Ron Shadrach

Ronald J. Shadrach
District Representative
Division of Hazardous Waste Management

Enclosures

RJS:ddw

cc: Adam Harris, Portage County Health Dept.
Sam Abell, Franklin Township Zoning Inspector
Akron Air Authority
Gilbert Binegar, Hugo, Supervisor
ec: Frank Popotnik, DHWM, NEDO
Harry Sarvis, DHWM, CO
Natalie Oryshkewych, DHWM, NEDO
Jarnal Singh, DSIWM, NEDO
Bruce Miller, DERR, NEDO

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.