



State of Ohio Environmental Protection Agency

Northwest District Office

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Bowling Green, OH 43402-9398

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

Re: **Complaint #2823**
Willcrest Concrete Contractors Inc.
Lucas County
Hazardous Waste
Notice of Violation

November 13, 2008

Mr. Michael Fitch, President
Willcrest Concrete Contractors Inc.
308 Wamba
Toledo, Ohio 43607

Dear Mr. Fitch:

On October 28, 2008, Wendy Miller and I conducted a compliance evaluation inspection and complaint investigation at Willcrest Concrete Contractors Inc. (Willcrest) located at 308 Wamba in Toledo, Ohio. We inspected Willcrest 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). The Ohio Environmental Protection Agency (Ohio EPA) received a complaint that you were not properly managing motor oil and hydraulic fluid when servicing heavy equipment at your shop. In addition, the complainant was concerned about the amount of dust generated when crushed pieces of concrete are added to the piles at your Hill Avenue storage location. This letter will explain the validity of the complaint, the violations found as a result of our inspection, and what you need to do to respond to these violations.

During our visit, we spoke with Linda Threet and several of your employees, toured your facility, and observed your operations. Willcrest is a concrete recycling business. Willcrest provides asphalt and concrete delivery, installation and repair for both commercial and residential customers. According to Linda Threet, Willcrest has been working with the City of Toledo to obtain a permit for the crushing operations at the Hill Avenue location. Used oil is stored in small containers and taken to Auto Zone or Valvoline. In addition, used oil filters are wrapped in plastic and taken to Auto Zone or Valvoline. At the time of our inspection, Willcrest was operating as a non-generator of hazardous waste.

We found the following violations of Ohio's hazardous waste and used oil 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. **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.

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

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.

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Please be aware that 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 Linda Threet at the time of our inspection. I recommend that you review this document and contact me if you have any questions.

Willcrest must submit to Ohio EPA documentation to demonstrate how you plan to properly manage your fluorescent bulbs. If Willcrest decides to conduct waste sampling, please notify me at least seven days prior to the sampling event date, so that a representative from Ohio EPA can be present to observe the sampling and to split samples if necessary. If Willcrest plans to manage the spent fluorescent bulbs as universal waste, please submit photographic documentation showing the storage containers properly closed, labeled, and dated. Willcrest must also properly train employees, who handle or have responsibility for managing universal waste, on waste handling and emergency procedures relative to their responsibilities and send me documentation that this has been completed. In addition, Willcrest must submit the name of the facility where you plan to recycle the bulbs.

2. 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.

Willcrest has been taking the used oil they generated to either Auto Zone or Valvoline.

Willcrest must immediately cease giving used oil to any person or transporter who does not have an EPA identification number. Willcrest must notify Ohio EPA with how you plan to manage you used oil in the future and provide the applicable documentation for review. Enclosed is a fact sheet outlining the used oil regulations for generators, a list of used oil recyclers, and a fact sheet on how to properly manage used oil filters. Please review this information and contact me if you have any questions.

Ohio EPA will issue an EPA ID number to track our inspection activity. Willcrest can not use this number for manifesting hazardous waste shipments. If Willcrest wants 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 at (419) 373-3066 or the Division of Hazardous Waste Management, Central Office, RIS at (614) 644-2977 and we will mail you a copy.

Enclosed you will find a copy of the checklist that was completed during the inspection.

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

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Ohio EPA did not find any evidence to substantiate the alleged complaint. Therefore, Ohio EPA considers this complaint to be closed.

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

Sincerely,

Melissa L. Boyers

Melissa L. Boyers
Division of Hazardous Waste Management

/csf

Enclosures

pc: Cindy Lohrbach, DHWM, NWDO
Colleen Weaver, DHWM, NWDO
City of Toledo - Div. of Environmental Services
<DHWM, NWDO 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
or mail it to Kristina Durnell, Central Office

Site EPA ID No. Site Name Site Location Information Site Land Type (check only one) NAICS code(s) www.census.gov/epcd/www/naics.html	EPA ID Number: Name: Willcrest Inc. Concrete Contractors	Website: (Optional)
	Street Address: 308 Wamba City, Town, or Village: Toledo County Name: Lucas	State: OH Zip Code: 43607
Facility Representative Additional names can be recorded in number 12 Only provide address information if it is different than the site address	First Name: Michael Phone Number: 419-537-0003 E-Mail Address: Fax Number: 419-537-6640 Street or P.O. Box: 308 Wamba City, Town or Village: Toledo State: Ohio	MI: A. Last Name: Fitch Phone Number Extension: Fax Number Extension: Zip Code: 43607
	Name of Site's Legal Owner: 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: 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 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

- 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 RCRA info 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)
Melissa Boyers	Wendy Miller	10/28/2008 2:00

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)
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PROCESS DESCRIPTION/WASTE ACTIVITIES SUMMARY

Facility Name: Willcrest Inc Concrete Contractors

Facility Type: LQG/SQG/CESQG/TSD

EPA ID#:

Description of Waste				On-Site Management			Off-Site Management
Process/Activity Generating Waste (e.g. plating bath, machining, baghouse, painting, etc)	Waste Generated (e.g. sludge, spent solvent, ash, etc)	EPA Waste Code	QTY Generated per Month	Type of Accumulation/Storage (e.g. container, tank, etc)	Type of On-Site Treatment (recycle, wwt, etc)	Waste Location (Include map if possible)	Name, state, and type of activity occurring at the facility.
1	Lighting						Currently managing them as solid waste.
2	Vehicle Fleet Maintenance			Small containers		Store in the shop area.	Drop off at Valvoline Instant Oil Change or Auto Zone locations.
3							
4							

**USED OIL INSPECTION CHECKLIST
GENERATORS, COLLECTION CENTERS AND AGGREGATION POINTS**

NOTE: A facility is subject to the federal SPCC regulations (40 CFR 112) if it is non-transportation related (e.g., fixed) and has an aggregate above ground storage capacity greater than 1,320 gallons or a total underground storage capacity greater than 42,000 gallons of oil (including used oil), and there is reasonable expectation of a discharge to navigable waters.

PROHIBITIONS

1. Does the generator manage used oil in a surface impoundment or waste pile? If yes: Yes No N/A
- a. Is the surface impoundment or waste pile regulated as a hazardous waste management unit? [3745-279-12(A)] Yes No N/A
2. Is used oil used as a dust suppressant? [3745-279-12(B)] Yes No N/A
3. Is off-specification used oil fuel burned for energy recovery in devices specified in 3745-279-12(C)? Yes No N/A

NOTE: Multiple used oil checklists may be applicable if used oil handler is performing multiple tasks (e.g., if generating used oil and shipping directly to a burner, complete generator and marketer checklists at a minimum).

GENERATOR STANDARDS

4. Does the generator mix hazardous waste with used oil? If so, Yes No N/A
- a. Is the mixture managed as specified in 3745-279-10(B)? [3745-279-21(A)] Yes No N/A

NOTE: Used Oil mixed with listed (3745-51-30 to 3745-51-35) or characteristic (3745-51-20 to 3745-51-24) hazardous waste are subject to regulation as a hazardous waste, unless the listed hazardous waste is listed solely because it exhibits a hazardous characteristic, and the resultant mixtures do not exhibit a characteristic. Mixtures of used oil and CESQG hazardous waste are subject to OAC Chapter 3745-279.

5. Does the generator of a used oil containing greater than 1,000 ppm total halogens manage the used oil as a hazardous waste unless the presumption is rebutted successfully? [3745-279-21(B)] Yes No N/A

NOTE: If used oil contains greater than 1000 ppm total halogens, it is presumed to be listed hazardous waste until the presumption is successfully rebutted.

6. Does the generator store used oil in tanks; or containers; or a unit(s) subject to regulation as a hazardous waste management unit? [3745-279-22(A)] **No container in storage at time of inspection.** Yes No N/A
7. Are containers and aboveground tanks used to store used oil in good condition with no visible leaks? [3745-279-22(B)] Yes No N/A
8. Are containers, above ground tanks, and fill pipes used for underground tanks clearly labeled or marked "Used Oil?" [3745-279-22(C)] Yes No N/A

9. Has the generator, upon detection of a release of used oil, done the following: [3745-279-22(D)]
- a. Stopped the release? Yes No N/A
- b. Contained the release? Yes No N/A
- c. Cleaned up and properly managed the used oil and other materials? Yes No N/A
- d. Repaired or replaced the containers or tanks prior to returning them to service, if necessary? Yes No N/A

ON-SITE BURNING IN SPACE HEATER

10. Does the generator burn used oil in used-oil fired space heaters? [3745-279-23] If so: Yes No N/A
- a. Does the heater burn only used oil that owner/operator generates or used oil received from household do-it-yourself (DIY) used oil generators? Marathon Station gives their excess used oil to this facility, both of which are owned by the same person. Yes No N/A
- b. Is the heater designed to have a maximum capacity of not more than 0.5 million BTU per hour? Yes No N/A
- c. Are the combustion gases from heater vented to the ambient air? Yes No N/A

GENERATOR TRANSPORTATION

11. If the generator self-transport used oil to an approved collection site or to an aggregation point owned by the generator: [3745-279-24] Yes No N/A
- a. Does the generator transport used oil in a vehicle owned by the generator or an employee of the generator?[3745-279-24] Yes No N/A
- b. Does the generator transport more than 55 gallons of used oil at any time?[3745-279-24] Yes No N/A

NOTE: Used oil generators may arrange for used oil to be transported by a transporter without a U.S. EPA ID # if the used oil is reclaimed under a contractual agreement (i.e., tolling arrangement).

COLLECTION CENTERS AND AGGREGATION POINTS

12. Is the DIY used oil collection center in compliance with the generator standards in 3745-279-20 to 3745-279-24? [3745-279-30] Yes No N/A
13. Is the non-DIY used oil collection center registered with Ohio EPA? [3745-279-31] Yes No N/A
14. Is the used oil aggregation point in compliance with the generator standards in 3745-279-20 to 3745-279-24? [3745-279-32] Yes No N/A

NOTE: Complete Used Oil Generator and any other applicable used oil handler checklist (e.g., marketer, burner, etc.) for used oil collection centers and aggregation points.

Keyword: UsedOilChecklistforGenerators.Oct.2007.doc