



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

August 27, 2013

MUSKINGUM COUNTY  
GENERAL FILE  
(SIDWELL MATERIALS INC.)  
DMWM/SEDO  
OHR000018044

Mr. Drake Prouty  
Sidwell Materials, Inc.  
4200 Maysville Pike,  
Zanesville, OH 43701

Dear Mr. Prouty:

On June 27, 2013, I performed a compliance inspection of your facility to determine its compliance with Ohio's hazardous waste laws and regulations as found in Chapter 3734 of the Ohio Revised Code (ORC) and Chapter 3745 of the Ohio Administrative Code (OAC).

Based on that inspection, a notice of violation was issued to you on July 3, 2013. I revisited your facility on August 22, 2013 to observe your progress. We observed that all used oil tanks and containers were properly labeled and all but one area with used oil releases had been cleaned up. You have a contract for recycling your spent fluorescent bulbs as universal wastes, but some bulbs were not yet placed into appropriate containers. You were still looking for the paperwork for the disposal of paint waste. Therefore, based on these observations, Sidwell Materials has returned to compliance with the following regulation:

i) OAC Rule 3745-279-22(C), Used oil storage requirements for generators.

However, Sidwell remains in violation of the following hazardous waste regulations; please provide the requested documentation within fourteen days of the date of this letter:

**(1) OAC rule 3745-52-11 Hazardous waste determination.**

Any person who generates a waste, as defined in rule 3745-51-02 of the Administrative Code, must determine if that waste is a hazardous waste using the following method: (A) He should first determine if the waste is excluded from regulation under rule 3745-51-04 of the Administrative Code. (B) He must then determine if the waste is listed as a hazardous waste in rules. (C) For purposes of compliance with Chapter 3745-270 of the Administrative Code, or if the waste is not listed as a hazardous waste in rules 3745-51-30 to 3745-51-35 of the Administrative Code, the generator must then determine whether the waste is identified in rules 3745-51-20 to 3745-51-24 of the Administrative Code by either: (1) Testing the waste according to the methods set forth in rules 3745-51-20 to 3745-51-24 of the

Administrative Code, or according to an equivalent method approved by the Region V Administrator of U.S. EPA pursuant to 40 CFR 260.21; or (2) Applying knowledge of the hazardous characteristic of the waste in light of the materials or the processes used.

During the inspection, we observed that a rock crusher had recently been painted at the maintenance shop. Shop personnel stated that equipment is periodically painted on-site, however they did not have any documentation regarding waste evaluation (determining whether the waste is a hazardous waste). To demonstrate compliance with this rule, you must provide this office with documentation that indicates this waste was properly evaluated (i.e. sample results, hazardous waste manifests, etc.). Spent fluorescent bulbs must be placed into appropriate containers; please provide photographs indicating that they are being properly managed.

- (3) **OAC Rule 3745-279-22(D), Response to releases:** Upon detection of a release of used oil to the environment...a generator must perform the following cleanup steps...2) Contain the released used oil; 3) Clean up and manage properly the released used oil and other materials...

During the inspection, we observed used oil-contaminated soils behind the vehicle repair shop. The used oil contaminated soils must be scraped up and properly disposed at a permitted, municipal solid waste landfill. To demonstrate compliance with this rule, provide photographs of this area once it has been addressed and copies of the waste disposal receipts for the soils.

**Other compliance issues:**

A) During the inspection, it was unclear how paint wastes have been managed at the shop, please provide this information and any disposal records for the paint waste that you may have.

B) Behind the vehicle shop, we observed dozens of containers and a few small drums of greases that have been stored evidently for some time and much of this material may be unusable. Please provide the status of these materials, any that are waste or unusable product must be evaluated prior to disposal.

Your company needs to immediately take the necessary measures to return to compliance with Ohio's environmental laws. **Within 14 days** of the date of this letter, you are requested to provide documentation to this office including the steps taken to abate the violations cited above. Documentation of steps taken to return to compliance includes written correspondence, updated policies, and photographs, as appropriate, and may be submitted via the postal service or electronically to [rich.stewart@epa.ohio.gov](mailto:rich.stewart@epa.ohio.gov).

Please be advised that violations cited above will continue until the violations have been properly abated. Failure to comply with Chapter 3734 of the Ohio Revised Code and rules promulgated thereunder may result in a civil penalty of up to \$10,000 per day for each

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violation. It is imperative that you return to compliance. If circumstances delay the abatement of violations, you are requested to submit written correspondence of the steps that will be taken by a date certain to attain compliance.

If you have any questions, please call me at (740) 380-5278.

Sincerely,



Richard Stewart  
District Representative  
Division of Materials and Waste Management

RS/mr

**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.