



Environmental  
Protection Agency

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

Eval 6/21

Enf. 001

RAC'd 1 violation

July 26, 2011

Mr. Mike Fisher Sr.  
Fisher and Sons, LLC  
979 Peters Road  
Fort Recovery, Ohio 45846

DHR 000104704

**RE: Fisher and Sons Complaint**

Dear Mr. Fisher:

On July 13, 2011, Ohio EPA's Division of Materials and Waste Management (DMWM) conducted an investigation at Fisher and Sons located at 979 Peters Road, Fort Recovery Ohio. This investigation was conducted in response to a complaint received at our office concerning the mismanagement of automotive fluids at your property and open burning. A representative from the Regional Air Pollution Control Agency (RAPCA) assisted with the investigation and will address the open burning concerns separately. The purpose of the DMWM investigation was to determine whether violations of Ohio's hazardous waste laws exist at this property.

Ohio EPA verified that Fisher and Sons is collecting and recycling used oil generated at their site. We also discussed the issue of fluids released to the ground and how they can be cleaned up and disposed of. Please see attached guidance documents for additional information on this matter. Based on our investigation Fisher and Sons is in violation of the following hazardous waste rules:

1. **OAC Rule 3745-279-22 (C)(1)- Used oil storage requirements for generators:** Containers and above ground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words "Used Oil"

Fisher and Sons failed to comply with this regulation in that they had two 55-gallon drums and a 250 gallon tank used to collect used oil not properly labeled. **Fisher and Sons properly labeled the two drums and tank at the time of the investigation returning them to compliance with this violation.**

Please find attached the following three guidance documents concerning the proper management of used oil:

- The Regulation of Used Oil: An Overview for Ohio Businesses Who Generate Used Oil;

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- Managing Used Oil – Advice for Small Businesses (USEPA);
- Burning Used Oil in a Space Heater – For Businesses

You can find Ohio's hazardous waste rules and other information on the division's web page at: <http://www.epa.ohio.gov/dhwm/>. Please feel free to call me at (937) 285-6070 if you have any questions.

Sincerely,



Jeff Smith  
District Representative  
Division of Materials and Waste Management

JS/ff

Enclosure

cc: DMWM/SWDO File  
George Strobel, DMWM, SWDO  
Christine Swetz, RAPCA

**NOTICE:**

Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve your company from having to comply with applicable regulations.