



State of Ohio Environmental Protection Agency

Southeast District Office

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

February 8, 2007

**SCIOTO COUNTY
GENERAL FILE
(MUSTAIN MUFFLER & BRAKE)
DHWM / SEDO
NON GENERATOR/ UOG**

Mr. Terry Mustain
Mustain Muffler and Brake
7471 State Route 139
Lucasville, Ohio 45648

Dear Mr. Mustain:

On December 12, 2006, I inspected Mustain Muffler and Brake ("Mustain") in Lucasville, Ohio to determine Mustain's 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). I sent a Notice of Violation (NOV) letter to you on December 20, 2006, specifying violations observed during the inspection. To date, Mustain Muffler and Brake has failed to respond in writing to the December 20, 2006, NOV letter and remains in violation of the following:

- (1) OAC Rule 3745-279-22 (D), Used Oil Storage Requirements for Generators:**
Upon detection of a release of used oil to the environment, a used oil generator must stop the release, contain the released used oil, clean up and properly manage the released used oil and materials used to clean up the used oil, and if necessary, repair or replace any leaking used oil storage containers prior to returning them to service for used oil storage.

An automobile engine stored on a concrete pad behind the shop was releasing used oil onto the pad and surrounding soils. The soil was heavily stained with oil.

To correct this violation, you must clean up soils where used oil releases have occurred. This can be done by digging up the soil where the oil release occurred until the soil that remains is no longer visibly contaminated with used oil and appears clean. The oil-stained soil that has been excavated can be managed as a solid waste, and disposed of by your regular solid waste/garbage disposal company. You may wish to contact your solid waste disposal company to determine if they have any additional requirements for the disposal of this waste. To demonstrate a return to compliance with this rule, you must send a photograph of all cleaned up areas to this office. Do not backfill this area until I have approved the work you have done at the site.

In addition, you must develop a system for safely storing all auto parts which may leak oil. The parts must be drained of fluids prior to starting, or they must be stored so that all leaking fluids can be contained and sent offsite for recycling. Please submit a written description of how you will be safely storing auto parts in the future.

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GENERAL COMMENTS

- (a) During this inspection, I observed that you have been burning cardboard and other solid waste products behind your shop. Please be advised that this practice is a violation of OAC Section 3745-19 which regulates open burning of solid waste. All burning of solid waste must cease immediately. Cardboard can be recycled locally at three collection centers in Scioto County. For more information on this option, please contact Clint Shuff at the Division of Solid and Infectious Waste Management, Ohio EPA at 740-380-5246.
- (b) The following links will provide information on the management of spent fluorescent lamps and companies who recycle spent lamps. Even if the fluorescent lamps used by your facility are non-hazardous, and therefore not a universal waste, Ohio EPA recommends recycling them instead of disposing of them as a solid waste. Lamps contain small amounts of mercury and lead which can be recovered when recycled.
- (c) Information on antifreeze recycling services and a list of recycling vendors can be found at the following links:

<http://www.epa.state.oh.us/dhwm/pdf/comp.lamp.ballast.list.pdf>:

http://www.epa.state.oh.us/dhwm/pdf/Universal_Waste_Rules_for_Handlers_of_Lamps.pdf

<http://www.epa.state.oh.us/opp/auto/antfrez2.html>

<http://www.epa.state.oh.us/opp/auto/antfrez1.html>

Please submit all requested information within 15 days of the date of this letter. Note escalated enforcement action, which could include fines and penalties for each day of violation, may result if you fail to abate the cited violation. Should you have any questions, please feel free to call me at 740-380-5293. You can find copies of the rules and other information on the division's web page at <http://www.epa.state.oh.us/dhwm>.

Sincerely,



Donna Goodman
District Representative
Division of Hazardous Waste Management

DG/mlm

NOTICE:

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