



State of Ohio Environmental Protection Agency

Northwest District Office

347 North Dunbridge Road
Bowling Green, OH 43402-9398

TELE: (419) 352-8461 FAX: (419) 352-8468
www.epa.state.oh.us

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

**RE: The Muffler Smiths
Ottawa County
DHWM, NWDO
Return to Compliance**

June 1, 2009

Mr. Kim Smith
The Muffler Smiths
222 Buckeye Boulevard
Port Clinton, Ohio 43452

Dear Mr. Smith:

On May 19, 2009, Amber Hicks and I, representing the Ohio Environmental Protection Agency (Ohio EPA), conducted a site visit at The Muffler Smiths's (TMS's) facility located at 222 Buckeye Boulevard, Port Clinton, Ohio. This site visit was conducted in an effort to abate the outstanding violation from the Notice of Violations (NOVs) dated November 19, 2008, and January 15, 2009.

After reviewing the information gained during the site visit, TMS will remain a non-generator of hazardous waste and a generator of used oil and universal waste lamps and batteries.

My review of the information gained during the site visit reveals that TMS has abated all violations discovered during the October 29, 2008, compliance evaluation inspection as listed below.

Violations:

- 1. Ohio Administrative Code (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..."**

TMS failed to evaluate the following waste streams to determine if they were a hazardous waste in accordance with OAC Rule 3745-52-11, prior to sending them off site: a) spent lamps, b) waste parts washer fluid, and c) water/sludge from the drain system.

- a. Spent Lamps-TMS failed to have waste evaluation documentation or an established recycling plan in place for all fluorescent lamps generated at the facility.

During the May 19, 2009, site visit, TMS stated that the lamps will be managed as universal waste and sent to Safety-Kleen Systems Inc. to be recycled. TMS showed Ohio EPA a closed container where the spent lamps will be stored. This container was labeled appropriately but was empty. Therefore, an accumulation start date had not yet been written on the container.

Therefore, this violation is considered abated on May 19, 2009.

- b. Waste Parts Washer Fluid-Waste parts washer fluid can be hazardous waste based on the characteristic of ignitability (D001) or the concentration of RCRA metals. The parts washer fluid TMS is using is Armakleen MPC Cleaning Solution. Although this solution does not exhibit the characteristic of ignitability, TMS has not evaluated the waste for RCRA metals.

On March 20, 2009, Ohio EPA received documentation that included analytical results from the sampling of the waste parts washer fluid. These results showed that the waste was non-hazardous.

On March 25, 2009, Ohio EPA spoke to Brian Przeslawski of Safety-Kleen Systems Inc. Mr. Przeslawski took the samples at TMS. During the March 25, 2009, phone conversation, Mr. Przeslawski stated that the parts washer fluid was sampled on week 8 of a 12 week usage period. TMS still had approximately 4 weeks to use the parts washer fluid before it became spent and was replaced.

Although the sampling results show the waste is non-hazardous, it is possible that more metals could accumulate in the spent parts washer fluid after being used for the full 12 week period. And since the parts washer usage rate would vary depending on the amount and type of automotive work being conducted at TMS, Ohio EPA recommends that the spent parts washer fluid be sampled again at a later date.

This sample should be taken after the full 12 week usage period has been completed and the parts washer fluid is considered completely spent. Since the analytical results received by Ohio EPA on March 20, 2009, show that no metals were detected using a TCLP test, TMS may want to analyze the spent parts washer fluid for total metals as a cost savings. However, Ohio EPA will not require TMS to submit the additional analytical information before abating the listed violation. Compliance with this rule will be verified during a future inspection as TMS.

Therefore, this violation is considered abated on March 20, 2009.

- c. Water/Sludge from the Drain System-The drain system at TMS is connected to an evaporator. The water/sludge from the drains is pumped into a tank where it is held prior to being fed into the evaporation unit. There is no water discharge from the evaporator. However, approximately one gallon of sludge is removed from the evaporator after the process is complete. TMS has failed to evaluate the water from the drains prior to being evaporated and the sludge from the unit after evaporation.

On March 20, 2009, Ohio EPA received documentation that included analytical results from the sampling of the waste prior to being evaporated and the sludge from the unit after evaporation. These results showed that the waste streams were non-hazardous.

Therefore, this violation is considered abated on March 20, 2009.

2. OAC Rule 3745-279-22 (C)(1), Used Oil Storage Requirements for Generators: "Containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words "Used Oil."

TMS failed to mark two used oil tanks located in the used oil burner area and two used oil drums located in the used oil storage area with the words "Used Oil."

This violation was abated on October 29, 2008.

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General Concern:

A. **The Drain System:** Ohio EPA would like to remind TMS that if any waste or solid residue is being pulled from the drains at the site prior to it reaching the tank of the evaporation unit, this waste must also be properly evaluated in accordance with OAC Rule 3745-52-11 prior to disposal.

This general concern serves as a reminder to TMS and is considered addressed per the January 15, 2009, NOV.

Should you have any questions, please feel free to call me at (419) 373-3065.

Sincerely,

Kara Reynolds

Kara Reynolds
Environmental Specialist
Division of Hazardous Waste Management

cc: Colleen Weaver, DHWM, NWDO
Kara Reynolds, DHWM, NWDO
Cindy Lohrbach, DHWM, NWDO

~~DHWM, NWDO, Ottawa County, File # Muffler, Smiths~~

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.