



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

April 2, 2009

CERTIFIED MAIL

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

Dear Mr. Smith:

Thank you for sending the documentation in response to the Ohio Environmental Protection Agency's (Ohio EPA's) Notice of Violations (NOVs) dated November 19, 2008, and January 15, 2009. The documentation was received by Ohio EPA on March 20, 2009. The documentation submitted includes analytical results from sampling the waste parts washer fluid, the waste from the drains prior to being sent through the evaporator, and the waste sludge from the evaporator.

The following is a summary of the violations observed during the October 29, 2008, compliance evaluation inspection and the facility's compliance with respect to each violation. Please send the required information **within 14 days of receipt of this letter**:

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..."

The Muffler Smiths (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.

In order to abate this violation, TMS must do the following and submit the requested information to Ohio EPA **within 14 days of receipt of this letter**.

- 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.

TMS must immediately cease disposing of the fluorescent lamps as non-hazardous waste until a proper waste evaluation has been completed. Fluorescent lamps typically contain mercury and other heavy metals which could make them a hazardous waste. Hazardous waste lamps 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.

Within 14 days of receipt of this letter, TMS must choose one of the following options and submit to Ohio EPA the requested information as documentation to demonstrate how you plan to properly manage your fluorescent lamps: **1)** If TMS decides to manage the lamps as a waste, then TMS will need to sample each type and brand of lamp at the facility using a Toxicity Characteristic Leaching Procedure (TCLP) test for Resource Conservation and Recovery Act (RCRA) metals. TMS must then submit all analytical results to Ohio EPA along with a summary describing whether the spent lamps are a hazardous waste or non-hazardous waste and how the spent lamps will be managed. **2)** The other alternative is that TMS can begin to manage all spent lamps as universal waste. If TMS chooses this option, then TMS must submit a summary that outlines how the spent lamps will be managed as universal waste and where they will be shipped. TMS must also submit photographic documentation that the containers used to store the spent lamps are all closed and have the proper labels and accumulation start dates located on them. Ohio EPA recommends that spent lamps be managed as a universal waste and recycled.

It should also be noted that even though green tipped lamps or "environmentally friendly" lamps are sometimes guaranteed by the manufacturers to pass a TCLP test, more information is needed to dispose of these lamps as solid waste. Most manufacturers base this guarantee on the amount of mercury contained in the lamp. Without analytical results showing a representative sample of these lamps passing the TCLP test for ALL RCRA metals (mercury, cadmium, lead, etc.), these lamps cannot be disposed of as solid waste. Spent lamps can contain other RCRA metals such as cadmium and lead which could be above the hazardous waste limits.

For more information the following fact sheets on spent lamps have been enclosed: Universal Waste Rules for Handlers of Lamps, dated June 2005; Fluorescent Lamps: What You Should Know, dated January 2007; and Computer, Fluorescent Lamp and Ballast Recyclers, dated November 2008.

- 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 eight (8) of a 12 week usage period. TMS still had approximately four (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.

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.

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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.

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 JK 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. Please send all correspondence **within 14 days of receipt of this letter** to Ohio EPA, Northwest District Office, Attn: Kara Reynolds, 347 North Dunbridge Road, Bowling Green, Ohio 43402.

Sincerely,



Kara Reynolds
Environmental Specialist
Division of Hazardous Waste Management

/llr

Enclosures

pc: Colleen Weaver, DHWM, NWDO
Kara Reynolds, DHWM, NWDO
Cindy Lohrbach, DHWM, NWDO
{DHWM; NWDO Ottawa County File: Muffler Smiths }
Certified # 7006 0100 0003 7708 7422

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.

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Sent To Mr. Kim Smith - THE MUFFLER SMITHS Street, Apt. No. or PO Box No. 222 Buckeye Boulevard City, State, ZIP+4 Port Clinton, Ohio 43452		

PS Form 3800, June 2002 See Reverse for Instructions

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1. Article Addressed to:
MR. Kim Smith
THE MUFFLER SMITHS
222 Buckeye Boulevard
Port Clinton, Ohio
43452

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