



State of Ohio Environmental Protection Agency

Northwest District Office

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

Re: Musick's Service Station
Maintenance, Inc.
OHD 987 035 912
Richland County
Hazardous Waste
Return to Compliance

July 2, 2008

Ms. Julie Kabbaz
Musick's Service Station Maintenance, Inc.
324 Lewis Road
Mansfield, Ohio 44903

Dear Ms. Kabbaz:

Thank you for your February 28, 2008, response to Ohio EPA's February 5, 2008, Notice of Violation letter (NOV). Chem-Tech Consultants, Inc. (Chem-Tech) submitted to me this response on your behalf which was received in this office on February 29, 2008. I received the following information:

- ⇒ A universal waste management plan for your fluorescent bulbs.
- ⇒ Waste evaluation information for your gasoline and fuel tank clean-out sludge; used fuel filters (both diesel and gasoline); and water contaminated with hydrocarbons.
- ⇒ Musick's Service Station Maintenance, Inc. (Musick's) fuel filter disposal manifests for the service jobs conducted by Musick's for the past three years including the service jobs conducted at Eagle Gas Station located at 602 Claremont Avenue, Ashland, Ohio.
- ⇒ Hazardous waste manifests from your facility for the past three years.

My review of this documentation reveals that Musick's Service Station Maintenance, Inc. has adequately demonstrated abatement of the violation discovered during the January 15, 2008, compliance evaluation inspection as listed below:

Violation	Date of Violation	Date Violation Abated
1. OAC Rule 3745-52-11 Waste Evaluation	January 15, 2008	February 29, 2008

In addition, Musick's has satisfied the area of concern noted in the February 5, 2008, NOV, with your February 28, 2008, response.

Other general comments:

- ❖ Craig Postel of Chem-Tech on April 14, 2008, and Gary Holm of Chem-Tech on July 1, 2008, both informed me that Musick's has stated to them that they will no longer be removing waste of any type from the facilities that they service. Thus, you will not be transporting liquid wastes (fuels from tank-cleanouts, water/fuel mixture) or solid waste (gas pump filters).
- ❖ It is Musick's contention that the fuel / sludge & water contaminated with hydrocarbons (fuel) they generate from the clean-out of their customer's tanks is solid waste since this material is then used as fuel and burned for energy recovery. On April 9, 2008, Gary Holm of Chem-Tech stated Musick's informed him that the material Heritage-Crystal Clean, LLC (Heritage) picks up from Musick's is used for its intended purpose as a fuel and is burned in a cement kiln and that Sensmeier Oil, Co. Inc, utilizes water contaminated with hydrocarbons as a fuel. In addition, your waste evaluation for both waste streams stated that both waste streams are reclaimed as fuel.
- ❖ This contention is correct as fuels that become unintentionally contaminated during storage are commercial chemical products (CCPs) because the fuels have not been used. Such contaminated CCPs are not wastes when they are processed to remove contamination. In addition, CCPs that are normally fuels that are burned for energy recovery are not wastes and therefore are not hazardous wastes. The generator and subsequent handlers of the contaminated fuel that will be burned for energy recovery are not required to manage it as a hazardous waste. However, the facility must be able to demonstrate that the material is being utilized for its intended purpose.

Although Musick's is no longer transporting wastes from their customers back to their facility located at 324 Lewis Road, Mansfield, Ohio, please note the information below:

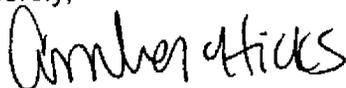
- Musick's may, if they so chose, transport contaminated fuel from tank cleanouts and water contaminated with hydrocarbons provided they can *provide documentation that the fuel is for certain being used for its intended purpose of energy recovery*. This would entail the facility obtaining written documentation from their waste disposal facilities stating that the material (fuel) that is picked up from Musick's (or any material transported by Musick's) is in fact burned for energy recovery. Otherwise, this material would have to be properly evaluated (by the original generator) to ensure it's not a hazardous waste, and likewise to ensure that Musick's is not transporting hazardous waste.
- If in the future, you transport this waste, you must ensure it's being burned for energy recovery. Otherwise, you could be transporting hazardous waste without a hazardous waste identification number to do so.

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- o Based on the sampling conducted by Musick's, the gasoline filters (membranes) were determined to be non-hazardous. Musick's recycles the outer carcass with Milliron recycling. Be advised, likewise, that in the future if you transport these filters back to your facility you may be transporting a hazardous waste. If any of the filters that you transport from the various customers you service were determined to be a hazardous waste you would be illegally transporting hazardous waste.

No response to this letter is necessary. If you should have any questions, please feel free to call me at (419) 373-3082.

Sincerely,



Amber M. Hicks
Division of Hazardous Waste Management

/csi

pc: Colleen Weaver, DHWM, NWDO
Cindy Lohrbach, DHWM, NWDO
DHWM, NWDO File: Musick's Service Station, Inc.

ec: Amber Hicks, DHWM, NWDO

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.