



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: Musick's Service Station
Maintenance, Inc.
OHD 987 035 912
Richland County
Hazardous Waste
Notice of Violation

February 5, 2008

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

Dear Ms. Kabbaz:

On January 15, 2008, Ohio EPA conducted a hazardous waste compliance evaluation inspection (CEI) of Musick's Service Station Maintenance, Inc. (Musick's) located at 324 Lewis Road, Mansfield, Ohio. This inspection was conducted to determine Musick's compliance with Ohio's hazardous waste laws as found in Chapter 3734. of the Ohio Revised Code (ORC), and Ohio's hazardous waste regulations as adopted under Chapter 3745. of the Ohio Administrative Code (OAC). Musick's was represented by you and Ed Musick. Ohio EPA was represented by Kara Reynolds and the writer. The inspection included a tour of your property and a review of facility paperwork. This letter will explain the violation I found, what you need to do to correct this violation, one area of concern, and what you need to do to address this area of concern.

Musick's is a service station maintenance contractor. Musick's services and provides maintenance activities at gas stations such as fixing gas pumps, changing gas pump filters, and providing maintenance of fuel tanks, etc. No hazardous waste is generated at the site occupied by Musick's (324 Lewis Road, Mansfield). This property only contains the office building and trucks. Vehicles owned by Musick's are serviced off-site. The only waste generated onsite are spent lamps.

However, Musick's often transports the waste generated from the servicing of gas stations to the facility (property located at 324 Lewis Road, Mansfield). Musick's will service a station, then place the waste generated from this service job onto their vehicle and bring this waste back to their facility. This waste is then routinely picked up by Heritage - Crystal Clean, LLC (Heritage) from Musick's facility located at 324 Lewis Road, Mansfield.

Wastes picked up by Heritage from Musick's are the following:

- Gasoline and fuel tank clean-out sludge - waste flammable liquids - gasoline, diesel fuel. (D001, D018).
- Gas pump filters – solids containing flammable liquids – used fuel filters.

Musick's also removes water from fuel tanks that may be contaminating the product. Musick's pumps this water out, drums it at the job site, then self-transport (with their own vehicles) to Sensmeier Oil Co., Inc. (Sensmeier). The following waste is self-transported:

- Water contaminated with hydrocarbons.

During the CEI, I provided you with the following information: the Ohio EPA Fact Sheets: Universal Waste Rules for Handlers of Lamps; Identifying your Hazardous Waste; a list of computer, fluorescent lamp, and ballast recyclers; a sheet outlining the hazardous waste generator categories and the hazardous characteristics; and the U.S. EPA publication Managing your Hazardous Waste – A Guide for Small Businesses.

I found the following violation of Ohio's hazardous waste laws. In order to correct this violation you must do the following and send me the required information **within 30 days** of your receipt of this letter:

1. Waste Evaluation.
OAC Rule 3745-52-11

Any person who generates a waste must determine if that waste is a hazardous waste in accordance with the criteria for hazardous waste as set forth in Chapter 3745-51 of the Administrative Code.

Musick's failed to have waste evaluation documentation for the fluorescent bulbs generated at the facility.

I saw a bill of lading indicating that Musick's had Heritage pick-up their fluorescent bulbs on 10-2-03. I asked if this was still the case. You stated that you have a cardboard box to place the bulbs in but you have not been using it. You stated that Musick's is currently disposing of their fluorescent bulbs in the trash. Musick's must cease disposing of their fluorescent bulbs as non-hazardous waste in the local landfill until a proper waste evaluation has been completed.

This waste evaluation can be conducted by taking a representative sample of this waste to properly evaluate this waste stream through a laboratory analysis which lists constituents present and at what concentration. Musick's must ensure that the laboratory chosen to perform this sampling utilizes the proper method(s) to evaluate these bulbs.

Musick's must sample the fluorescent bulbs to determine the Toxicity Characteristic Leaching Procedure (TCLP) concentrations of barium (D005), cadmium (D006), lead (D008), and mercury (D009) as listed in OAC Rule 3745-51-24 following the methods as outlined in U.S. EPA's SW-846.

Musick's may run total concentrations for these constituents as a screening tool. If the concentration(s) are detected for any of these constituents at or above the regulatory limit, a TCLP may be required to ensure these constituent(s) are not present above the Ohio EPA regulatory level.

If the bulbs are determined to be hazardous through a proper waste evaluation, Musick's will have to manage their bulbs either as 1) a universal waste (OAC Chapter 3745-273), or 2) as a hazardous waste under Ohio's generator standards (OAC Chapter 3745-52). Musick's may recycle their bulbs if they are hazardous or non-hazardous. Ohio EPA would encourage this option as a pollution prevention alternative.

In lieu of conducting a waste evaluation, Musick's may choose to manage their bulbs as a universal waste as outlined in OAC Chapter 3745-273. Please consult the fact sheets Universal Waste Rules for Handlers of Lamps given to you during the CEI and Fluorescent Lamps: What You Should Know (enclosed for more information). If you choose this option, please provide me an outline of your universal waste management plan.

- ***To abate this violation, please submit to me your waste evaluation of your lamps or an outline of your universal waste management plan (indicating how you will manage, label, send off-site within one year, where lamps will be recycled, etc.).***

Area of Concern:

1. Additional information pertaining to wastes transported by Musick's.

As stated during the CEI, Ohio EPA is trying to determine exactly what type of waste and how much waste Musick's sometimes transports back to their facility from job sites and ultimately is picked up by Heritage.

You stated that if the station you are servicing has waste disposal pick-up, you will leave the waste generated at the job site there. If the station that you are servicing does not have waste disposal pick-up, you then transport this waste back to your facility. In addition, Musick's has a form documenting the jobs performed at a site and whether the waste generated from that job was left at the station or transported back to Musick's. This form is called "Fuel Filter Disposal Manifest".

Musick's also self-transportes drums of water contaminated with hydrocarbons generated from pumping water out of product fuel tanks. Musick's transports this waste directly from the job site to Sensmeier.

To address this area of concern, Musick's needs to provide to me the additional information as follows:

- i) Waste evaluations (analytical data indicating whether the wastes are hazardous or not) for the following waste streams:
 - (a) Gasoline and fuel tank clean-out sludge (picked up by Heritage).
 - (b) Used fuel filters (picked up by Heritage).
 - (c) Water contaminated with hydrocarbons (self-transported to Sensmeier).

- ii) Musick's Fuel Filter Disposal Manifests for the service jobs conducted by Musick's for the past three years - 2005, 2006, 2007 (and / or any type of invoice / service contract indicating the service jobs you have conducted). This information should include the following:
 - (a) The name of the station you serviced;
 - (b) The date this service was provided;
 - (c) How much waste was generated from your service; and
 - (d) Whether you transported this waste back to Musick's.
 - (e) Within this information should be included any service manifests/invoices you generated from services you provided for Eagle Gas Station located at 602 Claremont Avenue, Ashland, Ohio.

- iii) Hazardous waste manifests for the past three years from the pick-up of all hazardous waste from your facility. I saw these manifests for 2007, so please submit to me manifests for 2005 and 2006.
 - *Based on this additional information, I will determine the status of your compliance with other hazardous waste laws and notify you of my findings in a separate letter.*

The Division of Hazardous Waste Management (DHWM) has created an electronic news service to provide you with quick and timely updates on events and news related to hazardous waste activities in Ohio. If you haven't already, we encourage you to sign-up for this free service. You can find more information at the following Web link <http://www.epa.state.oh.us/dhwm/listserv.html>. Please feel free to share this information with your colleagues.

If you find additional ways to recycle, reduce, or altogether eliminate the amount of waste that your company generates you may be able to reduce treatment and disposal costs. Furthermore, you may possibly reduce your regulatory requirements. You can find helpful information about pollution prevention at the following web address: <http://www.epa.state.oh.us/ocapp/ocapp.html>.

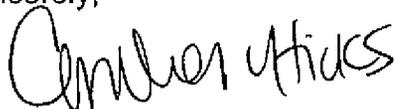
Enclosed you will find a copy of the checklist that I completed during the inspection.

Ms. Julie Kabbaz
February 5, 2008
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Please address all correspondence to Amber Hicks, Ohio EPA, 347 N. Dunbridge Road, Bowling Green, Ohio 43402. Should you have any questions, please feel free to call me at (419) 373-3082.

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,



Amber M. Hicks
Division of Hazardous Waste Management

/llr

Enclosures

pc: Colleen Weaver, DHWM, NWDO
Cindy Lohrbach, DHWM, NWDO
DHWM, NWDO File: Musick's Service Station, Inc. (w/ original checklists) →
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.

Ohio Environmental Protection Agency
RCRA SUBTITLE C SITE
IDENTIFICATION/VERIFICATION FORM

For Ohio EPA use only

E-mail this completed form to
tammy.mcconnell@epa.state.oh.us or mail it to Tammy
McConnell, Central Office

2. Site EPA ID No.	EPA ID Number: OHD987035912								
3. Site Name	Name: Musick's Service Station Maintenance, Inc.					Website: (Optional)			
4. Site Location Information	Street Address: 324 Lewis Road								
	City, Town, or Village: Mansfield					State: OH			
	County Name: Richland					Zip Code: 44903			
5. Site Land Type (check only one)	Private <input checked="" type="checkbox"/>	County <input type="checkbox"/>	District <input type="checkbox"/>	Federal <input type="checkbox"/>	Indian <input type="checkbox"/>	Municipal <input type="checkbox"/>	State <input type="checkbox"/>	Other <input type="checkbox"/>	
6. NAICS code(s) www.census.gov/epcd/www/naics.html									
7. Facility Representative Additional names can be recorded in number 12. Only provide address information if it's different than the site address.	First Name: Julie			MI:	Last Name: Kabbaz				
	Phone Number: 419-529-3606				Phone Number Extension:				
	E-Mail Address: jakmssm@aol.com								
	Fax Number: 419-529-8010				Fax Number Extension:				
	Street or P.O. Box:								
	City, Town or Village:			State:		Country: USA		Zip Code:	
8. Legal Owner and Operator of the Site List Additional Owners and/or Operators in the Comment Section of, or on another copy of, this form page.	Name of Site's Legal Owner:				Date Became Owner (mm/dd/yyyy):				
	Owner Type:	Private <input type="checkbox"/>	County <input type="checkbox"/>	District <input type="checkbox"/>	Federal <input type="checkbox"/>	Indian <input type="checkbox"/>	Municipal <input type="checkbox"/>	State <input type="checkbox"/>	Other <input type="checkbox"/>
	Street or P.O. Box:								
	City, Town or Village:				Owner Phone #:				
	State:			Country:		Zip Code:			
	Name of Site's Operator:				Date Became Operator (mm/dd/yyyy):				
	Owner Type:	Private <input type="checkbox"/>	County <input type="checkbox"/>	District <input type="checkbox"/>	Federal <input type="checkbox"/>	Indian <input type="checkbox"/>	Municipal <input type="checkbox"/>	State <input type="checkbox"/>	Other <input type="checkbox"/>
	Street or P.O. Box:								
	City, Town or Village:				Operator Phone #:				
	State:			Country:		Zip Code:			
9. Violations Cited?	<input type="checkbox"/> Yes <input type="checkbox"/> No								
10A. Type of Regulated Waste Activity (Mark 'X' in all of the appropriate boxes)									
<input type="checkbox"/> Not Regulated				<input type="checkbox"/> Conditionally Exempt Small Quantity Generator					
<input checked="" type="checkbox"/> UNKNOWN: Cited for violation of 3745-52-11				<input type="checkbox"/> United States Importer of Hazardous Waste					
<input type="checkbox"/> Large Quantity Generator (LQG)				<input type="checkbox"/> Mixed Waste (Hazardous and Radioactive) Generator					
<input type="checkbox"/> Small Quantity Generator (SQG)									
<input type="checkbox"/> Hazardous Waste Transporter				<input type="checkbox"/> Exempt Boiler and/or Industrial Furnace					
<input type="checkbox"/> Treater, Storer or Disposer of Hazardous Waste				<input type="checkbox"/> Small Quantity On-Site Burner Exemption					
<input type="checkbox"/> Recycler of Hazardous Waste				<input type="checkbox"/> Smelting, Melting, Refining Furnace Exemption					
<input type="checkbox"/> Underground Injection Control Facility									

10B. Universal Waste Activities (Indicate types of universal waste managed (check all boxes that apply))			
<input type="checkbox"/> Small Quantity Handler of Universal Waste		<input type="checkbox"/> Large Quantity Handler of Universal Waste (accumulates 5,000 kg. or more)	
<input type="checkbox"/> Destination Facility for Universal Waste			
Check all boxes below that apply for each of the three types of facilities above:		10C. Used Oil Activities (Indicate Type(s) of Activity(ies))	
	Managed	<input type="checkbox"/> Used Oil Generator	<input type="checkbox"/> Off-Specification Used Oil Burner
Batteries	<input type="checkbox"/>	<input type="checkbox"/> Used Oil Transporter	<input type="checkbox"/> Used Oil Fuel Marketer Who Directs Shipment of Off-Spec. Oil
Pesticides	<input type="checkbox"/>	<input type="checkbox"/> Used Oil Transfer Facility	<input type="checkbox"/> Used Oil Fuel Marketer to Off-Specification Used Oil Burner
Mercury containing equipment	<input type="checkbox"/>	<input type="checkbox"/> Used Oil Processor	
Lamps	<input type="checkbox"/>	<input type="checkbox"/> Used Oil Re-refiner	
11. Waste Codes for Federally Regulated Hazardous Wastes: Please list the codes for the federally regulated hazardous waste handled at the site. List them in the order they are presented in the regulations (e.g. D001, D003, F007, U112). Use an additional page if more space is needed. If there are more than 7 waste codes and they are the same as listed in the most recent RCRA info source record, you do not need to list them all. Instead just indicate the date of the most recent source record.			
12. Comments: Use this area to describe whether the inspection was announced, whether the waste is stored in tanks or containers, etc.			
Announced	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Additional Facility Representatives:	Ed Musick
Tanks	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Other Comments: Unknown facility's generator status. Based on information received from facility additional violations may be cited.	
Containers	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
13. Name of Inspector(s)		Name of Inspector(s)	Date of Inspection/Time (mm/dd/yyyy) (hh:mm)
Amber Hicks		Kara Reynolds	1/15/2008 14:55-16:33
14. OPTIONAL CERTIFICATION: I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.			
Signature of Owner, Operator, or an Authorized Representative		Name and Title (Print)	Date (mm/dd/yyyy)