



State of Ohio Environmental Protection Agency

**Northwest District Office**

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Bowling Green, OH 43402-9398

TELE: (419) 352-8461 FAX: (419) 352-8468  
www.epa.ohio.gov

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

Re: Monro Muffler & Brake Service  
Williams County **PARTIAL**  
Complaint #2939/Compliance  
Evaluation Inspection  
Used Oil Generator  
Notice of Violation/Return to compliance

January 6, 2010

Mr. Tom Giannone, Environmental Manager  
Monro Muffler & Brake Service  
200 Holleder Parkway  
Rochester, New York 14615

Dear Mr. Giannone:

Thank Mr. Matt Keber, Site Manager, for accompanying me during the Ohio Environmental Protection Agency's (Ohio EPA's) December 15, 2009, complaint investigation (#2939) and subsequent compliance evaluation inspection of Monro Muffler Brake Service (MMBS) located at 1385 South Main Street, in Bryan, Ohio. The complainant alleged mismanagement of used oil at the site and potential off-site releases. I visited MMBS to determine the validity of the complaint and to determine its 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). This inspection consisted of a facility walkthrough and paperwork review. Pollution prevention options were also discussed during this inspection. This letter will list a violation I found during the inspection and a recommendation for better waste handling.

MMBS is a full service automotive company. Some of the services provided by the company include: Brakes, tires, routine maintenance, suspension, steering and alignment, and air conditioning. At the time of this inspection, MMBS was not generating any hazardous waste. Other wastes generated at the site included used oil which was mostly burned in a used oil burner on site (a portion of the used oil is sent off-site for recycling), and waste antifreeze which is recycled off-site. Lead acid batteries are managed through a core exchange program. Furthermore, spent lamps are maintained by an electrical contractor off-site. Spent lamps are eventually recycled.

Finally, a potential waste stream represents spent sand blasting media from a small sand blaster that according to Mr. Keber is seldom used. Also, metal shavings and debris from a brake rotor grinding machine is also being generated. No evidence to substantiate the complaint was found; therefore, this complaint is closed.

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I found the following violations of Ohio's hazardous waste laws. You must provide me the requested information within 30 days of receipt of this letter.

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

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.

MMBS has failed to properly evaluate the metal shaving and debris generated during the rotor grinding process at the facility. The waste is currently being stored in two 5-gallon buckets.

During the inspection, you stated that this waste is generated when the rotors are sanded down to remove imperfections due to use. Although the waste is generated sporadically and it has not been disposed of in a long time, you must determine if it is a hazardous waste in order to implement adequate waste handling management practices.

**To abate this violation**, MMBS must conduct a proper waste evaluation by taking a representative sample of this waste stream through a laboratory analysis which lists constituents present and at what concentration. MMBS must ensure that the laboratory chosen to perform this sampling utilizes the proper method(s) to evaluate this waste.

MMBS may run total concentrations for the RCRA metals as a screening tool. If concentrations are detected for the RCRA metals at or above regulatory limits, a TCLP may be required to ensure these constituents are not present above Ohio EPA regulatory levels. MMBS may also choose to run TCLP test from the start.

If the waste is determined to be hazardous through a proper waste evaluation, MMBS will have to manage this waste from now on as hazardous waste and follow all the requirements for storage, labeling, and proper disposal.

To confirm the validity of your data, you may use Ohio EPA's tier 1 data validation plan review form which can be obtained from Ohio EPA's web page: [http://www.epa.state.oh.us/dhwm/tier\\_i\\_data\\_validation\\_manual.html](http://www.epa.state.oh.us/dhwm/tier_i_data_validation_manual.html).

Ohio EPA may request the documentation needed to confirm the validity of the data submitted. Please submit a brief narrative of each sampling event which includes: sampling techniques used to obtain the sample and a description of how this sample was determined to be a representative sample of the waste tested.

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Please note, if the waste is hazardous, you must evaluate it to determine if it is restricted from land disposal in accordance with OAC Chapter 3745-270. In addition, you must properly dispose of it. A copy of the waste disposal documentation and EPA waste codes applicable to the waste must be submitted to me at the Ohio EPA, Northwest District Office (NWDO) prior to disposal.

**2. OAC Rule 3745-279-22(C)(1): Used Oil – labeling**

Containers, aboveground tanks and fill pipes used for underground storage tanks shall be labeled or marked clearly with the words "Used Oil."

All containers storing used oil were not properly labeled with the words "used oil" at the time of the inspection.

***This violation was abated during the inspection.***

**Recommendations:**

During the inspection I noticed that you have a small sand blaster. Be aware that any waste generated from any process in your shop must be properly evaluated to determine if the waste is a hazardous waste prior to disposal and during accumulation to determine how to properly manage it.

The Division of Hazardous Waste Management 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 [http://ohioepa.custhelp.com/cgi-bin/ohioepa.cfg/php/enduser/doc\\_serve.php?2=subscriptionpage](http://ohioepa.custhelp.com/cgi-bin/ohioepa.cfg/php/enduser/doc_serve.php?2=subscriptionpage). Please feel free to share this information with your colleagues.

As we discussed during the inspection, you may be able to reduce the waste your company generates. If you find ways to recycle reduce or altogether eliminate the amount of waste that your company generates you may be able to reduce your treatment and disposal costs. Thus, you may possibly reduce your regulatory requirements. Ohio EPA has helpful information about pollution prevention at the following web address: <http://www.epa.ohio.gov/ocapp>.

I am enclosing the following documents for help: Burning Used Oil in a Space Heater – For Businesses, July 2009; The Regulation of Used Oil: An Overview for Ohio Businesses Who Generate Used Oil, April 2006; Used Oil Recyclers, 2009; Registered Used Oil Collection Centers, May, 2005 and Managing Your Hazardous Waste – A Guide for Small Businesses, December 2001.

Tom Giannone  
January 5, 2010  
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Enclosed you will find a copy of the checklists that were completed during the inspection. You can find copies of the rules and other information on the division's web page at <http://www.epa.ohio.gov/dhwm/>.

Should you have any questions or if I can be of assistance, please contact me at (419) 373-3015.

Sincerely,



Edgar V. Pulido  
Division of Hazardous Waste Management

/llr

pc: Cindy Lohrbach, DHWM, NWDO  
Colleen Weaver, DHWM, NWDO  
DHWM; NWDO.File: Expressway Auto Parts (new) }  
ec: Ed Pulido, DHWM, NWDO

<p>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.</p>
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Ohio Environmental Protection Agency  
**RCRA SUBTITLE C SITE  
 IDENTIFICATION/VERIFICATION FORM**

For Ohio EPA use only

E-mail this completed form to [kristina.durnell@epa.state.oh.us](mailto:kristina.durnell@epa.state.oh.us)  
 or mail it to Kristina Durnell, Central Office

<b>Site EPA ID No.</b> <b>Site Name</b>  <b>Site Location Information</b>  <b>Site Land Type</b> (check only one) <b>NAICS code(s)</b> <a href="http://www.census.gov/epcd/www/naics.html">www.census.gov/epcd/www/naics.html</a>	EPA ID Number: Name: <b>Monro Muffler Brake &amp; Service</b>	Website: <a href="http://www.monro.com/">http://www.monro.com/</a> (Optional)
	Street Address: <b>1385 S. Main Street</b> City, Town, or Village: <b>Bryan</b> County Name: <b>Williams</b> 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"/>	State: OH Zip Code: <b>43506</b>
<b>Facility Representative</b>  Additional names can be recorded in number 12  Only provide address information if it is different than the site address	First Name: <b>Tom</b> Phone Number: <b>(585)-647-6400</b> E-Mail Address: Fax Number: <b>(585)647-0947</b> Street or P.O. Box: City, Town or Village: State:	MI: Last Name: <b>Giannone</b> Phone Number Extension: <b>3378</b>  Fax Number Extension:  Zip Code:
	Name of Site's Legal Owner: <b>Monro Muffler Brake, Inc.</b> Owner Private County District Federal Indian Municipal State Other Type: <input checked="" type="checkbox"/> <input type="checkbox"/>	Date Became Owner (mm/dd/yyyy): <b>02/22/1995</b> Street or P.O. Box: <b>200 Holleder Parkway</b> City, Town or Village: <b>Rochester</b> State: <b>NY</b> Name of Site's Operator: Owner Private County District Federal Indian Municipal State Other Type: <input checked="" type="checkbox"/> <input type="checkbox"/>

**VIOLATIONS CITED?**  Yes  No

**TYPE OF HANDLER—A MINIMUM OF ONE BOX MUST BE CHECKED**

<input type="checkbox"/> Not a Generator	<input checked="" type="checkbox"/> UNKNOWN: Cited for violation of 3745-52-11	<input type="checkbox"/> Large Quantity Generator (LQG) <input type="checkbox"/> Small Quantity Generator (SQG) <input type="checkbox"/> Conditionally Exempt Small Quantity Generator <input type="checkbox"/> U.S. Importer of Hazardous Waste <input type="checkbox"/> Mixed Waste (Hazardous and Radioactive) Generator
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**TYPE OF REGULATED WASTE ACTIVITY (MARK "X" IN ALL OF THE APPROPRIATE BOXES)**

<input type="checkbox"/> Recycler of Hazardous Waste	<input type="checkbox"/> Exempt Boiler and/or Industrial Furnace
<input type="checkbox"/> Underground Injection Control Facility	<input type="checkbox"/> Small Quantity On-Site Burner Exemption
<input type="checkbox"/> Hazardous Waste Transporter	<input type="checkbox"/> Smelting, Melting, Refining Furnace Exemption
<input type="checkbox"/> Treater, Storer or Disposer of Hazardous Waste	

**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"/> Destination Facility for Universal Waste
<input type="checkbox"/> Large Quantity Handler of Universal Waste (accumulates 5,000 kg. or more)	

**CHECK ALL BOXES BELOW THAT APPLY FOR THE TYPES OF UNIVERSAL WASTE THE FACILITY MANAGES**

Batteries  
 Pesticides  
 Mercury containing equipment  
 Lamps

**USED OIL ACTIVITIES (INDICATE TYPE(S) OF ACTIVITY(S))**

Used Oil Generator  
 Used Oil Transporter  
 Used Oil Transfer Facility  
 Used Oil Processor  
 Used Oil Re-refiner  
 Off-Specification Used Oil Burner  
 Used Oil Fuel Marketer Who Directs Shipment of Off-Spec. Oil  
 Used Oil Fuel Marketer to Off-Specification Used Oil Burner

**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.

**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:
Tanks	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Other Comments: <b>Universal waste lamps generated at the site are managed off-site by an electrical contractor. In addition, used oil generated is burned on a used oil burner on site. During the summer months when used oil storage capacity is exceeded, used oil is picked up by Safety-Kleen and recycled.</b>
Containers	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	

Name of Inspector(s)	Name of Inspector(s)	Date of Inspection/Time
Ed Pulido		(mm/dd/yyyy) (hh:mm) 12/15/2009 1:00pm

**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)

**USED OIL INSPECTION CHECKLIST  
GENERATORS, COLLECTION CENTERS AND AGGREGATION POINTS**

*NOTE: A facility is subject to the federal SPCC regulations (40 CFR 112) if it is non-transportation related (e.g., fixed) and has an aggregate above ground storage capacity greater than 1,320 gallons or a total underground storage capacity greater than 42,000 gallons of oil (including used oil), and there is reasonable expectation of a discharge to navigable waters.*

**PROHIBITIONS**

1.	Does the generator manage used oil in a surface impoundment or waste pile? If yes:	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
a.	Is the surface impoundment or waste pile regulated as a hazardous waste management unit? [3745-279-12(A)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>

*NOTE: For example, used oil contaminated scrap metal stored in a pile.*

2.	Is used oil used as a dust suppressant? [3745-279-12(B)]	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
3.	Is off-specification used oil fuel burned for energy recovery in devices specified in 3745-279-12(C)?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>

*NOTE: Multiple used oil checklists may be applicable if used oil handler is performing multiple tasks (e.g., If generating used oil and shipping directly to a burner, complete generator and marketer checklists at a minimum).*

**GENERATOR STANDARDS**

4.	Does the generator mix hazardous waste with used oil? If so,	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
a.	Is the mixture managed as specified in 3745-279-10(B)? [3745-279-21(A)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>

*NOTE: Used Oil mixed with listed (3745-51-30 to 3745-51-35) or characteristic (3745-51-20 to 3745-51-24) hazardous waste are subject to regulation as a hazardous waste, unless the listed hazardous waste is listed solely because it exhibits a hazardous characteristic, and the resultant mixtures do not exhibit a characteristic. Mixtures of used oil and CESQG hazardous waste are subject to OAC Chapter 3745-279.*

5.	Does the generator of used oil containing greater than 1,000 ppm total halogens manage the used oil as a hazardous waste unless the presumption is rebutted successfully? [3745-279-21(B)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
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*NOTE: If used oil contains greater than 1000 ppm total halogens, it is presumed to be listed hazardous waste until the presumption is successfully rebutted.*

6.	Does the generator store used oil in tanks; or containers; or a unit(s) subject to regulation as a hazardous waste management unit? [3745-279-22(A)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
7.	Are containers and aboveground tanks used to store used oil in good condition with no visible leaks? [3745-279-22(B)]	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
8.	Are containers, above ground tanks, and fill pipes used for underground tanks clearly labeled or marked Used Oil? [3745-279-22(C)]	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
9.	Has the generator, upon detection of a release of used oil, done the following: [3745-279-22(D)]	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
a.	Stopped the release?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
b.	Contained the release?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
c.	Cleaned up and properly managed the used oil and other materials?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
d.	Repaired or replaced the containers or tanks prior to returning them to service, if necessary?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>

**ON-SITE BURNING IN SPACE HEATER**

10.	Does the generator burn used oil in used-oil fired space heaters? [3745-279-23] If so:	
a.	Does the heater burn only used oil that owner/operator generates or used oil received from household do-it-yourself (DIY) used oil generators?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
b.	Is the heater designed to have a maximum capacity of not more than 0.5 million BTU per hour?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>

	c.	Are the combustion gases from heater vented to the ambient air?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
<i>NOTE: Ash accumulated in a space heater must be managed in accordance with 3745-279-10(E).</i>			
<b>GENERATOR TRANSPORTATION</b>			
11.		Does the generator have the used oil hauled only by transporters that have obtained a U.S. EPA ID#?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
12.		If the generator self-transport used oil to an approved collection site or to an aggregation point owned by the generator: [3745-279-24]	
	a.	Does the generator transport used oil in a vehicle owned by the generator or an employee of the generator?[3745-279-24]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
	b.	Does the generator transport more than 55 gallons of used oil at any time?[3745-279-24]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
<i>NOTE: Used oil generators may arrange for used oil to be transported by a transporter without a U.S. EPA ID # if the used oil is reclaimed under a contractual agreement (i.e., tolling arrangement).</i>			
<b>COLLECTION CENTERS AND AGGREGATION POINTS</b>			
13.		Is the DIY used oil collection center in compliance with the generator standards in 3745-279-20 to 3745-279-24? [3745-279-30]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
14.		Is the non-DIY used oil collection center registered with Ohio EPA? [3745-279-31]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
15.		Is the used oil aggregation point in compliance with the generator standards in 3745-279-20 to 3745-279-24? [3745-279-32]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
<i>NOTE: Complete Used Oil Generator and any other applicable used oil handler checklist (e.g., marketer, burner, etc.) for used oil collection centers and aggregation points.</i>			

## PROCESS DESCRIPTION/WASTE ACTIVITIES SUMMARY

Facility Name: **Monro Muffler Brake & Service**

LQG/SQG/CESQG/TSD

EPA ID#:

Description of Waste				On-Site Management			Off-Site Management		
Process/Activity Generating Waste <small>(e.g. plating bath, machining, baghouse, painting, etc)</small>	Waste Generated <small>(e.g. sludge, spent solvent, ash, etc)</small>	EPA Waste Code	QTY Generated per Month	Type of Accumulation/Storage <small>(e.g. container, tank, etc)</small>	Type of On-Site Treatment <small>(recycle, wwt, etc)</small>	Waste Location	Name, state, and type of activity occurring at the facility.	P2 Activities	
1	Auto Service	Used Oil	N/A	~25 gallons	200-gallon steel container/55-gallon drums	N/A	Indoors by used oil burner	Used oil is mostly burned. In the summer time when used oil storage capacity is exceeded, used is picked up by Safety-Kleen	Safety-Kleen 5400 Legacy Dr. Cluster II, Bldg. 3 Plano, TX 75024
2	Auto Service	Used antifreeze/coolant	N/A	<10 gallons	Container	N/A	Indoors	Safety-Kleen 5400 Legacy Dr. Cluster II, Bldg. 3 Plano, TX 75024	--
3	Maintenance	Use lamps	N/A	<1	N/A	N/A	*N/A	Replace by Major Renovations, LLC an outside contractor	Recycled
4									

\*Lamps are replaced by an outside contractor and taken off-site for storage and eventual recycling.