



**Environmental
Protection Agency**

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

Re: Bluffton Aeration Service, Inc.
Allen County
Hazardous Waste
Complaint # 3063
Partial Return to Compliance

January 24, 2012

Mr. Robert Strahm, Owner
Bluffton Aeration Service, Inc.
P. O. Box 209
9485 Shifferly Road
Bluffton, Ohio 45817

Dear Mr. Strahm:

Thank you for your December 2, 2011, response (received in this office on December 6, 2011) to Ohio EPA's November 3, 2011, Notice of Violation letter (NOV). You submitted the following information:

- Additional information/clarification pertaining to violation #1, ORC Section 3734.02 (E) & (F) - Treatment, storage, or disposal of a hazardous waste.
- Information pertaining to your used oil activities at your facility. (See Used Oil below.)
- A statement that the 4,000 gallons of waste that was disposed at the Bowling Green Waste Water Treatment Plant on April 19, 2011, was comprised of 1000 gallons of septic waste from Bluffton Precast, 1500 gallons from Bluffton Aeration Service, Inc.'s (BA) underground storage tank (UST) and 1500 gallons of domestic portable restroom waste.

My review of this documentation reveals that BA has adequately demonstrated abatement of the following violations discovered during the June 8, 2011, compliance evaluation inspection (CEI) as listed below:

Violation	Date Violation Observed	Date Violation Abated
3. OAC Rule 3745-53-20(A) Acceptance of Hazardous Waste and the Manifest System.	June 8, 2011	June 8, 2011
4. OAC Rule 3745-54-71(C) Use of Hazardous Waste Manifest.	June 8, 2011	June 8, 2011
5. OAC Rule 3745-52-11 Waste Evaluation.	June 8, 2011	June 8, 2011

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In addition, BA satisfied the area of concern and the request for additional information in the November 3, 2011, NOV with their December 2, 2011, response. Nothing further is necessary pertaining to these items.

Ohio EPA cited two additional violations in the November 3, 2011, NOV, to BA. BA remains in violation of the following hazardous waste law and hazardous waste regulation as outlined in that NOV:

Violation	Date Violation Observed
1. ORC Section 3734.02 (E) & (F) Treatment, storage, or disposal of a hazardous waste.	June 8, 2011
2. OAC Rule 3745-55-91 to 3745-55-100 Tank System Requirements.	June 8, 2011

Please be advised that due to the nature of the violation, BA may be subject to closure and financial assurance requirements pursuant to OAC rules 3745-55-11 through 3745-55-20 and OAC rules 3745-55-42 through 3745-55-47 at this site.

On January 18, 2012, you and I spoke via telephone. We discussed your UST. You stated that in April of 2011, the UST was cleaned out and pressure washed. The wash water was placed in the tanker which was picked up by Environmental Remediation Services, Inc. (ERS) on April 29, 2011. You stated that you were not sure if this wash water had been sampled and stated it's possible that ERS had sampled this material. I had spoken with ERS (Jim Mancha) on July 12, 2011. Mr. Mancha stated at this time that ERS had not sampled/profiled the waste stream they picked up on April 29, 2011. This waste was characterized via generator knowledge documentation as non-hazardous liquid waste which Mr. Terry George signed on April 29, 2011.

Used Oil

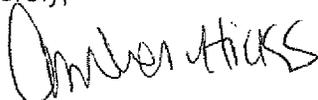
BA stated in their December 2, 2011, response that through discussions with your customers and on-site visitation of your customer's facilities, you have determined that you will haul a non-hazardous waste-water which is contaminated with oil. In addition, you have discontinued the use of your 5,000 gallon tank for used oil storage and will get another small tank with proper labeling and secondary containment. BA plans to operate as a used oil generator.

On January 18, 2012, you and I spoke via the telephone. I stated to you at this time that you must ensure that all wastes you pick up are properly evaluated to determine that they are non-hazardous. In addition, you should ensure all waste evaluation information (sampling and/or generator knowledge) is documented in writing. I believe you stated at this time that you were applying for a used oil transporter number as well via Ohio EPA's notification form 9029. Please ensure to follow all applicable used oil generator and used oil transporter requirements. Please consult the used oil fact sheets sent to you with your November 3, 2011, NOV. If you have any questions pertaining to this information, please call me.

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No response to this letter is necessary. If you should have any questions, please feel free to call me at (419) 373-3082 or email me at amber.hicks@epa.state.oh.us.

Sincerely,



Amber M. Hicks
Division of Materials and Waste Management

/llr

pc: Cindy Lohrbach, DMWM, NWDO
Colleen Weaver, DMWM, NWDO

ec: Amber Hicks, DMWM, NWDO
Colleen Weaver, DMWM, 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.