



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

August 7, 2013

Mr. Brett Peters
Mel Peters' Tire & Auto Service
135 N. Water Street
Uhrichsville, OH 44621

TUSCARAWAS COUNTY
GENERAL FILE
(MEL PETERS' TIRE & AUTO SERVICE)
DMWM/SEDO
NON-NOTIFIER

Dear Mr. Peters:

On July 24, 2013 I investigated a complaint at Mel Peters' Tire & Auto Service in Uhrichsville, Ohio. According to the complaint received by Ohio EPA, the complainant alleged that used oil was leaking on the ground from oil containers stored outside. The complainant also alleged that used antifreeze and gasoline was dumped into a floor drain. To investigate the complaint I spoke to you and observed the conditions inside and outside of the Mel Peters' Tire & Auto Service building. This letter will explain the validity of the complaint, the violations found, and what you need to do to correct the violations, other general concerns I have and what you need to do to respond to these concerns.

Violations

I found the following violations of Ohio's hazardous waste laws. In order to correct these violations you must do the following and send me the required information **within 14 days** of your receipt of this letter:

1. **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."

Containers used to store used oil at Mel Peters' Tire & Auto Service were not labeled with the words "Used Oil."

In order to return to compliance with this rule, you must label all containers used to store used oil with the words, "Used Oil." Once the containers have been labeled, you must send me a photograph of the labeled containers to document abatement of this violation.

2. **OAC Rule 3745-279-22(D), Used Oil Storage Requirements for Generators:** Upon detection of a release of used oil to the environment a generator must perform the following cleanup steps: (1) Stop the release; (2) Contain the released used oil; (3) Clean up and manage properly the released used oil and other materials; and (4) If necessary, repair or replace any leaking used oil storage containers or tanks prior to returning them to service.

There was used oil on the ground in the outdoor area to the east of the building where containers of used oil are stored. It appeared that this used oil was from past releases that had not been cleaned up.

In order to return to compliance with this rule, you must clean up all spilled oil and oily debris in the oil storage area to the east of the building. To demonstrate your abatement of this violation, send me a photograph of the outdoor used oil storage area.

General Concerns

- A. Mel Peters' Tire & Auto Service has floor drains in the two bay section of the building that you stated you do not know where they outlet. There was oily staining around the drains, indicating that auto fluids have gone into these drains. The shop also has floor trench drains in the three bay section of the building that you said are connected to an underground sump, tank or vault of some sort. You did not know if it contained an oil water separator. You stated that it had been pumped but you had no memory or records of when it was done or who had done it. In the future you should save your receipts and be able to document how the waste removed from the trench drain system is disposed. You should also be aware that when you generate a waste, OAC Rule 3745-52-11 requires you to determine whether or not the waste is a hazardous waste. For an overview of the waste evaluation requirement I have enclosed the fact sheet *Use of Generator Knowledge in Complying with OAC Rule 3745-52-11 Hazardous Waste Evaluation*.

It is very important that you know where all your floor drains lead and are aware of Ohio EPA's regulations that apply to your discharge activities. If you do not know where your drains lead or if you are using floor drains improperly, you could be contaminating nearby surface waters or ground waters. Some floor drains lead into a sanitary sewer, where wastewater goes directly to a public wastewater treatment plant. Other floor drains lead to an on-site sewage treatment system like a septic tank. Sometimes floor drains lead directly to an underground holding tank or discharge to a waterway or to the ground outside. Ohio EPA's water pollution control regulations apply to all of these activities.

I have enclosed a *Do You Know Where Your Floor Drains Go?* fact sheet with your letter, which you can review for more information. I am also referring your floor drain issues to Ohio EPA's Division of Surface Water for their consideration and possible action.

- B. I discussed with you how you are managing your used oil, waste gasoline, and antifreeze. Your used oil is burned on-site in a used oil burning space heater. I did not observe any evidence that used oil is being intentionally disposed into your floor drains. I have enclosed *Burning Used Oil in a Space Heater - For Businesses* to provide you with information on how used oil space heaters are regulated.

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You stated that you do not generate waste gasoline. If you work on a gas tank you put the gas back in the tank when the work is complete. You stated that you take your antifreeze to Davis Radiator Shop, where it is recycled.

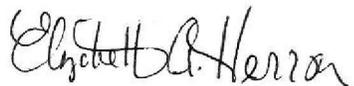
- C. When I looked behind your building I observed a pipe from the hand sink in the garage discharging directly onto the ground surface. The space behind the building was wet from water coming out of the sink pipe. Near the open pipe were sections of disconnected pipe such that it appeared that at one time, the sink discharge was piped into another vertical drain pipe leading into the ground. You should immediately connect the sink outlet so that it drains into the city sanitary sewer system. I am also referring this situation to Ohio EPA's Division of Surface Water for their consideration and possible action.

Mel Peters' Tire & Auto Service needs to immediately take the necessary measures to return to compliance with Ohio's environmental laws. Within 14 days of receipt of this letter, Mel Peters' Tire & Auto Service is requested to provide documentation to this office including the steps taken to abate the violations cited above. Documentation of steps taken to return to compliance includes written correspondence, updated policies, and photographs, as appropriate, and may be submitted via the postal service or electronically to elizabeth.herron@epa.ohio.gov.

Please be advised that violations cited above will continue until the violations have been properly abated. Failure to comply with Chapter 3734 of the Ohio Revised Code and rules promulgated thereunder may result in a civil penalty of up to \$10,000 per day for each violation. It is imperative that you return to compliance. If circumstances delay the abatement of violations, Mel Peters' Tire & Auto Service is requested to submit written correspondence of the steps that will be taken by date certain to attain compliance.

You can find Ohio's hazardous waste rules and other information on the division's web page at: <http://www.epa.ohio.gov/dhwm/>. If you have any questions, please contact me by telephone at (740) 380-5248 or by e-mail at elizabeth.herron@epa.ohio.gov.

Sincerely,



Elizabeth A. Herron
Environmental Specialist
Division of Materials and Waste Management

EH/mr

Enclosures

cc: Tim Fulks, DSW

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.