

**Environmental
Protection Agency**

Director
Lt. Governor
Governor

August 3, 2011

**RE: P. O. McIntire Co.
Notice Of Violation**

Scott Goglin
P.O. McIntire Co.
29191 Anderson Rd.
Wickliffe, OH 44092

Dear Mr. Goglin:

On August 1, 2011, I met with you to conduct an inspection of P.O. McIntire located at 4727 E 355th St., Willoughby, Ohio. The purpose of this was to determine if P.O. McIntire was in compliance with Ohio's hazardous waste and used oil laws and rules as found in Chapter 3734 of the Ohio Revised Code (ORC) and Chapter 3745 of the Ohio Administrative Code (OAC).

This letter will document any violations and concerns found and outline what you need to do to correct them. A written response to these issues is required within 30 days.

You explained that P.O. McIntire is in the process of moving out and that BevCorp plans to operate a warehouse at this location.

The following violations were found:

1. OAC Rule 3745-52-11 – Hazardous waste determination.

This rule requires that any person who generates a waste must determine if that waste is a hazardous waste.

P.O. McIntire violated this rule by disposing of waste fluorescent lamps with regular trash without determining whether or not they are a hazardous waste. Fluorescent and some other types of lamps contain mercury and may contain other hazardous metals. When burned out they may be a hazardous waste. In general, waste lamps should be saved in a properly labeled and closed container (such as a cardboard box) and picked up by a lamp recycler. The following document which gives more information on this was given to you during the inspection:

Ohio's Universal Waste Rules: Are You Handling Used Lamps Correctly?, 2008
<http://www.epa.ohio.gov/portals/41/sb/publications/Lampcompliancechecklist.pdf>.

Also, local lamp recycling companies are listed in the following document which was given to you during the inspection:

Waste Disposal and Recycling Companies in Northeast Ohio, 2010

Please send me documentation that you have removed the lamps we saw in the trash roll off box and that they are now properly stored in preparation for shipping to a recycler.

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2. OAC Rule 3745-279-22(C) - Used oil labels.

This rule requires containers and aboveground tanks for used oil to be labeled or marked clearly with the words "Used Oil." The following documents were given to you:

The Regulation of Used Oil: An Overview for Ohio Businesses Who Generate Used Oil, 2006

http://epa.ohio.gov/portals/32/pdf/Used_Oil_Generators_Guidance.pdf

Registered Used Oil Transporters in Northeast Ohio, 2011

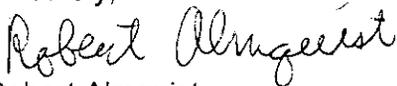
P.O. McIntire violated this rule by having two drums of used oil that were not labeled as used oil. You told me these will soon be picked up by a used oil hauler. Please send me a copy of the paperwork for the pickup of this used oil.

We saw some equipment that appeared to be chillers for your machines. You said these are planned to be taken to a scrap yard. These may contain the refrigerant Freon. If so, this Freon must be properly captured before this equipment can be scrapped. It is illegal to cut the Freon lines and let the Freon escape to the air. Please send me documentation that you have properly investigated and, if needed, taken care of this issue.

Ohio EPA's Office of Compliance Assistance and Pollution Prevention (OCAPP) provides compliance and pollution prevention assistance on environmental issues (including sources of funding) related to air, land, and water. They can be contacted at (800) 329-7518, or <http://www.epa.ohio.gov/Default.aspx?alias=www.epa.ohio.gov/ocapp>.

If you have any questions, please contact me at (330) 963-1217, or robert.almquist@epa.state.oh.us. I look forward to your prompt response addressing any remaining violations.

Sincerely,



Robert Almquist
Division of Materials and Waste Management

RA:cl

ec: Frank Popotnik, DMWM, NEDO
Natalie Oryshkewych, DMWM, NEDO
Jeff Mayhugh, DMWM, CO
Vicki Connelly, BevCorp

cc: Marlene Kinney, DMWM, NEDO

Notice:

Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve your facility from its obligation to comply with all applicable regulations.