



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: Biro Manufacturing Company
OHD 005 040 431
Hazardous Waste
Ottawa County
Return to Compliance

February 8, 2008

Mr. Jon Boesel
Biro Manufacturing Company
1114 W. Main Street
Marblehead, Ohio 43440-2099

Dear Mr. Boesel:

Thank you for your responses to Ohio EPA's April 6, 2007, Notice of Violation letter (NOV). The following occurred on the dates below:

- October 10, 2007 - I received information (dated October 9, 2007) pertaining to your purchase and management of your trichloroethylene solvent (TCE) and a statement indicating that you are now recycling your spent bulbs with Environmental Recycling and you will be managing your bulbs as a universal waste. In addition, you included a letter from Environmental Recycling indicating you are a customer.
- November 5 & 6, 2007 -- Information received via email that your TCE is always usable thus is never spent; you only empty the TCE tank to clean it; and that you do not accumulate hazardous waste onsite.
- February 7, 2008 -- Information via email that DISC Environmental will pick-up and recycle your used oil.

My review of this documentation reveals that Biro Manufacturing Company (Biro) has adequately demonstrated abatement of the following violations discovered during the October 12, 2006, compliance evaluation inspection (CEI) as listed below:

1. OAC Rule 3745-52-11, Waste Evaluation. ***This violation was abated with your October 10, 2007, response.***
6. OAC Rule 3745-279-24, Off-site shipments of used oil by generators. ***This violation was abated with your February 7, 2008, response.***

On November 5, 2007, via email, you explained how your facility manages your spent TCE upon cleaning of the tank. You stated that TCE is never accumulated on-site. Since you do not accumulate hazardous waste on-site you are not subject to the requirements under OAC Rule 3745-52-34.

I had sent you the fact sheet Hazardous Waste Generator Categories with your April 6, 2007, NOV; however I am enclosing this fact sheet again as it provides information of the requirements (and likewise the regulations that do not apply) for generators whom do not accumulate hazardous waste.

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Since you are not subject to the requirements of OAC Rule 3745-52-34, then some of the violations cited in the April 6, 2007, NOV are not applicable. Thus, these violations will be rescinded.

Based on your November 5, 2007, response I am retracting the following violations cited in the April 6, 2007, NOV:

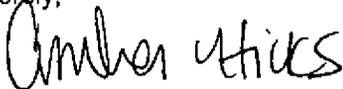
2. OAC Rule 3745-65-16(A)(1-3), (B), (C), (D), (1-4), and (E), Personnel Training.
3. OAC Rules 3745-65-51(A) and (B); 3745-65-52 (A), (C), (D), (E) and (F); 3745-65-53(A) and (B); and 3745-65-55, Contingency Plan.
4. OAC Rule 3745-65-32 (C), Required Equipment.
5. OAC Rule 3745-65-33, Testing and maintenance of equipment.

General Comments:

- Please be advised that if your facility ever accumulates any hazardous waste on-site you would be subject to the requirements of OAC Rule 3745-52-34. In addition, although your facility is not subject to OAC Rule 3745-52-34, Biro is still subject to regulation under OAC Rule 3745-52 [annual reporting (for large quantity generators (LQGs) even if you are an LQG for only one month), record keeping, and proper hazardous waste manifesting].
- You have stated that the TCE in your tank is always useable. The tank is not emptied because the TCE is spent, the tank is emptied simply to clean the tank and conduct maintenance. Please note that if the material in your TCE tank is ever deemed unusable or spent (incapable of providing its intended purpose), it must be immediately emptied and disposed. Otherwise, you may be subject to hazardous waste tank regulations.
- Although the spill and emergency preparedness violations have been retracted, I did review the information you submitted pertaining to these issues. The information you submitted looked very good. All of these changes you made, although not required by rule, will certainly be beneficial in the normal course of maintaining health and safety at your facility.

No response to this letter is necessary. If you should have any questions, please feel free to call me at (419) 373-3082.

Sincerely,



Amber M. Hicks
Division of Hazardous Waste Management

/lb

pc: Colleen Weaver, DHWM, NWDO
Cindy Lohrbach, DHWM, NWDO
~~DHWM-NWDO File: Biro Manufacturing Company~~
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