



Environmental
Protection Agency

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

Re: **Biro Manufacturing Company**
Complaint #3083
OHD 005 040 431
Ottawa County
NOV

September 20, 2011

Mr. Jon Boesel, Director of Maintenance and Safety
Biro Manufacturing Company
1114 West Main Street
Marblehead, Ohio 43440-2099

Dear Mr. Boesel:

On August 30, 2011, Ohio EPA investigated a complaint at Biro Manufacturing Company (Biro) located at 1114 West Main Street in Marblehead, Ohio. Wendy Miller and I investigated Biro to determine the validity of a complaint received by Ohio EPA. Mr. Jim Biro provided a tour of the facility and explained facility operations to us during the investigation. You were unavailable on August 30, 2011, so I returned to the facility on September 12, 2011. You provided additional information to me including written documentation of the facility's disposal records. The complaint alleged that Biro has been dumping used oil on the facility property for several years.

Biro is a manufacturer of food processing equipment. Biro generates spent trichloroethylene, used oil, and spent fluorescent lamps. Used oil is generated from the removal of cutting and machining fluids from processing equipment on an as-needed basis. Prior to our complaint investigation, Biro would remove the used oil from the processing equipment and power wash the collection trays on a stone pad located behind the manufacturing building. Biro recently modified this cleaning process and now collects the used oil and wipes the collection trays clean with towels in lieu of power washing the trays. We observed an oil-stained stone area where the power washing previously occurred.

As a result of our complaint investigation, we found the following violation of Ohio's hazardous waste laws. In order to correct this violation you must do the following and send me the required information **within 30 days** of your receipt of this letter:

1. **OAC Rule 3745-279-22(D) - Response to Used Oil Releases:** 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 release; (3) clean up 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.

Biro caused the release of used oil to the environment by power washing the residual used oil from the facility processing equipment. Biro failed to stop the release of used oil to the environment, contain the release of used oil to the environment, and clean up the released used oil and other materials.

Mr. Jon Boesel
September 20, 2011
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Prior to our complaint investigation, Biro contacted a consultant to investigate the contaminated area. According to facility records, four samples of the contaminated media were obtained on June 7, 2011. The analysis confirms that the sampled areas are contaminated with oil range organics but does not indicate cross contamination with known degreasing fluids (trichloroethylene) used at the facility.

To abate this violation, Biro must clean up all visibly contaminated used oil and other materials from the power washing area. Biro must properly dispose of the contaminated materials and send a copy of the disposal information to me.

The Ohio Department of Development's Office of Energy Efficiency may be able to help with energy efficiency issues. Their website is at: <http://www.development.ohio.gov/cdd/oeef/>.

If you would like a free, non-regulatory on-site pollution prevention assessment or if you would like more information about pollution prevention, please contact me at (419) 373-3056. Ohio EPA has helpful information about this at the following web address: <http://www.epa.ohio.gov/ocapp/>.

The Division of Materials and Waste Management (the division) has created an electronic news service to provide you with updates related to hazardous waste activities in Ohio. You can find more information and sign up for this free service at the following Web link:
http://ohioepa.custhelp.com/cgi-bin/ohioepa.cfg/php/enduser/doc_serve.php?2=subscriptionpage.

You can find Ohio's hazardous waste rules and other information on the division's web page at:
<http://www.epa.ohio.gov/dhwm/>.

Should you have any questions, please feel free to call me at (419) 373-3056.

Sincerely,



Gary S. Deutschman
Environmental Specialist III
Division of Materials and Waste Management

pc: Cindy Lohrbach, DMWM, NWDO
Colleen Weaver, Supervisor, DMWM, NWDO
DMWM:HW, NWDO File = Biro Manufacturing Company file, Ottawa County
ec: Gary Deutschman, 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 applicable regulations.

| | | |
|--|---|-----------------------|
| Send to Central Office <input type="checkbox"/> | Ohio Environmental Protection Agency RCRA SUBTITLE C SITE IDENTIFICATION/VERIFICATION FORM | For Ohio EPA use only |
|--|---|-----------------------|

Completed verification forms required to be submitted to CO should be e-mailed to paula.canter@epa.state.oh.us.

| | | | | | | | | |
|--|--|------------------------------------|--------------------------------------|-------------------------------------|---|---------------------------------------|-----------------------------------|-----------------------------------|
| Site EPA ID No. | EPA ID Number: OHD005040431 | | | | | | | |
| Site Name | Name: Biro Manufacturing Company | | | | Website: birosaw.com (Optional) | | | |
| Site Location Information | Street Address: 1114 West Main Street | | | | | | | |
| Site Land Type (check only one) | City, Town, or Village: Marblehead | | State: OH | | | | | |
| NAICS code(s) www.census.gov/epcd/www/naics.html | County Name: Ottawa | | Zip Code: 43440-2099 | | | | | |
| | 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"/> |

| | | | | | | | | |
|---|--|--|-----|--------------------------|-------------------------|--|--|--|
| Facility Representative | First Name: Jon | | MI: | Last Name: Boesel | | | | |
| Additional names can be recorded in number 12 | Title: Director of Maintenance and Safety | | | | | | | |
| Only provide address information if it is different than the site address | Phone Number: 419-798-4451 | | | | Phone Number Extension: | | | |
| | E-Mail Address: jboesel@birosaw.com | | | | | | | |
| | Fax Number: 419-798-9106 | | | | Fax Number Extension: | | | |
| | Street or P.O. Box: | | | | | | | |
| | City, Town or Village: | | | | | | | |
| | State: | | | | Zip Code: | | | |

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|---|--|--|------------------------------------|--------------------------------------|---------------------------------------|------------------------------------|---------------------------------------|-----------------------------------|-----------------------------------|
| Legal Owner And Operator of the Site. List Additional Owners and/or Operators in the Comment Section or on another copy of this form page | Name of Site's Legal Owner: Biro Manufacturing Company | | | | Date Became Owner (mm/dd/yyyy): | | | | |
| | Owner Type: | 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"/> |
| | Street or P.O. Box: 1114 West Main Street | | | | | | | | |
| | City, Town or Village: Marblehead | | | | Owner Phone #: | | | | |
| | State: Ohio | | | | Country: USA | | Zip Code: 43440 | | |
| | Name of Site's Operator: Biro Manufacturing Company | | | | Date Became Operator (mm/dd/yyyy): | | | | |
| | Operator Type: | 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"/> |
| | Street or P.O. Box: 1114 West Main Street | | | | | | | | |
| | City, Town or Village: Marblehead | | | | Operator Phone #: 419-798-4451 | | | | |
| | State: oh | | | | Country: usa | | Zip Code: 43440 | | |

| | |
|--------------------------|---|
| VIOLATIONS CITED? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
|--------------------------|---|

TYPE OF HANDLER - MARK "X" AS APPROPRIATE

| | | |
|---|--|--|
| <input type="checkbox"/> Not a HW Generator | <input type="checkbox"/> UNKNOWN: Cited for violation of 3745-52-11 | <input type="checkbox"/> Large Quantity Generator (LQG) |
| | <input type="checkbox"/> Short-Term/Temporary Generator (generates from a short-term or one-time event and not from on-going processes). Check the box for the applicable generator status and provide a comment. | <input checked="" 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 |

TYPE OF REGULATED WASTE ACTIVITY (MARK "X" IN ALL OF THE APPROPRIATE BOXES)

| | |
|---|--|
| <input type="checkbox"/> Hazardous Waste Transporter | <input type="checkbox"/> Exempt Boiler and/or Industrial Furnace |
| <input type="checkbox"/> Hazardous Waste Transfer Facility | <input type="checkbox"/> Small Quantity On-Site Burner Exemption |
| <input type="checkbox"/> Treater, Storer or Disposer of Hazardous Waste | <input type="checkbox"/> Smelting, Melting, Refining Furnace Exemption |
| <input type="checkbox"/> Recycler of Hazardous Waste | <input type="checkbox"/> Underground Injection Control Facility |
| <input type="checkbox"/> 72-Hour Recycler | <input type="checkbox"/> Receives Hazardous Waste from Off-site |

UNIVERSAL WASTE ACTIVITIES (INDICATE TYPES OF UNIVERSAL WASTE MANAGED (CHECK ALL BOXES THAT APPLY))

| | |
|--|---|
| <input checked="" 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

| |
|---|
| <input type="checkbox"/> Batteries |
| <input type="checkbox"/> Pesticides |
| <input type="checkbox"/> Mercury containing equipment |
| <input checked="" type="checkbox"/> Lamps |

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

| |
|--|
| <input checked="" type="checkbox"/> Used Oil Generator |
| <input type="checkbox"/> Used Oil Transporter |
| <input type="checkbox"/> Used Oil Transfer Facility |
| <input type="checkbox"/> Used Oil Processor |
| <input type="checkbox"/> Used Oil Re-refiner |
| <input type="checkbox"/> Off-Specification Used Oil Burner |
| <input type="checkbox"/> Used Oil Fuel Marketer who directs shipment of Off-Spec Used Oil |
| <input type="checkbox"/> Used Oil Fuel Marketer who first claims the Used Oil meets the specifications |

Eligible Academic Entities with Laboratories: Facility has previously notified that they are opting into managing laboratory hazardous waste pursuant to OAC rules 3745-52-200 through 3745-52-216. Check the box(es) below to indicate the laboratory type.

| |
|---|
| <input type="checkbox"/> College or University |
| <input type="checkbox"/> Teaching hospital that is owned by or has a formal written affiliation agreement with a college or university |
| <input type="checkbox"/> Non-profit Institute that is owned by or has a formal written affiliation agreement with a college or university |

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 or list them in the comments if more space is needed. If the waste codes are the same as listed in the most recent RCRAInfo source record, you do not need to list them. 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: | Jim Biro |
| Tanks | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | | |
| Containers | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | | |

| | | |
|-----------------------------|-----------------------------|-----------------------------------|
| Name of Inspector(s) | Name of Inspector(s) | Date of Inspection/Time |
| Gary Deutschman | Wendy Miller | (mm/dd/yyyy) (hh:mm) 8/30/2011 |

Comments:

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

NOTE: 1. 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.

2. Inspectors can check BUSTR's web-site at https://www.comapps.ohio.gov/sfm/fire_apps/bust/bustr/PublicInquiry.asp to determine if a UST containing used oil is registered with BUSTR. Inspectors may call BUSTR at 614-752-7938 or a BUSTR site coordinator to report an unregistered UST or a UST that appears to not be in compliance with BUSTR regulations. A list of BUSTR coordinators by county are at:

https://www.comapps.ohio.gov/sfm/fire_apps/bust/bustr/SearchByCounty.asp.

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 a 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"/> |
|----|--|------------------------------|-----------------------------|---|

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 checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input 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 checked="" type="checkbox"/> | No <input 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 type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| a. | Stopped the release? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| b. | Contained the release? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| c. | Cleaned up and properly managed the used oil and other materials? | Yes <input type="checkbox"/> | No <input checked="" 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 type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input checked="" type="checkbox"/> |
| b. | Is the heater designed to have a maximum capacity of not more than 0.5 million BTU per hour? | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input checked="" type="checkbox"/> |
| c. | Are the combustion gases from heater vented to the ambient air? | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input checked="" type="checkbox"/> |

NOTE: Ash accumulated in a space heater must be managed in accordance with 3745-279-10(E).

GENERATOR TRANSPORTATION

| | | |
|-----|--|---|
| 11. | Does the generator have the used oil hauled only by transporters that have obtained a U.S. EPA ID#? [3745-279-24] | Yes <input checked="" type="checkbox"/> No <input checked="" 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 checked="" 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"/> |

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).

COLLECTION CENTERS AND AGGREGATION POINTS

| | | |
|-----|---|---|
| 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 checked="" 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 checked="" 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 checked="" type="checkbox"/> N/A <input checked="" type="checkbox"/> |

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.