



State of Ohio Environmental Protection Agency

Northeast District Office

2110 East Aurora Rd.
Twinsburg, Ohio 44087

TELE: (330) 963-1200 FAX: (330) 487-0769
www.epa.state.oh.us

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

April 7, 2009

Bill Gallagher
General Manager
1028 East 134th Street
Cleveland, OH 44110

RE: *BARKER PRODUCTS, INC., OHD 070 763 339, CUYAHOGA COUNTY, RCRA/LQG, COMPLIANCE EVALUATION INSPECTION, PARTIAL RETURN TO COMPLIANCE.*

Dear Mr. Gallagher:

Thank you for your March 17, 2009 response to Ohio EPA's February 24, 2009 Notice of Violation (NOV) letter. You submitted information and documentation including:

- Four (4) color photographs demonstrating that the containers (totes), being used to manage the spent chromate and zinc acid to be treated through the on-site waste water treatment unit (WWTU), are closed and labeled with the words "hazardous waste".
- Four (4) color photographs demonstrating that the two roll-off boxes being used to manage the cadmium sludge (F006) waste and the zinc sludge (D006, D007) are covered, labeled with the words "hazardous waste" and an accumulation date.
- Three (3) color photographs illustrating the location of the newly installed Emergency Alarm Siren.
- A copy of the facility evacuation exit locations and procedures for activating the Emergency Alarm Siren and evacuation instructions.
- Copies of blank sample weekly inspection log sheets for the hazardous waste accumulation areas (both roll-off containers) and the monthly emergency equipment inspections.
- Copies of completed inspection log sheets for the hazardous waste accumulation areas and the emergency equipment.
- A copy of Barkers' hazardous waste contingency plan revised on March 12, 2009.
- Documentation regarding the facility hazardous waste training program, including:
 - A copy of a certificate of completion for OSHA 8 hour Hazwoper Refresher Online Training.
 - A copy of the Barkers' Hazardous Waste Training Program including a list of employees at the site which manage hazardous waste.
 - A copy of Document WIM-016 (revision no. 2) covering the identification, labeling, transportation and storage of hazardous waste.
 - A copy of Document WIM-019 (revision no. 2) regarding the clean-up of hazardous waste spills and releases.
- Copies of job titles and descriptions for the two positions that manage hazardous waste and the employees which fill those positions.
- A copy to Barkers' management procedures for spent fluorescent lamps generated at the facility.

- A copy of the waste profile for the spent fluorescent lamps being sent to Hukill Chemical. By e-mail dated March 30, 2009, Barker submitted an updated facility contingency plan which includes actions to be taken in the event of a fire or explosion of hazardous waste.

My review of this documentations reveals that Barker has adequately abated the following hazardous waste violations cited in Ohio EPA's February 24, 2009 NOV letter.

OAC Rule 3745-66-73(A) Management of containers

OAC Rule 3745-52-34(A)(3) Labeling

OAC Rule 3745-52-34(A)(2) Accumulation Date

OAC Rule 3745-65-32(A) Required equipment

OAC Rule 3745-65-33 Testing and maintenance of equipment

OAC Rule 3745-66-74 Inspections

OAC Rule 3745-65-54 Amendment of contingency plan

OAC Rule 3745-65-52(D)(E) Content of contingency plan

OAC 3745-65-16(B)(C)(D) Personnel training

Barker remains in violation of the following hazardous waste violation:

3. **OAC 3745-65-16(A) Personnel training:**

(A) (1) Facility personnel shall successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance with the requirements chapters 3745-65 to 3745-69 and 3745-248 of the Administrative Code. The owner or operator shall ensure that this program includes all the elements described in the document required under paragraph (D)(3) of this rule.

(2) This program must be directed by a person trained in hazardous waste management procedures, and must include instruction which teaches facility personnel hazardous waste management procedures (including contingency plan implementation) relevant to the positions in which they are employed.

By letter dated March 17, 2009, Barker submitted documentation regarding the personnel training program including a certificate indicating the person who would perform said training (Elba Wade) had successfully completed an OSHA 8 hour Hazwoper Refresher Online Training. While this training may be required of the facility by OSHA, it does not meet the standards of RCRA hazardous waste training. If Mr. Wade is going to serve as the trainer for the facility hazardous waste training program, he will need to be trained in hazardous waste management. To demonstrate abatement of this violation, please submit to this office documentation demonstrating the person designated to perform the hazardous waste training program has been trained in hazardous waste management procedures.

BARKER PRODUCTS, INC.
APRIL 7, 2009
PAGE – 3 –

Please submit all of the requested documentation to my attention within thirty (30) days of receipt of this letter demonstrating that all issues have been addressed.

The Ohio EPA strongly encourages pollution prevention as the preferred approach for waste management. The first priority of pollution prevention is to eliminate the generation of wastes and pollutants at the source (*i.e.* source reduction). For those wastes and pollutants that are generated, the second is to recycle or reuse them in an environmentally sound manner. You can benefit economically, help preserve the environment and improve your public image by implementing pollution prevention programs. The Office of Compliance Assistance and Pollution Prevention provides compliance and pollution prevention assistance on environmental issues related to air, land and water. Their web site is: <http://www.epa.state.oh.us/opp/ocapp.html>

The Division of Hazardous Waste Management has created an electronic news service to provide you with quick and timely updates on events and news related to hazardous waste activities in Ohio. If you have not already, we encourage you to sign-up for this free service. You can find more information at the following Web link: <http://www.epa.state.oh.us/dhwm/listserv.html>

Failure to list specific deficiencies in this communication does not relieve Barker from the responsibility of complying with all applicable hazardous waste regulations. This letter does not relieve Barker from liability for any past or present violations of the state's hazardous waste laws.

Should you have any questions, please feel free to call me at (330) 963-1181.

Sincerely,



Suzanne Prusnek
Environmental Specialist
Division of Hazardous Waste Management

SP:ddw

cc: Natalie Oryshkewych, DHWM, NEDO, OEPA
Frank Popotnik, DHWM, NEDO, OEPA
Harry Sarvis, DHWM, CO, OEPA