

Sent via email
on 3/28/07
RS

March 28, 2007

RE: 9150 GROUP FACILITY
DARKO, INC. (CESQG)
SUMMIT COUNTY
OHD 050 387 802
SECOND NOTICE OF VIOLATION

Mr. Bob Rankin
Darko, Inc.
2026 Summit Commerce Park
Twinsburg, OH 44087

RE: DARKO CESQG, HAZARDOUS WASTE NOTICE OF VIOLATIONS

Dear Mr. Rankin:

The Ohio EPA Division of Hazardous Waste Management (DHWM) conducts an annual compliance inspection of the 9150 Group facility (Facility) located at 9150 Valley View Road in Macedonia. I conducted this inspection with Kris Coder of DHWM on December 15, 2006. Mr. Frank Libby and Chuck, the Darko Inc. foreman, represented the Facility. A Notice of Violation was sent on January 10, 2007 to which the Ohio EPA has received no response. This letter represents a Second Notice of Violation and lists the violations at the Facility that pertain to the Darko operations in the 9150 Group building.

VIOLATIONS

- 1) **Waste Evaluation, OAC 3745-52-11:** Any person who generates a waste must evaluate the waste to determine if the waste is a hazardous waste in accordance with the criteria set forth in OAC Chapter 3745-51. Darko failed to evaluate the following waste streams:
 - a) **Spent Florescent lamps** - Darko reported that spent fluorescent lamps are disposed in the solid waste stream. The lamps generated at the time of the site visit appeared to be a hazardous waste due to mercury content. Darko had not evaluated the lamps.

To abate this violation, Darko must cease disposal of all lamp types to solid waste that could be considered hazardous waste. Darko must notify OhioEPA in writing how it intends to manage spent lamps and provide photographs demonstrating proper management. Lamps may be managed as a universal waste and recycled; characterized as nonhazardous through analytical testing or manufacturer's data; or managed as a hazardous waste.

Please refer to the following links for Ohio EPA Fact Sheet "Universal Waste Rules for Handlers of Lamps":

http://www.epa.state.oh.us/dhwm/pdf/Universal_Waste_Rules_for_Handlers_of_Lamps.pdf,

Also find lamp recyclers at:

http://www.cuyahogaswd.org/business/guide_lamps.shtml,

<http://www.cuyahogaswd.org/business/recdirectory.asp> and

http://www.epa.state.oh.us/dhwm/pdf/fluorescent_bulb_list.pdf.

- b) **Aerosol cans** - Darko reported that aerosol can wastes are disposed with solid wastes. Several aerosol cans used at Darko were observed to contain contents that would be considered

characteristic and/or listed hazardous waste.

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To abate this violation, provide a statement of procedure that indicates how aerosol cans and other small containers of fluid will be evaluated and managed. The following links can assist you in making a proper waste evaluation:

<http://www.epa.state.oh.us/ocapp/sb/publications/identifyingwaste.pdf>

<http://www.epa.state.oh.us/dhwm/pdf/NotifierWinter05.pdf>.

Aerosol cans and other small containers that are used completely and the container is empty per OAC 3745-51-07(B)(2) the container may be disposed as a solid waste. Empty metal containers may also be crushed and recycled with other scrap metal. To insure cans are empty prior to disposal you may obtain a can crushing system that attaches to and captures residuals for proper disposal. Fluids of any kind must not be disposed into solid waste containers. OhioEPA understands that recent Darko process changes has eliminated a portion of aerosol can use. OhioEPA requires that Darko provide this response to insure that all incidental spent small containers and aerosols are properly managed and disposed.

Please submit the requested documentation, to my attention, within **30 days** of receipt of this letter. Please complete and return the included Site Identification form. Should you have any questions, please contact me at (330) 963-1146.

Sincerely,

Ronald J. Shadrach
Environmental Specialist
Division of Hazardous Waste Management

RJS:ddw

ec: Frank Popotnik, DHWM, NEDO

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.