



State of Ohio Environmental Protection Agency

Northeast District Office

2110 East Aurora Rd.  
Twinsburg, Ohio 44087

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

June 6, 2007

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

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

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

**RE: DARKO CESQG, HAZARDOUS WASTE NOTICE OF VIOLATIONS**

Dear Mr. Rankin:

The Ohio EPA, Division of Hazardous Waste Management (DHWM), conducted a compliance inspection of your operations at the 9150 Group facility located at 9150 Valley View Road in Macedonia. The inspection was conducted on December 15, 2006. Notices of Violation were sent to you on January 10 and March 28, 2007, to which the Ohio EPA has received no response. This letter represents a Third Notice of Violation and lists the violations at the Facility that pertain to the Darko operations.

**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 florescent 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 Ohio EPA 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](http://www.epa.state.oh.us/dhwm/pdf/Universal%20Waste%20Rules%20for%20Handlers%20of%20Lamps.pdf), Also find lamp recyclers at:  
[http://www.cuyahogaswd.org/business/guide\\_lamps.shtml](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](http://www.epa.state.oh.us/dhwm/pdf/fluorescent_bulb_list.pdf).

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- 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.

DARKO, INC.  
JUNE 4, 2007  
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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. Ohio EPA understands that recent Darko process changes has eliminated a portion of aerosol can use. Ohio EPA requires that Darko provide this response to insure that all incidental spent small containers and aerosols are properly managed and disposed.

You must submit the requested documentation to my attention within 30 days of receipt of this letter. Please complete and return the included Site Identification form with your submittal. Your failure to respond to this and past Notices of Violations may result in referral to our Central Office Enforcement Section for consideration of escalated enforcement. If you have any questions, you may contact me at (330) 963-1146 or at [ron.shadrach@epa.state.oh.us](mailto:ron.shadrach@epa.state.oh.us).

Sincerely,



Ronald J. Shadrach  
Environmental Specialist  
Division of Hazardous Waste Management

RJS:ddw

ec: Frank Popotnik, DHWM, NEDO  
Harry Sarvis, DHWM, CO

**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.