

**Environmental
Protection Agency**

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

December 8, 2011

**RE: City Barrel and Drum
OHD 017 729 393
Cuyahoga County
Conditionally Exempt Small
Quantity Generator (CESQG)
Notice of Violation**

Mr. Sanford Gerard
City Barrel and Drum
2881 E. 91st Street
Cleveland, OH 44104

Dear Mr. Gerard:

On November 4, 2011, and December 6, 2011, Nyall McKenna and I, of the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management, conducted a compliance inspection at the City Barrel and Drum facility located in Cleveland, Ohio. The inspections were conducted to determine the facility's compliance with Ohio's hazardous waste laws as found in Chapter 3734 of the Ohio Revised Code (ORC), and the rules promulgated thereunder in Chapter 3745 of the Ohio Administrative Code (OAC).

The following pre-existing violation was observed:

1. Waste Evaluation, OAC rule 3745-52-11 and General Waste Analysis, OAC rule 3745-54-13:

Any person, who generates a waste, as defined in OAC rule 3745-51-02, must determine if that waste is a hazardous waste.

City Barrel failed to evaluate the contents of one container of waste identified by Ohio EPA during the December 6, 2011 inspection. This container was located on the west property and had markings C-48 on the side of the container. This container was previously identified and labeled C-48 during a May 19, 2009 inspection conducted by Wade Balsler.

In order to abate this violation, City Barrel must evaluate the identified waste, and submit the following information 15 days of the date of this letter:

- Waste evaluation information (Obtain from Chemical Solvents); and
- If determined to be hazardous waste, have the hazardous waste properly disposed and submit a copy of the disposal manifest.

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Since you were cited for violation of ORC § 3734.02(E)&(F) on May 12, 2009, your facility remains subject to all applicable general facility standards found in OAC Chapters 3745-54 and 3745-55. Additionally, at any time, Ohio EPA may assert its right to have you begin facility-wide cleanup pursuant to the Corrective Action process under Ohio law.

Please be aware that continued instances of non-compliance may subject the facility to escalated enforcement action. Should you have any questions, please feel free to call me at (330) 963-1246.

You can find copies of the hazardous waste rules and other information on our division's web page at: <http://www.epa.state.oh.us/dmwm.aspx>. Ohio EPA also has helpful information about pollution prevention at the following web address: <http://www.epa.state.oh.us/Default.aspx?alias=www.epa.state.oh.us/ocapp>.

Please be aware that on April 18, 2011, the Division of Hazardous Waste Management changed its name to the Division of Materials and Waste Management.

Sincerely,



John Paquelet
Environmental Specialist II
Division of Materials and Waste Management

JP:cl
Enclosure

ec: Marlene Kinney, Ohio EPA, DMWM, NEDO
Nyall McKenna, Ohio EPA, DMWM, NEDO
Natalie Oryshkewych, Ohio EPA, DMWM, NEDO
Jeff Mayhugh, Ohio EPA, DMWM, CO

NOTICE:

Please be aware that additional violations may be cited upon review of the requested documentation. 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.

Send to Central Office <input checked="" type="checkbox"/>	Ohio Environmental Protection Agency RCRA SUBTITLE C SITE IDENTIFICATION/VERIFICATION FORM	For Ohio EPA use only
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Completed verification forms required to be submitted to CO should be e-mailed to brad.hauser@epa.state.oh.us.

Site EPA ID No.	EPA ID Number: OHD 017 729 393	
Site Name	Name: City Barrel and Drum	Website: (Optional)
Site Location Information	Street Address: 2881 E. 91 st Street	
	City, Town, or Village: Cleveland	State: OH
Site Land Type (check only one)	County Name: Cuyahoga	Zip Code: 44104
NAICS code(s) www.census.gov/epcd/www/naics.html	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: Sanford	MI: Last Name: Gerard
Additional names can be recorded in number 12.	Phone Number: 216-791-5777	Phone Number Extension:
Only provide address information if it is different than the site address	E-Mail Address:	
	Fax Number:	Fax Number Extension:
	Street or P.O. Box:	
	City, Town or Village:	
	State:	Zip Code:
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: Neddy Corporation	Date Became Owner (mm/dd/yyyy):
	Owner Type: Private <input 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:	
	City, Town or Village:	Owner Phone #:
	State:	Country: Zip Code:
	Name of Site's Operator:	Date Became Operator (mm/dd/yyyy):
	Operator Type: Private <input 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:	
	City, Town or Village:	Operator Phone #:
	State:	Country Zip Code:

VIOLATIONS CITED? Yes No

TYPE OF HANDLER - MARK "X" AS APPROPRIATE

<input type="checkbox"/> Not a HW Generator	<input type="checkbox"/> UNKNOWN:	<input type="checkbox"/> Large Quantity Generator (LQG)
		<input type="checkbox"/> Small Quantity Generator (SQG)
		<input checked="" 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"/> Recycler of Hazardous Waste	<input type="checkbox"/> Exempt Boiler and/or Industrial Furnace
<input type="checkbox"/> Underground Injection Control Facility	<input type="checkbox"/> Small Quantity On-Site Burner Exemption
<input type="checkbox"/> Hazardous Waste Transporter	<input type="checkbox"/> Smelting, Melting, Refining Furnace Exemption
<input type="checkbox"/> Treater, Storer or Disposer of Hazardous Waste	

UNIVERSAL WASTE ACTIVITIES (INDICATE TYPES OF UNIVERSAL WASTE MANAGED

(CHECK ALL BOXES THAT APPLY)

- Small Quantity Handler of Universal Waste Destination Facility for Universal Waste
 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

- Batteries
 Pesticides
 Mercury containing equipment
 Lamps

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

- Used Oil Generator
 Used Oil Transporter
 Used Oil Transfer Facility
 Used Oil Processor
 Used Oil Re-refiner
 Off-Specification Used Oil Burner
 Used Oil Fuel Marketer Who Directs Shipment of Off-Spec. Oil
 Used Oil Fuel Marketer to Off-Specification Used Oil Burner

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 Yes No Additional Facility Representatives:

Tanks Yes No

Containers Yes No

Name of Inspector(s)

John Paquelet

Name of Inspector(s)

Nyall McKenna

Date of Inspection/Time

(mm/dd/yyyy) (hh:mm)

11/4/11 and 12/6/11

Comments:

**CONDITIONALLY EXEMPT SMALL QUANTITY GENERATOR REQUIREMENTS
COMPLETE AND ATTACH A PROCESS, WASTE, P2 SUMMARY SHEET**

CESQG: ≤100Kg. (Approximately 25-30 gallons) of waste in a calendar month or < 1 Kg. of acutely hazardous waste.
 SQG: Between 100 and 1,000 Kg. (About 25 to under 300 gallons) of waste in a calendar month.
 LQG: ≥ 1,000 Kg. (~300 gallons) of waste in a calendar month or ≥1 Kg. of acutely hazardous waste in a calendar month.
 NOTE: To convert from gallons to pounds: $Amount\ in\ gallons \times Specific\ Gravity \times 8.345 = Amounts\ in\ pounds$.

Safety Equipment Used:

WASTE EVALUATION

1.	Have all wastes generated at the facility been adequately evaluated? [3745-52-11]	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
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GENERATOR CLASSIFICATION

2.	Does the generator produce <100 kg. of hazardous waste per month? [conditionally exempt small quantity generator ("CESQG")]	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
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NOTE: If quantities of hazardous waste accumulated on-site at any one time exceed 1,000 Kg. - or the generator produces between 100 and 1,000 Kg. of hazardous waste per month, it is operating as a Small Quantity Generator ("SQG"). If so, complete the Small Quantity Generator Requirements checklist.

OFF-SITE SHIPMENT OF HAZARDOUS WASTE

3.	Does the CESQG ensure delivery of hazardous waste(s) to an off-site permitted TSD? [3734.02(F)]	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
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TREATMENT OF HAZARDOUS WASTE

4.	Does the generator treat hazardous waste in a:			
	a. Container that meets 3745-66-70 to 3745-66-77?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
	b. Tank that meets 3745-66-90 to 3745-66-101 except 3745-66-97(C)?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
	c. Drip pads that meet 3745-69-40 to 3745-69-45?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
	d. Containment building that meets 3745-256-100 to 3745-256-102?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>

NOTE: Complete appropriate checklist for each unit.

NOTE: If the CESQG conducts treatment they are subject to the LQG requirements.

NOTE: If waste is treated to meet LDRs, use LDR checklist.

MIX HAZARDOUS WASTE WITH USED OIL

5.	Does the CESQG mix its hazardous waste with used oil for the purpose of burning for energy recovery? [3745-51-05(J)] If so:	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
	a. Does the CESQG manage the mixture in accordance with 3745-279-21?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>