



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

September 5, 2013

**RE: BARKER PRODUCTS
OHD 070 763 339
CUYAHOGA COUNTY
LQG - CEI
PARTIAL RETURN TO
COMPLIANCE**

Steve Hadzinsky
The Barker Products Co.
P.O. Box 10845
Cleveland, OH 44110

Dear Mr. Hadzinsky:

I have received the July 18, 2013 letter from Bill Gallagher which responded to my letter of July 15, 2013. These were based on the June 17, 2013 inspection of Barker Products at 1028 E 134th Street, Cleveland, Ohio 44110. I also did a follow-up inspection on August 27, 2013. Below, I will outline the current status of the violations found:

1. OAC Rule 3745-52-11 – Hazardous waste determination.

The July 18 letter stated that the F006 waste code will now be used for the waste sludge from the cadmium and copper process. It also included analytical data for that sludge, as well as, the sludge from the zinc process. The letter said Barker Products will be investigating whether to separate the storage and shipping of the two sludges if the zinc sludge can be confirmed to be nonhazardous. As the letter indicates, it would be wise to do further sampling of the zinc sludge if you plan to pursue the idea of separating the management of the two sludges. This is because the level of cadmium found (0.76 mg/l) is fairly close to the hazardous waste level of 1.0 mg/l. Barker Products has documented a correction of this violation.

2. OAC Rule 3745-65-16(D)(1) – Job titles and names.

The July 18 letter included a listing of the employees filling the job title of Hazardous Waste Contact. This included Cam Rowley and Bill Gallagher. This documents the correction of this violation.

With the leaving of Bill Gallagher and the replacement of him in our database with Steve Hadzinsky as the new contact, you will need to update this job description.

Steve Hadzinsky
The Barker Products Co.
September 5, 2013
Page 2

3. OAC Rule 3745-65-16(A)(2) – Training program.
The July 18 letter included a sign-log for a meeting which discussed the recent notice of violation. This documents a correction of this violation.
4. OAC Rule 3745-65-16(E) – Training records.
The July 18 letter states an online training course was e-mailed to me for review. The link in the e-mail went to something else. You do not need to get training courses approved by Ohio EPA. Please send me the records once you have completed this year's annual refresher training.
5. OAC Rule 3745-65-54 (C) – Amendment of contingency plan.
This was previously corrected. The July 18 letter also addressed the additional concerns listed under this item.
6. OAC Rule 3745-65-52 (F) – Contingency plan evacuation plan.
The July 18 letter documents the correction of this violation.
7. OAC Rule 3745-65-31 – Maintenance and operation of facility.
The July 18 letter documents the correction of this violation, however, two violations of this rule were seen on August 27, 2013. Specifically, a bucket of green liquid was seen outside. Gerald took this inside and poured it into the containment under the filter press. Also, a green material was seen outside on the ground. Gerald scooped this up and put it into the hopper shown below. Please describe how such things will be avoided in the future.
8. OAC Rule 3745-52-34(A)(3) – Container labeling.
This was previously corrected, however, a violation of this was seen on August 27, 2013. Specifically, the hopper used to transfer the hazardous waste sludge from the filter press to the roll-off box had waste in it but was not labeled as hazardous waste. See photo below. You said this waste sticks in the hopper when emptying it into the roll-off box. You need to come up with a way to avoid this accumulation of waste in the hopper. You could shovel or scrape it out every time. The hopper shown has a rusted interior which increases this sticking. You could use a hopper that has a surface or coating that helps prevent this sticking. Also, if the sludge was drier, it would stick less. If the water seen comes from the filter press, then maybe its operation could be changed to make drier filter cake. If it comes from rain when it is moved or stored, then a cover should be added or it should not be moved or stored where/when it is exposed to rain. This hopper is also the cause of other violations listed below. Please send me a description of how you have corrected these violations.



9. OAC Rule 3745-52-34(A)(2) – Accumulation start date.
This was previously corrected, however, the hopper mentioned above did not have the required accumulation start date.
10. OAC Rule 3745-66-73(A) – Closed containers.
Based on the July 18 letter and on my inspection of August 27, 2013, you have corrected this violation with the exception of the hopper mentioned above.
11. OAC Rule 3745-66-71 – Condition of containers.
Based on the July 18 letter and on my inspection of August 27, 2013, you have corrected this violation with the exception of the hopper mentioned above.
12. OAC Rule 3745-66-73 (B) – Management of containers.
At my August 27, 2013 inspection you did not have any of the containers of waste chromic acid stored in the hut. You also showed me the manifest for the pickup of 3,473 gallons of this waste on August 8, 2013. This waste went to Vickery Environmental. You also showed me the pump that has been installed to pump this waste chromic acid directly to a tank within the waste water treatment system. Please send me the details of this pump station including a projected schedule for the completion of the piping.

Steve Hadzinsky
The Barker Products Co.
September 5, 2013
Page 4

13. OAC Rule 3745-66-74 – Inspections of container storage areas.
The July 18 letter included a log of these inspections including the first two weeks in July. Barker Products has documented a correction of this violation.

However, the log indicates that everything was found to be satisfactory back to May 27, 2013 which is not the case. Ensuring the inspections are done correctly is important but, if you chose to transfer those records to another format, it is also important that they be transferred accurately.
14. OAC Rule 3745-270-09(A) – Special rules regarding wastes that exhibit a characteristic.
The July 18 letter included an analysis of the F006 sludge. This showed that the only metal this waste tests hazardous for is cadmium which is one of the metals that F006 waste has a treatment standard for. Therefore, no further action is needed on your part and you have documented a correction of the violation.
15. OAC Rule 3745-273-13 (D)(1) - Universal waste lamp containers.
Previously corrected.
16. OAC Rule 3745-273-14 (E) - Universal waste lamp labeling.
Previously corrected.
17. OAC Rule 3745-273-15(A) - Universal waste accumulation time limits.
Previously corrected.
18. OAC Rule 3745-273-16 – Universal waste training.
Previously corrected.

You need to immediately take the necessary measures to return to compliance with Ohio's environmental laws (see the remaining violations mentioned above). Within 14 days of receipt of this letter, you are requested to provide the above specified documentation to me including the steps taken to abate the violations. Please be advised that violations cited above will continue until the violations have been properly abated. Failure to comply with Chapter 3734 of the Ohio Revised Code and rules promulgated thereunder may result in a civil penalty of up to \$10,000 per day for each violation. If circumstances delay the abatement of violations, you are requested to submit written correspondence of the steps that will be taken by date certain to attain compliance.

Steve Hadzinsky
The Barker Products Co.
September 5, 2013
Page 5

If you have any questions, please contact me at (330) 963-1217, or robert.almquist@epa.ohio.gov.

Sincerely,



Robert Almquist
Division of Materials and Waste Management

RA:cl

ec: Frank Popotnik, DMWM, NEDO
Natalie Oryshkewych, DMWM, NEDO
Sherry Slone, DMWM, NEDO
Marlene Kinney, DMWM, NEDO
Jeff Mayhugh, DMWM, CO

cc: Cam Rowley, Barker Products
Ben Dagley, Barker Products
Scott Broski, NEORS