



State of Ohio Environmental Protection Agency

Northeast District Office

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Ted Strickland, Governor  
Lee Fisher, Lieutenant Governor  
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April 15, 2008

RE: DLH PLATING, LLC  
OHD 004 170 650  
CUYAHOGA COUNTY  
NOV 2

Mr. David Lee Harper, Sr.  
DLH Plating, LLC  
2801 Grand Ave.  
Cleveland, OH 44104

**CERTIFIED MAIL**

Mr. Frank Nagorney  
Grand Avenue Realty Company  
2800 Grand Ave.  
Cleveland, OH 44104

Dear Mr. Harper and Mr. Nagorney:

On January 4, 2008, the Ohio Environmental Protection Agency (Ohio EPA), Division of Hazardous Waste Management, conducted a compliance evaluation inspection (CEI) at DLH Plating, LLC's (DLH) facility located in Cleveland, Ohio. On January 17, 2008, Ohio EPA issued a Notice of Violation (NOV) letter to your attention. On February 17, 2008, DLH submitted a letter stating a response to the NOV letter would be completed by March 31, 2008. To date, DLH has failed to submit the information requested in Ohio EPA's January 17, 2008 NOV letter.

On April 9, 2008, representatives of Ohio EPA, U.S. EPA, City of Cleveland Fire Prevention Bureau, and the NEORSRD held a meeting with Mr. Harper and toured the DLH facility.

The following violations remain outstanding. In order to correct these violations and address Ohio EPA's concerns, DLH must do the following and send me the required information **within 15 days** of the date of this letter:

1. Waste Evaluation, OAC rule 3745-52-11:

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

DLH must evaluate the contents of the flooded pump house. DLH stated the liquid in the pump house was emptied in March 2007 and began filling up again in October 2007. The pump house also contains four tanks formerly used to collect spent rinse waters.

During the April 9, 2008 site visit, a majority of the liquids from the pump house had been transferred into an on-site Frac Tank, and approximately 6 inches of liquid and sludge remained in the pump house. Mr. Harper indicated the facility plans to process the waste through the on-site waste water treatment system (WWTS).

**In order to abate this violation, DLH must demonstrate that all liquids in the frac tank and pump house are appropriately treated through the WWTS; or submit waste evaluation results for the frac tank and pump house (liquid and sludge) and identify how the waste streams will be managed.**

**In addition, DLH will be required to investigate and cleanup all releases of waste within/from the pump house.**

2. Waste Evaluation, OAC rule 3745-52-11:

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

DLH must evaluate the contents of the six tanks at the waste water treatment area (chromium tank, cyanide tank, sodium tank, neutral tank 1, neutral tank 2, and sulfuric acid tank). The facility stated the entire waste water treatment system was shut down in February/March 2007.

**In order to abate this violation, DLH must demonstrate that all liquids in the six tanks are appropriately treated through the WWTS; or submit waste evaluation results for each tank and identify how the waste streams will be managed.** If a tank is empty, please submit a photograph to confirm that it has no contents.

3. Waste Evaluation, OAC rule 3745-52-11:

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

During the January 4, 2008 inspection, DLH was accumulating 43, 20-gallon drums containing sludge removed from the Cadmium Auto Line. The drums were located near the filter press/Cadmium Hand Line area. The facility stated the waste was generated when the facility recovered the cadmium balls used at the Cadmium Auto Line. The Cadmium Auto Line has not been in operation for three years.

During the April 9, 2008 site visit, DLH indicated the drums were placed into the filter press roll-off box. It is Ohio EPA's understanding that this sludge is a F008 hazardous waste. An inspection of the roll-off box revealed it was 2/3 full and contained both liquid and sludge.

**In order to abate this violation, DLH must immediately remove all free liquids from the roll-off box and containerize them. In addition, DLH must indicate how the sludge and any liquids will be managed.**

4. Waste Evaluation, OAC rule 3745-52-11:

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

DLH must evaluate the contents of 54, 55-gallon drums and one tote located near the filter press/Cadmium Hand Line area. A majority of the 55-gallon drums were removed from buildings being demolished on the property in October 2007. However, four of the drums contained chromate solution which was generated from DLH's plating operations on August 25, 2006.

**In order to abate this violation, DLH must submit an inventory for all of the containers in the area, submit waste evaluation results for each container, and indicate how the waste streams will be managed.**

5. Waste Evaluation, OAC rule 3745-52-11:

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

DLH must evaluate the contents of a large out of service plating vat located at the northwest end of the filter press area. The vat contained unknown contents and debris.

**In order to abate this violation, DLH must submit waste evaluation results (liquid, sludge, and debris) and identify how the waste streams will be managed.**

6. Waste Evaluation, OAC rule 3745-52-11:

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

DLH must evaluate the contents of several out of service plating vats located along the Cadmium Hand Line area.

**In order to abate this violation, DLH must submit waste evaluation results for each plating vat that is no longer being used, and indicate how the waste streams will be managed.**

7. Waste Evaluation, OAC rule 3745-52-11:

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

DLH must evaluate the releases of waste (liquid and sludge) to the floor at the north end of Cadmium Hand Plating Line, as well as amongst the containers found in this area.

**In order to abate this violation, DLH must immediately cleanup and containerize the releases, submit waste evaluation results, and indicate how the waste streams will be managed.**

8. Waste Evaluation, OAC rule 3745-52-11:

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

DLH must evaluate the contents of accumulated sludge in the Cadmium Auto Line and releases of waste to the floor. The facility stated the Cadmium Auto Line has not been in operation for three years. In addition, Ohio EPA and NEORSO noted potential releases of hazardous constituents from the Cadmium Auto Line on the outside wall of the facility along Evarts Road.

**In order to abate this violation, DLH must immediately cleanup and containerize the releases, submit waste evaluation results for the sludge, and indicate how the waste stream will be managed.**

**In addition, DLH must investigate the releases of hazardous waste constituents along Evarts Road and submit a plan to cleanup and remove this contamination. In the interim, DLH should place a barrier (e.g. plywood) over the outside wall to prevent contact with the contamination.**

9. Waste Evaluation, OAC rule 3745-52-11:

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

DLH must evaluate the contents of 14 totes located between the Cadmium Auto Line and the Zinc Auto Line. During the April 9, 2008 site visit, Mr. Harper indicated the facility plans to process the totes through the on-site waste water treatment system (WWTS).

**In order to abate this violation, DLH must submit an inventory and waste evaluation results for each tote. DLH must demonstrate that all liquids are appropriately treated through the WWTS; or indicate how the waste streams will be managed.**

10. Waste Evaluation, OAC rule 3745-52-11:

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

DLH must evaluate the contents of 14, 55-gallon drums and 40, 5-gallon containers located at Chemical Storage Area #1. The facility stated that a majority of chemicals are no longer used at the facility.

**In order to abate this violation, DLH must submit an inventory for all of the containers in the area, submit waste evaluation results for each container, and indicate how the waste streams will be managed.**

11. Waste Evaluation, OAC rule 3745-52-11:

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

DLH must evaluate the contents of 10, 55-gallon drums and one tote located in the building (undergoing demolition) north of the main office area.

**In order to abate this violation, DLH must submit waste evaluation results for each container, and indicate how the waste streams will be managed.**

**In addition, several black plastic bags were observed in this area during both the January 4, 2008 and April 9, 2008 site visits. DLH must submit waste evaluation results for the contents of the bags and indicate how they will be managed.**

12. Waste Evaluation, OAC rule 3745-52-11:

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

DLH must evaluate spent aerosol cans prior to disposal. DLH stated its spent cans are currently being disposed in general garbage. If you intend to throw away non-empty aerosol cans, you must evaluate the contents to determine if they are hazardous and then properly manage them. To ensure aerosol cans do not contain a significant amount of liquid, Ohio EPA suggests puncturing and recycling the metal can, and collecting the contents for waste evaluation.

**In order to abate this violation, the facility must evaluate its spent aerosol cans and indicate how they will be managed. In addition, DLH must submit a written plan that indicates how the facility will evaluate and manage its spent aerosol cans in the future.**

13. Waste Evaluation, OAC rule 3745-52-11:

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

DLH failed to evaluate its spent fluorescent lamps prior to disposal. DLH stated its spent lamps are currently being disposed with general garbage.

**In order to abate this violation, the facility must submit either waste evaluation results for the spent lamps; or a written universal waste lamp management procedure that identifies how the spent lamps will be managed while accumulating on-site and where they will be sent for recycling.**

Ohio EPA's guidance documents on fluorescent lamp management may be found at: <http://www.epa.state.oh.us/dhwm/guidancedocs.html#fluorescent>

14. Unpermitted Storage, ORC §3734.02 (E) and (F):

No person shall store, treat, or dispose of hazardous waste identified or listed under this chapter and rules adopted under it, regardless of whether generated on or off the premises where the waste is stored, treated, or disposed of, or transport or cause to be transported any hazardous waste identified or listed under this chapter and rules adopted under it to any other premises, except at or to a hazardous waste facility operating under a permit issued in accordance with this chapter or those listed in ORC §3734.02(F)(2) through (5).

DLH conducted unpermitted storage of a hazardous waste in excess of 90 days without a permit or an extension from the director. The waste is located in three holding tanks (#1-full, #2-full, and #3-¼ full) at the filter press area. The holding tanks contain F006 and F008 hazardous waste waiting to be processed through the filter press. This waste stream was last disposed off-site on July 14, 2006. The facility stated the entire waste water treatment system was shut down in February/March 2007.

**In order to demonstrate efforts towards abating this violation, the facility must arrange for the off-site shipment and disposal of the hazardous waste and submit the supporting documentation for review.**

Since DLH violated ORC §3734.02(E) and (F), the facility is subject to all applicable general facility standards found in OAC Chapters 3745-54 and 55, including closure of hazardous waste management unit areas. Additionally, at any time Ohio EPA may assert its right to have DLH begin facility-wide cleanup pursuant to the Corrective Action process under Ohio law.

15. Unpermitted Storage, ORC §3734.02 (E) and (F):

No person shall store, treat, or dispose of hazardous waste identified or listed under this chapter and rules adopted under it, regardless of whether generated on or off the premises where the waste is stored, treated, or disposed of, or transport or cause to be transported any hazardous waste identified or listed under this chapter and rules adopted under it to any other premises, except at or to a hazardous waste facility operating under a permit issued in accordance with this chapter or those listed in ORC §3734.02(F)(2) through (5).

DLH conducted unpermitted storage of a hazardous waste in excess of 90 days without a permit or an extension from the director. The hazardous waste is located in a roll-off box under the filter press. The roll-off box contains F006 and F008 hazardous waste and was dated July 14, 2006.

During the April 9, 2008 site visit, DLH indicated 43, 20-gallon drums of F008 hazardous waste was placed into the roll-off box. The roll-off box was staged outside the facility. In addition, releases of F006/F008 sludge were noted on the floor under the filter press.

**In order to demonstrate efforts towards abating this violation, the facility must arrange for the off-site shipment and disposal of the hazardous waste and submit the supporting documentation for review.**

Since DLH violated ORC §3734.02(E) and (F), the facility is subject to all applicable general facility standards found in OAC Chapters 3745-54 and 55, including closure of hazardous waste management unit areas. Additionally, at any time Ohio EPA may assert its right to have DLH begin facility-wide cleanup pursuant to the Corrective Action process under Ohio law.

16. Contingency Plan, OAC rules 3745-65-51, 65-52, 65-53 and 65-55:  
Each owner or operator shall have a contingency plan for the facility

DLH violated all the applicable requirements of this rule by failing to have a contingency plan available for review during the inspection.

**In order to abate this violation, DLH must develop and submit a contingency plan for review. Upon Ohio EPA's approval of the plan, DLH must submit documentation (certified mail receipt or copy of cover letter) verifying its distribution to emergency authorities.** An example contingency plan may be found in Ohio EPA's Generator Handbook (November 2005) at: <http://www.epa.state.oh.us/dhwm/guidancedocuments.html>

17. Testing and Maintenance of Equipment, OAC rule 3745-65-33:  
All facility communication or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment must be tested and maintained as necessary to assure its proper operation in time of emergency. The owner/operator must record the inspections in a log or summary.

DLH failed to conduct and record emergency equipment inspections.

**In order to abate this violation, the facility must submit a written inspection schedule (i.e. that outlines the frequency for inspecting and testing emergency equipment) and a copy of a completed inspection log for review.** An example inspection log is enclosed.

18. Inspections, OAC rule 3745-66-74:  
The owner or operator must inspect areas where containers are stored, at least weekly, looking for leaks and deterioration caused by corrosion or other factors. The owner or operator must record inspections in an inspection log or summary.

The facility failed to conduct and record container accumulation area inspections on a weekly basis.

**In order to abate this violation, the facility must state how it will comply with this rule and submit two consecutive weeks of completed inspection logs.** An example inspection log is enclosed.

19. Unpermitted Storage, ORC §3734.02 (E) and (F):  
No person shall store, treat, or dispose of hazardous waste identified or listed under this chapter and rules adopted under it, regardless of whether generated on or off the premises where the waste is stored, treated, or disposed of, or transport or cause to be transported any hazardous waste identified or listed under this chapter and rules adopted under it to any other premises, except at or to a hazardous waste facility operating under a permit issued in accordance with this chapter or those listed in ORC §3734.02(F)(2) through (5).

DLH conducted unpermitted storage of a hazardous waste in excess of 90 days without a permit or an extension from the director. During the January 4, 2008 inspection, DLH was accumulating 43, 20-gallon drums containing sludge removed from the Cadmium Auto Line.

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The drums were located near the filter press/Cadmium Hand Line area. The facility stated the waste was generated when the facility recovered the cadmium balls used at the Cadmium Auto Line. The Cadmium Auto Line has not been in operation for three years.

During the April 9, 2008 site visit, DLH indicated the drums were placed into the filter press roll-off box. It is Ohio EPA's understanding that the sludge is a F008 hazardous waste. An inspection of the roll-off box revealed it was 2/3 full and contained both liquid and sludge.

**In order to demonstrate efforts towards abating this violation, the facility must arrange for the off-site shipment and disposal of the hazardous waste and submit the supporting documentation for review.**

Since DLH violated ORC §3734.02(E) and (F), the facility is subject to all applicable general facility standards found in OAC Chapters 3745-54 and 55, including closure of hazardous waste management unit areas. Additionally, at any time Ohio EPA may assert its right to have DLH begin facility-wide cleanup pursuant to the Corrective Action process under Ohio law.

Should you have any questions, please feel free to call me at (330) 963-1278. You can find copies of the rules and other information on the DHWM's web page at <http://www.epa.state.oh.us/dhwm>.

Sincerely,



Wade Balsler  
District Representative  
Division of Hazardous Waste Management

WB:ddw

cc: Natalie Oryshkewych, DHWM, NEDO  
ec: Harry Sarvis, DHWM, CO  
Scott Broski, NEORSD ([Broskis@NEORSD.org](mailto:Broskis@NEORSD.org))  
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**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.