



State of Ohio Environmental Protection Agency

Northeast District Office

2110 East Aurora Rd.
Twinsburg, Ohio 44087

TELE: (330) 963-1200 FAX: (330) 487-0769
www.epa.state.oh.us

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

January 17, ~~2007~~ 2008

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

Mr. David Lee Harper, Sr.
DLH Plating, LLC dba Empigard Plating Co.
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, ~~2007~~ 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. DLH was inspected to determine its 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 inspection included a review of the facility's operations, as well as the management of wastes.

Ohio EPA identified the following violations of Ohio's hazardous waste rules. In order to correct these violations and address Ohio EPA's concerns, DLH must do the following and send me the required information **within 30 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.

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

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 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.

DLH must evaluate the contents of 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.

In order to abate this violation, DLH must submit an inventory for all of the containers in the area, submit waste evaluation results for the containers and indicate how the waste streams 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 were 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 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 and identify how the waste stream 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 with contents 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 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 the 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.

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.

In order to abate this violation, DLH must submit waste evaluation results for each tote, and 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.

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 #3¼- full) at the filter press area. The holding tanks contain F006 and F008 hazardous waste. 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.

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.

Ohio EPA's Office of Compliance Assistance and Pollution Prevention (OCAPP) provides free compliance and pollution prevention assistance on environmental issues related to air, land and water. Should your facility be interested in receiving a free pollution prevention assessment in the future, please feel free to contact me or OCAPP. OCAPP may be contacted at: (800) 329-7518 or <http://www.epa.state.oh.us/opp/ocapp.html>.

The Division of Hazardous Waste Management has created an electronic news service to provide you with quick and timely updates on events and news related to hazardous waste activities in Ohio. If you haven't already, we encourage you to sign-up for this free service. You can find more information at the following Web link <http://www.epa.state.oh.us/dhwm/listserv.html>. Please feel free to share this information with your colleagues.

DLH PLATING, LLC
JANUARY 17, 2008
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Enclosed you will find a copy of Ohio EPA's completed inspection checklists. Should you have any questions, please feel free to call Frank Zingales at (330) 963-1108 or 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

Enclosure

cc: Natalie Oryshkewych, DHWM, NEDO
Frank Zingales, DHWM, NEDO
ec: Scott Broski, NEORSD (Broskis@NEORSD.org)
Harry Sarvis, DHWM, 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.

Ohio Environmental Protection Agency
**RCRA SUBTITLE C SITE
 IDENTIFICATION/VERIFICATION FORM**

For Ohio EPA use only

E-mail this completed form to
tammy.mcconnell@epa.state.oh.us or mail it to Tammy
 McConnell, Central Office

2. Site EPA ID No.	EPA ID Number: OHD004170650								
3. Site Name	Name: DLH Plating, LLC dba Empigard Plating Co.						Website: (Optional)		
4. Street Address	Street Address: 2801 Grand Ave.								
	City, Town, or Village: Cleveland						State: OH		
	County Name: Cuyahoga						Zip Code: 44104		
5. Business Type	Private	County	District	Federal	Indian	Municipal	State	Other	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Site Contact Information	First Name: David			MI:	Last Name: Harper				
	Phone Number: 216-231-1067				Phone Number Extension:				
	E-Mail Address:								
	Fax Number:				Fax Number Extension:				
	Street or P.O. Box:								
	City, Town or Village:						State:		
	Country:			Zip Code:					
7. Site Owner Information	Name of Site's Legal Owner: Grand Avenue Realty Company, Inc.						Date Became Owner (mm/dd/yyyy):		
	Owner Type:	Private	County	District	Federal	Indian	Municipal	State	Other
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Street or P.O. Box: 2800 Grand Ave.								
	City, Town or Village: Cleveland						Owner Phone #:		
	State: OH						Country:		
	Name of Site's Operator: DLH Plating dba Empigard Plating Co.						Date Became Operator (mm/dd/yyyy):		
	Owner Type:	Private	County	District	Federal	Indian	Municipal	State	Other
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Street or P.O. Box:								
	City, Town or Village:						Operator Phone #:		
	State:						Country:		
	Zip Code:								
8. Violation Status	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No								
9. Type of Regulated Waste Activity (Mark <input checked="" type="checkbox"/> in all of the appropriate boxes)									
<input type="checkbox"/> Not Regulated					<input type="checkbox"/> Conditionally Exempt Small Quantity Generator				
<input type="checkbox"/> UNKNOWN: Cited for violation of 3745-52-11					<input type="checkbox"/> United States Importer of Hazardous Waste				
<input checked="" type="checkbox"/> Large Quantity Generator (LQG)					<input type="checkbox"/> Mixed Waste (Hazardous and Radioactive) Generator				
<input type="checkbox"/> Small Quantity Generator (SQG)									
<input type="checkbox"/> Hazardous Waste Transporter					<input type="checkbox"/> Exempt Boiler and/or Industrial Furnace				
<input type="checkbox"/> Treater, Storer or Disposer of Hazardous Waste					<input type="checkbox"/> Small Quantity On-Site Burner Exemption				
<input type="checkbox"/> Recycler of Hazardous Waste					<input type="checkbox"/> Smelting, Melting, Refining Furnace Exemption				
<input type="checkbox"/> Underground Injection Control Facility									

10B Universal Waste Activities (Indicate types of universal waste managed; check all boxes that apply)

Small Quantity Handler of Universal Waste Large Quantity Handler of Universal Waste
 (accumulates 5,000 kg. or more)

Destination Facility for Universal Waste

Check all boxes below that apply for each of the three types of facilities above.

10C Used Oil Activities (Indicate type(s) of activity(ies))

Managed	<input type="checkbox"/> Used Oil Generator	<input type="checkbox"/> Off-Specification Used Oil Burner
Batteries	<input type="checkbox"/> Used Oil Transporter	<input type="checkbox"/> Used Oil Fuel Marketer Who Directs Shipment of Off-Spec. Oil
Pesticides	<input type="checkbox"/> Used Oil Transfer Facility	<input type="checkbox"/> Used Oil Fuel Marketer to Off-Specification Used Oil Burner
Mercury containing equipment	<input type="checkbox"/> Used Oil Processor	
Lamps	<input type="checkbox"/> Used Oil Re-refiner	

11 Waste Codes for Federally Regulated Hazardous Wastes. Please list the codes for the federally regulated hazardous waste landed at the site last time in the order they are present on the manifests (e.g., 9001, 9003, 9007, etc.). Use an additional page if more space is needed. If there are more than 7 waste codes and they are the same as those in the most recent RCRA manifest record, you do not need to list them all; instead just indicate the date of the most recent manifest record.

12 Comments: Use this area to describe whether the inspection was announced, whether the waste is stored in tanks or containers, etc.

Announced	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Additional Facility Representatives:	David Harper, Jr.
Tanks	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Other Comments:	
Containers	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No		

13 Name of Inspector(s): Wade Balsler Name of Inspectee(s): Frank Zingales Date of Inspection/Time: 1/4/2008 09:50

14 EPA's NW (Part 112) and RCRA (Part 112) manifest system and all attachments were created using the manifest system. The manifest system was used to create and maintain the manifest system and evaluate the manifest system. Based on the information provided by the person who created the system, the person who created the system is responsible for gathering the information, maintaining the manifest system, and providing the information to the manifest system. The manifest system is used to create and maintain the manifest system. The manifest system is used to create and maintain the manifest system.

Name of Inspector(s)	Name of Inspectee(s)	Date of Inspection/Time