OhioEPA

State of Ohio Environmental Protection Agency

Northeast District Office

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

August 17, 2009

RE: SEBRING INDUSTRIAL PLATING
OHD 987 045 168
MAHONING COUNTY
SITE VISIT/NOTICE OF VIOLATION

Mr. Rick Sicklesmith
Sebring Industrial Plating
546 West Tennessee Avenue
Sebring, OH 44672

Dear Mr. Sicklesmith:

On May 28, 2009, Nyall McKenna and I met with you at Sebring Industrial Plating (SIP), located at 546 W. Tennessee Avenue, Sebring, Ohio. The purpose of the site visit was to determine Sebring Industrial Plating's compliance with Ohio's hazardous waste laws as found in Chapter 3734. of the Ohio Revised Code (ORC) and Chapter 3745. of the Ohio Administrative Code (OAC). SIP is a conditionally exempt small quantity generator (CESQG) of hazardous waste and was evaluated as such.

SIP is a plating shop that does zinc plating on carbon steel. The facility has been operating since the 1970's. Ohio EPA's Division of Hazardous Waste Management (DHWM) first inspected the facility in 1991 when it was owned and operated by Nick Conny. In 1999, Nick Conny passed away and his brother Tony Conny took over operations of the facility. You became the owner of the facility in 2005 and have stated you were unaware that two significant legal agreements had been entered into between the previous owner, Nick Conny, and the State of Ohio:

> September 24, 1993 Agreed Preliminary Injunction *(Mahoning County court of Common Pleas, State of Ohio, ex.rel. Lee Fisher Attorney General of Ohio, Plaintiff, v. Sebring Industrial Plating Co., et al. Defendants, Case No 93-CV-1288, Judge Michael A. Gerchak).* This Injunction required, among other things, the Defendants to upgrade the facility's waste disposal, improve facility security and to within 300 days of the Injunction's entry remove hazardous wastes from the outside storage pits; and
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> September 22, 1995 Consent Order *(Mahoning county Court of Common Pleas, State of Ohio, ex.rel. Betty D. Montgomery Attorney General of Ohio, Plaintiff, v. Sebring Industrial Plating Co., et al. Defendants, Case No 93-CV-1288, Judge Michael A. Gerchak).* This consent Order again, among other things, dealt with facility waste water management issues as well as security, including a new roof and covering hazardous waste pits at the Facility.

The above enforcement actions were initiated by two divisions in the Ohio EPA, the Division of Hazardous Waste Management (DHWM) and the Division of Surface Water (DSW). The hazardous waste violations in the associated complaint (filed May 25, 1993 Mahoning County court of Common Pleas) included illegal hazardous waste storage.

DHWM and DSW did not pursue a civil penalty and DHWM did not require the submittal of a closure plan to clean up the sludge in the outdoor sludge pits and any contaminated soil. DHWM did, however, reserve our rights to require clean up, closure or corrective action at a later point in time.

Due in part to continuing SIP financial constraints at the time, on August 3, 1994, Ohio EPA requested that the United States Environmental Protection Agency (US EPA) perform a removal of the sludge, concrete/metal tanks, piping and contaminated soils. USEPA conducted a related site assessment October 28, 1994, obtaining and analyzing samples of sludge, soil, and liquid waste/materials. Although almost all test results came back indicating that the material was a hazardous waste US EPA decided not to remove the wastes/materials but rather, while securing the facility and improving its operation, allow SIP time to come back into compliance and generate enough revenue to pay for clean up at a later date.

By letter dated June 3, 1992, Ohio EPA first cited SIP in violation of illegal storage and disposal of hazardous waste. Sebring Industrial Plating remains in violation of the following first cited in the June 3, 1992 notice of violation letter:

> **Ohio Revised Code 3734.02 (E) and (F);** Establishment of an Unpermitted Hazardous Waste Storage and Disposal Facility: No person shall store, treat or dispose of hazardous waste identified or listed under this chapter and rules adopted under it...except at a hazardous waste facility operating under a permit.
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> At the time of the December 9, 1991 inspection, two distinct plating waste steams exited the building towards the waste water treatment system. One waste stream was yellowish in color and was contained in piping the entire way to the waste water treatment system. The second waste stream was a milky white color. It was not totally enclosed and it traveled along the ground at two points where there were breaks in the pipe work. The two waste streams met and mixed together at the waste water treatment system. The point of merger seemed to have been at what should have been separator tanks. The four separator tanks are still on-site today although they are overgrown with weeds and debris.
>
> The waste waters in 1991 were noted to be traveling across the ground outside the "separator" tanks indicating that the waste was not being contained by the tanks. From the separator tanks the waste waters flowed across the ground into two large concrete "settling" tanks and ultimately flowed into the storm sewer. SIP did not have an NPDES permit to discharge to the storm sewer. The concrete tanks are still on site today and they have been covered. Waste water no longer flows through the area, but sludge, contaminated soil, and the tanks have not been removed.
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> **SIP violated 3734.02 (E) and (F), by illegally storing hazardous waste in tanks and by disposing of hazardous waste to the ground and to a storm sewer.**

Because of this unpermitted activity, in accordance with OAC rules 3745-55-10 through 3745-55-20, you must conduct closure (i.e., clean-up) activities for all areas where hazardous waste has been unlawfully stored and/or disposed of. Closure activities must entail the following: removing and management of all waste and residues, contaminated soils, piping, concrete/metal tanks, and groundwater if necessary and managing all wastes generated from these activities in accordance with the hazardous waste laws.

You must submit a closure plan which ensures that the closure performance standards set forth in OAC rule 3745-55-11 are met. The closure performance standards require you to remove and remediate contamination in these areas to prevent it from posing a risk to human health and the environment. The closure plan should be prepared in accordance with Ohio EPA's *Closure Plan Review Guidance for RCRA Facilities.* To address this violation, you must submit a closure plan to Ohio EPA for review and approval. I will send you a copy of Ohio EPA's closure plan review guidance.

A summary of our recent site visit follows:

During the facility walk though we noted many old drums, scrap metal, drums of chemicals for use in the pre-treatment system, and unidentified materials. The two concrete pits outdoors have been covered with a wooden platform. The smaller metal tanks have become overgrown with debris and weeds and it is not readily apparent where they are. They also need to be covered.

Previously I requested in a March 19, 2008 email to you that a drum of material (sawdust/floor sweepings) be sampled and analyzed. During our site visit you provided me with the test results from a sample taken on April 2, 2008. The results indicate that the drum of floor sweepings is characteristically hazardous for cadmium (TCLP cadmium 2.03 mg/L) and close to the limit for chromium (4.47 mg/L with the regulatory threshold for chromium equal to or greater than 5.0 mg/L). The material will need to be manifested off site as a D006 (cadmium) hazardous waste. Be advised that as a CESQG you cannot accumulate on-site more than 2200 pounds of hazardous waste at any one time. Should you exceed that amount, you would become Small Quantity Generator (SQG) of hazardous waste and would need to comply with all the SQG rules.

Based on our site visit, the following items, in addition to the violation cited above, need to be addressed:

1. All scrap metal, indoors and outdoors, should be consolidated and removed.

2. All drums on-site should be organized into categories: drums containing usable product, empty drums, drums containing old product, and drums containing unknown material. Please send me a list of all material in the drums and a photograph showing that the drums have been organized.

3. The two large sludge pits have been covered, but the smaller metal tanks are covered by debris and overgrown with grass. There is the risk that if someone would walk through that area they could sink in the muck within the pits because they couldn't see where the small tanks are located. The smaller tanks must be covered.

4. The roof over the facility is in poor condition and is leaking again. The roof must be repaired.

Please respond in writing within 30 days of the date of this letter to let me know how the four items listed above will be addressed.

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.

You can find copies of the rules and other information on the hazardous waste division's web page at http://www.epa.state.oh.us/dhwm. Ohio EPA also has helpful information about pollution prevention at the following web address: http://www.epa.state.oh.us/opp.

The Division of Hazardous Waste Management has created an electronic news service to provide you with updates related to hazardous waste activities in Ohio. You can find more information and sign up for this free service at the following Web link http://ohioepa.custhelp.com/cgi-bin/ohioepa.cfg/php/enduser/doc_serve.php?2=subscriptionpage

If you have questions please call me at (330) 963-1162 or contact me by email at marlene.kinney@epa.state.oh.us.

Sincerely,

Marlene M. Kinney

Marlene M. Kinney
Environmental Specialist
Division of Hazardous Waste Management

MMK:ddw

ec: Nyall McKenna, DHWM, NEDO
John Schierberl, DHWM, CO
Harry Sarvis, DHWM, CO

cc: Natalie Oryshkewych, DHWM, NEDO