



State of Ohio Environmental Protection Agency

Northeast District Office

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

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

August 3, 2009

David Kopea
K-B Plating
3685 E. 78th Street
Cleveland, OH 44105

RE: K-B PLATING, OHD982066664, CUYAHOGA, DIRECTORS FINAL FINDINGS AND ORDERS, HAZARDOUS WASTE TANK ASSESSMENT

Dear Mr. Kopea:

Thank you for your May 4, 2009 response to Ohio EPA's April 2, 2009 Partial Return to Compliance (PRTC) letter. You submitted information and a discussion in response to each of Ohio EPA's questions. On April 21, 2009 Ohio EPA's Division of Hazardous Waste Management (DHWM) visited the K-B Facility in order to gather information regarding the proposed changes to the facility processes and the installation of the new hazardous waste tank system.

Based upon the observations made during the April 21, 2009 site visit and information submitted by K-B in the May 4, 2009 response, Ohio EPA has the following issues which must be addressed:

1. At the time of the April 21, 2009 site visit, Ohio EPA observed that K-B has installed and is currently using the new cyanide hazardous waste tank system. By letter dated December 12, 2008, Ohio EPA requested K-B submit documentation regarding the installation of the new hazardous waste tank system. To date, Ohio EPA has not received documentation indicating that the cyanide hazardous waste tank system has been installed as required per OAC 3745-66-92(G). **K-B remains in violation of OAC-3745-66-92(G) and the Directors Final Findings & Orders (Orders)**, until said acceptable documentation is received.

Please submit to this office information regarding the installation of the hazardous waste tank system. Please submit to this office the written statements, as required by OAC 3745-66-92(G), by those individuals observing the installation, demonstrating that the tank system has been properly installed and that any necessary repairs have been made. These statements must also include the certification statement as required by OAC 3745-50-42.

For additional information, please review the Orders signed by K-B Plating and journalized on May 24, 2007. Please find a copy of said orders enclosed for your convenience.

2. K-B Plating stated that the facility currently manages the spent acid that was previously managed in the spent acid hazardous waste tank, by pumping the spent acid out of the process tanks directly into the VAC truck for transport to the permitted facility. This procedure eliminates the need for a separate hazardous waste tank. Ohio EPA has reminded K-B that the former spent acid hazardous waste tank is subject to generator closure requirements. Please submit to this office information and/or documentation regarding the generator closure of this tank. If it has been closed, please submit documentation demonstrating the closure of the tank meets the closure performance standard in accordance with OAC Rule 3745-66-97.
3. Furthermore, K-B must submit information regarding the disposition and generator closure of the former spent cyanide hazardous waste tank. Please submit information to this office regarding the status of this tank. If it has been closed, please submit documentation demonstrating that the closure meets the closure performance standard in accordance with OAC Rule 3745-66-97.

Please respond within thirty (30) days of receipt of this letter addressing each of the issues listed above. Should you have any questions, please call me at (330) 963-1181.

Sincerely,



Suzanne Prusnek
Environmental Specialist
Division of Hazardous Waste Management

SP:ddw

Enclosure

ec: Natalie Oryshkewych, DHWM, NEDO, OEPA
Frank Popotnik, DHWM, NEDO, OEPA
Todd Anderson, Legal, CO, OEPA
Harry Sarvis, DHWM, CO, OEPA
cc: Thomas D. Kmiec, T.D. Kmiec & Associates

Failure to list specific deficiencies in this communication does not relieve K-B from the responsibility of complying with all applicable hazardous waste regulations.