



State of Ohio Environmental Protection Agency

Northeast District Office

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CERTIFIED MAIL
RETURN RECEIPT REQUESTED

April 3, 2007

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

**RE: K-B PLATING, OHD982066664, CUYAHOGA, RCRA/LQG, COMPLIANCE
EVALUATION INSPECTION, PARTIAL RETURN TO COMPLIANCE**

Dear Mr. Kopea

Thank you for your February 16, 2007 response to Ohio EPA's January 9, 2007 Partial Return to Compliance letter.

By letter dated February 16, 2007, you submitted information and documentation including:

- A discussion regarding the Gaylord box of F006 waste shipped to Chemtron and the action to be taken regarding amending the waste profile and manifest #10250.
- A copy of Chemtron waste profile #Q20060321A53.
- A copy of hazardous waste manifest #10250 and the associated Land Disposal Restriction (LDR) form.
- A discussion regarding the replacement of the existing hazardous waste tank system with a "tank-in-a-tank" system.
- A statement from the facility indicating that the existing hazardous waste tanks will be closed per the generator closure guidelines.
- Job title and descriptions for the positions of Hazardous Waste Manager and Hazardous Waste Technician.
- Sign in sheet demonstrating that Richard Irwin and David Kopea received training in hazardous waste management from The Dell Group on December 13, 2006.

My review of this documentation reveals that K-B remains in violation of the following hazardous waste regulations until documentation, successfully demonstrating abatement, has been received by this office:

1. **Ohio Revised Code (ORC) § 3734.02(E) and (F) storage of hazardous waste without a facility installation and operation permit, OAC Rule 3745-52-34 Accumulation time of hazardous waste:**

By letters dated September 11, 2006, and November 20, 2006, K-B submitted hazardous waste manifest #10250 and the associated LDR form demonstrating that the F006 waste was shipped off site to Chemtron on July 14, 2006. However these documents do not describe the waste as an F006 listed waste. Furthermore, the waste profile listed on the manifest (#Q20060321A53) describes the waste as "chromic acid solid" and the shipping description as "Corrosive liquid, acidic, inorganic, N.O.S.."

On March 23, 2007, Ohio EPA met with the facility consultant, Tom Kmiec, to further clarify this issue. K.B. plating must reconcile these documents to reflect the true nature and correct waste code of the WWTU F006 waste shipped off site to Chemtron on July 14, 2006. K.B. must send corrected documents, including the manifest, LDR and waste profile, to this office and to Chemtron for their records.

Since K-B violated ORC §3734.02(E) and (F), K-B is subject to all applicable general facility standards found in OAC chapters 3745-54 and 55. Additionally, at any time Ohio EPA may assert its right to have K-B begin facility-wide cleanup pursuant to the Corrective Action process under Ohio law.

2. **OAC 3745-66-92 Design and installation of new tank systems and components:**

K-B utilizes two hazardous waste tanks to accumulate cyanide waste streams and acid waste streams generated from the plating lines. These tanks that were installed after 1990 have no secondary containment. At the time of the March 2, 2006 inspection, K-B could not produce assessments or other relevant documentation pertaining to the integrity and installation of the hazardous waste tanks. During the June 6, 2006 follow up inspection K-B stated that the facility was getting quotes for installing two new double walled tanks to replace the current hazardous waste tanks. By letter dated February 16, 2007, K-B stated that the facility is investigating installing "tank-in-a-tank" system instead of double walled tanks.

To demonstrate abatement of this violation, please see Violation #3.

3. **OAC 3745-66-93(A)(B)(C) and (E) Containment and detection of releases:**

(A) In order to prevent the release of hazardous wastes or hazardous constituents to the environment, secondary containment that meets the requirements of this rule must be provided:

(1) For all new tank systems or components, prior to their being put into service;

At the time of the March 2, 2006 inspection, Ohio EPA observed that the two hazardous waste tanks being utilized at K-B to accumulate cyanide waste and acid waste did not have any secondary containment. By letter dated February 16, 2007, K-B stated that the facility is investigating installing "tank-in-a-tank" system instead of double walled tanks.

To demonstrate abatement of this violation, K-B must submit to this office documentation demonstrating the **newly installed** hazardous waste tank system meets the requirements as specified in OAC 3745-66-92 and OAC 3745-66-93.

In addition, K-B must insure that the tank system comply with the requirements for the maintenance of protective distances between the waste management area and any public ways, streets, alleys, or an adjoining property line that can be built upon as required in Tables 2-1 to 2-6 of the national fire protection association's (NFPA) "Flammable and Combustible Liquids Code". Ohio EPA has recommended that the facility contact the Cleveland Fire Department prior to installing the new tank system to ensure that it meets the fire code.

4. **OAC 3745-65-16 Personnel training:**

(A) (1) Facility personnel must successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance with the requirements of Chapters 3745-65 to 3745-69 and 3745-256 of the Administrative Code. The owner or operator must ensure that this program includes all the elements described in the document required under paragraph (D)(3) of this rule.

(2) This program must be directed by a person trained in hazardous waste management procedures and must include instruction which teaches facility personnel hazardous waste management procedures, including contingency plan implementation relevant to the positions in which they are employed.

(3) *At a minimum, the training program must be designed to ensure that facility personnel are able to respond effectively to emergencies by familiarizing them with emergency procedures, emergency equipment, and emergency systems, including, where applicable;*

- (a) Procedures for using, inspecting, repairing, and replacing facility emergency and monitoring equipment;*
- (b) Key parameters for automatic waste feed cut-off systems;*
- (c) Communications or alarm systems;*
- (d) Response to fires or explosions;*
- (e) Response to ground water contamination incidents; and*
- (f) Shutdown of operations.*

(B) *Facility personnel must successfully complete the program required in paragraph (A) of this rule within six months after January 7, 1983 or six months after the date of their employment or assignment to a facility, or to a new position at a facility, whichever is later. Employees hired after January 7, 1983 must not work in unsupervised positions until they have completed the training requirements of paragraph (A) of this rule.*

(C) *Facility personnel must take part in an annual review of the initial training required in paragraph (A) of this rule.*

(D) *The owner or operator must maintain the following documents and records at the facility:*

(1) The job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job;

(2) A written job description for each position listed under paragraph (D)(1) of this rule. This description may be consistent in its degree of specificity with descriptions for other similar positions in the same company location or bargaining unit, but must include the requisite skill, education, or other qualifications, and duties of facility personnel assigned to each position;

(3) A written description of the type and amount of both introductory and continuing training that will be given to each person filling a position listed under paragraph (D)(1) of this rule; and

(4) Records that document that the training or job experience required under paragraph (A), (B), and (C) of this rule has been given to, and completed by, facility personnel.

- (E) *Training records on current personnel must be kept until closure of the facility. Training records on former employees must be kept for at least three years from the date the employee last worked at the facility. Personnel training records may accompany personnel transferred within the same company.*

At the time of the March 2, 2006 inspection, K-B did not have a personnel training program for employees who manage hazardous waste which meets all the requirements of OAC 3745-65-16.

To demonstrate abatement of this violation, K-B will develop a personnel training program which meets all the requirements of OAC 3745-65-16. The personnel training program must be tailored to hazardous waste management at the K-B facility and **specifically cover proper management of the reactive hazardous wastes generated at the facility**. Incorporated into this program will be annual refreshers and a policy to train new employees within six months of their hiring date or transfer to a new position which manages hazardous waste. K-B will train its employees in this plan **and the facility contingency plan** and submit to this office a copy of the training program, the qualifications of the trainer, a list of employees receiving the training and sign-in sheets demonstrating the training has been performed.

By letter dated February 16, 2007, K-B submitted documentation demonstrating that Richard Irwin and David Kopea received formal training in hazardous waste management from The Dell Group on December 13, 2006. K-B has stated that due to the small staff at the facility, no employee is limited to a specific job. Therefore K-B must ensure that all employees that may be involved with hazardous waste management at the facility must be trained in hazardous waste management, the facility contingency plan and receive annual refreshers of said training. This training may be performed on site by Mr. Kopea or Mr. Irwin (who have both received formal training), and must be formally documented. On March 23, 2007, Ohio EPA met with K-B's consultant, Tom Kmiec, to further clarify these requirements.

Ohio EPA's review of the job titles and descriptions for the two positions submitted on February 16, 2007, revealed that they do not meet the requirements of OAC 3745-65-16(D). K-B must update the job titles and descriptions to include:

- The **requisite skill, education, or other qualifications** of facility personnel assigned to each position;
- A written description of the type and amount of **both introductory and continuing training** that will be given to each person filling a position which manages hazardous waste.

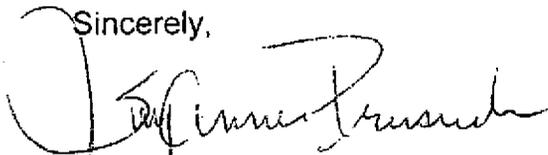
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K-B will submit, to this office, copies of the updated job titles and descriptions for each of the positions that manage hazardous waste at the K-B Plating facility. K-B will also submit a list of employees filling each position. On March 23, 2007, Ohio EPA reviewed these requirements with the facility's consultant, Tom Kmiec.

Please submit all of the requested documentation to my attention within thirty (30) days of receipt of this letter demonstrating that all issues have been addressed.

Failure to list specific deficiencies in this communication does not relieve K-B from the responsibility of complying with all applicable hazardous waste regulations. Should you have any questions, please feel free to call me at (330) 963-1181.

Sincerely,



Suzanne Prusnek
Environmental Specialist
Division of Hazardous Waste Management

SP:ddw

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