



**Environmental
Protection Agency**

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

June 13, 2011

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

**RE: K-B PLATING, OHD982066664, CUYAHOGA, RCRA/LQG, COMPLAINT #7423,
NOTICE OF VIOLATION**

Dear Mr. Kopea:

On May 5, 2011, Ohio EPA Division of Materials and Waste Management (DMWM) conducted a compliance evaluation inspection at the K-B Plating Inc. (K-B) facility located at 3685 E. 78th Street in Cleveland, Ohio. K-B is an electroplating operation and qualifies as a Large Quantity Generator (LQG) of hazardous waste. Hazardous waste streams generated at the facility include spent acid and chromate solutions and rinse waters (D002, D006, and D007), spent cyanide plating bath solutions and rinses (F007, D006) and plating sludges from the bottoms of cyanide plating baths (F008).

The purpose of this inspection was to investigate allegations that K-B Plating had no hazardous waste management program in place and to determine K-B's compliance with Ohio's hazardous waste laws and regulations as found under the Ohio Revised Code and Ohio Administrative Code ("ORC" and "OAC," respectively). K-B was represented by you while the Ohio EPA was represented by me. Ohio EPA's inspection included an inspection of the K-B facility and a review of written documentation.

Based on this inspection, Ohio EPA has determined that K-B has violated the following state hazardous waste regulations:

1. **OAC 3745-66-95 Tank Inspections:**

- (A) *The owner or operator must inspect, where present, at least once each operating day; data gathered from monitoring and leak-detection equipment (e.g., pressure or temperature gauges, monitoring wells) to ensure that the tank system is being operated according to its design.*
- (B) *Except as noted under paragraph (C) of this rule, the owner or operator must inspect at least once per operating day:*

- (1) *Overfill/spill control equipment (e.g., waste-feed cutoff systems, bypass systems, and drainage systems) to ensure that it is in good working order;*
- (2) *The above-ground portions of the tank system, if any, to detect corrosion or releases of waste; and*
- (3) *The construction materials and the area immediately surrounding the externally accessible portion of the tank system including secondary containment structures (e.g., dikes) to detect erosion or signs of releases of hazardous waste (e.g., wet spots, dead vegetation).*

K-B has not been conducting daily hazardous waste tank system inspections as required by OAC 3745-66-95.

To demonstrate abatement of this violation, K-B must begin inspecting the hazardous waste tank systems daily and submit to this office two consecutive weeks of completed inspection logs.

Please find enclosed two hazardous waste tank inspection log sheets (one for you to use immediately, and for you to copy for future use).

2. **OAC 3745-52-34(A)(3) Labeling:** *A generator may, for ninety days or less, accumulate and/or conduct treatment of hazardous waste that is generated on-site without an Ohio hazardous waste permit, provided that while being accumulated and/or treated on-site, each container and tank is labeled or marked clearly with the words "Hazardous Waste."*

- A. At the time of this inspection, Ohio EPA observed the Hazardous Waste Tank was not labeled with the words "Hazardous Waste."

Upon being informed of this violation, Mr. Kopea immediately labeled the Hazardous Waste Tank with the words "Hazardous Waste." Ohio EPA therefore, considers this violation abated.

3. **OAC 3745-52-41(A) Annual Reports:** *A generator who ships any hazardous waste off-site must prepare and submit to Ohio EPA the "Annual Hazardous Waste Report" by March first of each year. The generator must prepare the "Annual Hazardous Waste Report" using forms 9027, 9028, and 9029 provided by the director upon the request of the generator. The "Annual Hazardous Waste Report" must cover generator activities during the previous year, and must include the following information:*

DAVID KOPEA
JUNE 13, 2011
PAGE 3

- (1) *The U.S. EPA identification number, name, and address of the generator;*
- (2) *The calendar year covered by the report;*
- (3) *The U.S. EPA identification number, name, and address for each off-site treatment, storage, or disposal facility to which waste was shipped during the year;*
- (4) *The name and U.S. EPA identification number of each transporter used during the reporting year for shipments to a treatment, storage, or disposal facility;*
- (5) *A description, U.S. EPA hazardous waste number (from rules 3745-51-20 to 3745-51-24 or 3745-51-30 to 3745-51-35 of the Administrative Code), U.S. DOT hazard class, and quantity of each hazardous waste shipped off-site for shipments to a treatment, storage, or disposal facility. This information must be listed by U.S. EPA identification number of each such off-site facility to which waste was shipped;*
- (6) *A description of the efforts undertaken during the year to reduce the quantity and toxicity of hazardous waste generated;*
- (7) *A description of the changes in quantity and toxicity of waste actually achieved during the year in comparison to previous years; and*
- (8) *The certification signed by the generator or authorized representative.*

During a review of the facility records Ohio EPA determined that K-B Plating has not submitted an Annual Hazardous Waste Report for the year 2009.

To demonstrate abatement of this violation, K-B must prepare and submit to Ohio EPA Central Office, Annual Hazardous Waste Reports for the hazardous waste shipped off site during the year 2009 and submit a copy of said report to this office. Information regarding the preparation and submittal of reports:

Please contact Mary Ann Silagy at (614) 644-2954 for additional information.

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.

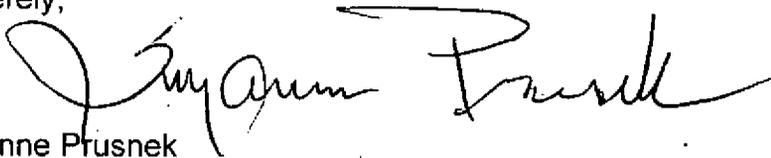
The Division of Materials and Waste Management has created an electronic news service to provide you with quick and timely updates on events and news related to hazardous waste activities in Ohio. If you have not already, we encourage you to sign-up for this free service. You can find more information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

DAVID KOPEA
JUNE 13, 2011
PAGE 4

Please feel free to share this information with your colleagues.

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,

A handwritten signature in black ink, appearing to read "Suzanne Prusnek". The signature is fluid and cursive, with a large initial "S" and a long, sweeping underline.

Suzanne Prusnek
Environmental Specialist
Division of Materials and Waste Management

SP:bo

enclosures

cc: Natalie Oryshkewych, DMWM, NEDO, OEPA

ec: Frank Popotnik, DMWM, NEDO, OEPA
Jeff Mayhugh, DMWM, CO, OEPA