



State of Ohio Environmental Protection Agency

Northeast District Office

2110 East Aurora Road  
Twinsburg, OH 44087-1924

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

Ted Strickland, Governor  
Lee Fisher, Lieutenant Governor  
Laura H. Powell, Acting Director

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

January 9, 2007

David Kopea  
K-B Plating  
3685 E. 78<sup>th</sup> 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 November 16, 2006 and November 20, 2006 responses to Ohio EPA's October 17, 2006 Partial Return to Compliance letter.

By letter dated November 16, 2006, you submitted information and documentation including:

- A copy of the facility contingency plan and emergency procedures revised September 9, 2006.

By letter dated November 20, 2006 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 hazardous waste manifest #10250 and the associated Land Disposal Restriction (LDR) form.
- A tabular representation of waste profiles from Chemtron referred to as Table 1.
- Information regarding the K-B's progress in obtaining quotes for the purchase and installation of the new hazardous waste tank system.
- A copy of the Request for Proposals (RFP's) to four tank manufacturers with regard to replacing the existing hazardous waste tank system.
- A copy of Exhibit #7 from the facility contingency plan listing the distribution of the contingency plan.
- Copies of certified mail receipts demonstrating that the facility contingency plan has been distributed to the list of recipients in Exhibit #7.
- Job title and description for the position of hazardous waste manager, Dave Kopea.

My review of this documentation reveals that K-B has abated the following hazardous waste violation cited in Ohio EPA's April 3, 2006 inspection:

**OAC 3745-65-52 Content of contingency plan**

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 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..

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 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.

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 letters dated September 11, 2006 and November 20, 2006 K-B submitted documentation demonstrating that the facility was getting quotes for installing two new double walled tanks to replace the current hazardous waste 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.

Ohio EPA wishes to remind K-B that the old tank system is subject to generator closure and must be decontaminated and disposed properly.

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. By letter dated November 20, 2006, K-B submitted a statement indicating that personnel training has been scheduled twice and subsequently cancelled and has stated that another session will be scheduled in the near future.

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.** I 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 November 20, 2006, K-B submitted a statement indicating that there are three positions responsible for hazardous waste management. However, K-B only submitted an amended job title and description for the position of Hazardous Waste Manager but did not include amended job titles and descriptions for 1st Shift Hazardous Waste Technician or 2nd Shift Hazardous Waste Technician. Ohio EPA's review of the job title and description submitted revealed that it is deficient and does 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;

K-B PLATING  
JANUARY 9, 2007  
PAGE - 6 -

- 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.

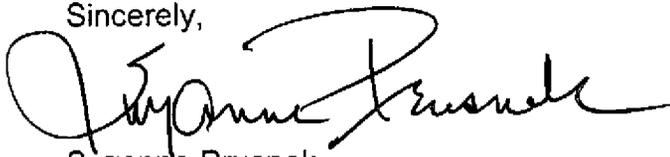
An example of job titles and descriptions was e-mailed to you subsequent to the March 2, 2006 inspection. Ohio EPA has enclosed another copy of these examples to aid the facility in their development of the required job titles and descriptions.

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.

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

Enclosure

ec: Frank Popotnik, DHWM, NEDO, OEPA  
Jim Kavalec, DHWM, CO, OEPA  
Todd Anderson, Legal, CO, OEPA