



**Environmental
Protection Agency**

John R. Kasich, Governor

Mary Taylor, Lt. Governor

Scott J. Nally, Director

April 26, 2012

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

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

CERTIFIED MAIL

Dear Mr. Sicklesmith:

On March 21 and 29, 2012, I visited Sebring Industrial Plating (SIP) to meet with Lori Muller of the USEPA and see the progress USEPA was making with the time critical removal activities at the site. You were present at SIP on March 21 but not on March 29, 2012.

Removal activities included removing liquid and sludge from the subsurface pits, digging up and removing the lines that carried plating waste water from the building to the pits, and removing contaminated soil. The first day I was there I saw sludge in the subsurface pits being mixed with cement kiln dust, and watched one of the metal tanks being removed from the ground. On the second day I saw that all the subsurface pits had been removed and the area where they had been was covered with clean topsoil. From the subsurface pits to the fence line, the superficial soil layer of contaminated soil had been removed and the area was going to be backfilled with clean top soil.

Downspouts from the building tie into a drain pipe that runs from the building to a storm sewer in the street. This storm water drain pipe was uncovered when the superficial layer of contaminated soil was removed. It was discovered that a drain pipe from the plating area of the building was tied into the storm water pipe. The pipe has been disconnected from the storm water drain pipe.

Conditions inside the building haven't changed much from a site visit on November 18, 2010, after which Ohio EPA sent you a notice of violation, dated January 26, 2011. Another site visit on March 21, 2011, and the recent ones in March 2012 show that conditions inside remain the same, or have gotten worse. During all site visits I noted the following conditions:

- a. The floor of the building in the plating area is cracked and crumbling;
- b. The building's roof has two gaping holes in it and it leaks in many other spots;
- c. Waste water treatment tanks are filled with plating rinse water as are three, 1500 gallon tanks;
- d. Numerous containers stored throughout the building have not yet been identified as containing usable vs. non-usable materials; and,
- e. The containers located outside should be characterized and removed.

The following violation, first cited in the June 3, 1992 notice of violation letter from Ohio EPA, has been abated by the removal activities performed by USEPA:

- A. 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.

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.

Based on the March 21, 2012 site visit, SIP is again in violation of:

1. 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.

When I was onsite March 21 and 29, 2011, I noted that the pre-treatment tanks remain full and the three (3), 1500 gallon storage tanks are filled with plating rinse water. Since at least November 18, 2010, SIP has been storing hazardous waste in its pretreatment tanks and in the three, 1500 gallon poly storage tanks. The tanks were full at the time of the November 18, 2010 site visit and the March 21 and 29, 2012 visits.

Because hazardous waste has accumulated for more than 90 days and SIP does not hold a hazardous waste installation and operation permit, SIP is the operator of an unlawful hazardous waste storage facility. SIP must immediately make arrangements for the hazardous waste to be shipped off-site.

SIP remains in violation of the following violation, first noted during Ohio EPA's November 18, 2010 site visit and cited in the January 26, 2011 notice of violation letter

2. OAC 3745-52-11; Waste Evaluation. Hazardous Waste Determination.

This rule requires that any person who generates a waste must determine if that waste is a hazardous waste.

There are many containers at the facility and most of them contain chemicals that can no longer be used. To return to compliance with this rule you must do the following:

a. Analyze and provide the analytic data used to determine if the chemicals in the containers being stored on-site are usable or a waste. If the material is a waste, make the determination if it is a hazardous or non-hazardous waste. If it is a hazardous waste it must be manifested off-site to a permitted treatment/storage/disposal facility.

b. Analyze the contents of the 55-gallon fiberboard containers located by the filter press that hold unknown solids. They appear to be floor sweepings and/or filter cake. A steel 55-gallon drum beneath the filter press appears to contain filter cake. That drum has been sitting there since at least March 22, 2011. Analytic results should be obtained for it, too.

- c. Create an inventory log which lists each drum on-site, where it is located, what it contains, and if the material is hazardous waste.

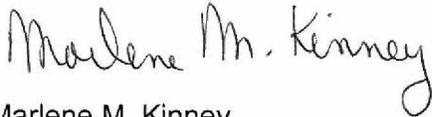
SIP needs to immediately take the necessary measures to return to compliance with Ohio's environmental laws. Within 14 days of receipt of this letter, SIP is requested to provide documentation to this office including the steps taken to abate the violations cited above. Documentation of steps taken to return to compliance includes written correspondence, updated policies, and photographs, as appropriate, and may be submitted via the postal service or electronically to marlene.kinney@epa.ohio.gov.

Please be advised that violations cited above will continue until the violations have been properly abated. Failure to comply with Chapter 3734 of the Ohio Revised Code and rules promulgated thereunder may result in a civil penalty of up to \$10,000 per day for each violation. It is imperative that you return to compliance. If circumstances delay the abatement of violations, SIP is requested to submit written correspondence of the steps that will be taken by date certain to attain compliance.

You can find copies of the rules and other information on the division's web page at <http://www.epa.state.oh.us/dmwm.aspx>

Should you have any questions, please feel free to call me at (330) 963-1162 or email me at marlene.kinney@epa.state.oh.us

Sincerely,



Marlene M. Kinney
Environmental Specialist
Division of Materials and Waste Management

MMK:ddw

ec: Jeff Mayhugh, DMWM, CO
Niyall McKenna, DMWM, NEDO
Natalie Oryshkewych, DMWM, NEDO
Lori Muller, USEPA, Westlake