



Mike DeWine, Governor  
Jon Husted, Lt. Governor  
Laurie A. Stevenson, Director

April 28, 2021

Mr. Samuel Hopper  
Sebring Industrial Plating Co.  
1227 Gibbs Avenue NE  
Canton, Ohio 44705

RE: Sebring Industrial Plating Co.  
Notice of Violation (NOV)  
NOV  
RCRA C - Hazardous Waste  
Mahoning County  
OHD987045168

**DELIVERY CONFIRMATION**  
9114 9014 9645 1963 3767 45

**Hazardous Waste Program - DERR**

**Subject: FCI Notice of Violation**

Dear Mr. Hopper:

On March 24 and March 26, 2021, Ohio EPA conducted a Focused Compliance Inspection (FCI) of the Sebring Industrial Plating Co. (SIP) facility located at 546 W. Tennessee Avenue in Sebring, Ohio (Facility). The goal of this inspection was to determine SIP's compliance with Ohio's hazardous waste laws as found in Chapter 3734. of the Ohio Revised Code (ORC) and the rules adopted pursuant to ORC § 3734.12 found in Chapter 3745 of the Ohio Administrative Code (OAC) and the December 27, 2018 Director's Final Findings and Orders (Orders). The inspection included a review of SIP's operations. SIP has ceased all operations at the Facility.

Prior to this FCI, Ohio EPA issued several Notice of Violation (NOV) letters and Orders to SIP which included, but are not limited to, the following:

December 7, 2018 NOV, available at:

<http://edocpub.epa.ohio.gov/publicportal/ViewDocument.aspx?docid=956570>

December 27, 2018 Orders which required SIP to evaluate all waste, lawfully ship all hazardous waste to an authorized facility, and complete the closure of all unlawful hazardous waste management units at the Facility. The Orders are available at:

<http://edocpub.epa.ohio.gov/publicportal/ViewDocument.aspx?docid=967289>

March 11, 2019 NOV for violations of the December 27, 2018 Orders, available at:

<http://edocpub.epa.ohio.gov/publicportal/ViewDocument.aspx?docid=1011260>

## **Findings**

Ohio EPA identified the following violations, including unresolved violations from previous inspections, of Ohio's hazardous waste laws and rules.

- 1. Unlawful Storage of Hazardous Waste; ORC § 3734.02(E) & (F), OAC rule 3745-50-41(A) and OAC rule 3745-50-45(A):** ORC § 3734.02(E) & (F) state that no person shall establish or operate a hazardous waste facility without a permit and that no person shall accept, store, treat or dispose of hazardous waste except at a facility with a hazardous waste permit. In addition, OAC rules 3745-50-41(A) and 3745-50-45(A) provide that ORC Chapter 3734 requires a permit for the treatment, storage or disposal of any hazardous waste.

Based on the inspection and analytical results from sampling conducted by Ohio EPA on October 11, 2018, November 15, 2018, and March 24, 2021, the following containers and tanks were identified as storing hazardous waste.

- A. Waste plating solutions and rinses in at least seven tanks (T-01, T-02, T-04, T-10, T-11, T12, and T-13) associated with the former plating line located on the west side of the building. The analytical results demonstrated the waste contents were D002 (corrosive) and/or D007 (chromium) hazardous wastes as defined in OAC rules 3745-51-22 and 3745-51-24.
- B. Waste solids present of the floor around the former plating line tanks located on the west side of the building. The analytical results demonstrated the waste solids were a D007 (chromium) hazardous waste as defined in OAC rule 3745-51-24.
- C. At least five, 55-gallon containers located on the east and west sides of the building. Analytical results and container labeling demonstrated the waste contents were D002 (corrosive), D006 (cadmium), and/or D007 (chromium) hazardous wastes as defined in OAC rules 3745-51-22 and 3745-51-24.
- D. Waste plating solutions and rinses in at least two tanks (OBL-06 and OBL-07) associated with the "old barrel line" (OBL) plating line located on the west side of the building. The analytical results demonstrated the waste contents were a D007 (chromium) hazardous waste as defined in OAC rule 3745-51-24.
- E. Waste plating solution and sludge in the floor sump near the OBL plating line located on the west side of the building. The analytical results demonstrated the waste contents were a D006 (cadmium) hazardous waste as defined in OAC rule 3745-51-24.
- F. Waste sludge in the "horseshoe tank" of the non-operating wastewater treatment system (WWTS) located on the east side of the building. The analytical results

demonstrated the waste contents were a D006 (cadmium) hazardous waste as defined in OAC rule 3745-51-24.

- G. Waste plating solution in the floor sump associated with the non-operating WWTS located on the east side of the building. The sump is located adjacent to the "horseshoe tank." The analytical results demonstrated the waste contents were a D006 (cadmium) hazardous waste as defined in OAC rule 3745-51-24.

Ohio EPA identified that SIP is storing over at least 38,000 pounds of hazardous waste. The quantity of hazardous waste being stored at the Facility exceeds 13,200 pounds (6,000 kilograms). OAC rule 3745-52-16(D) and OAC rule 3745-52-17(B) provide, respectively, that a small quantity generator that stores hazardous waste for more than 180 days or in quantities greater than 13,200 pounds (6,000 kilograms) or a large quantity generator (LQG) that stores hazardous waste for more than 90 days is the owner/operator of a hazardous waste facility and subject to applicable hazardous waste laws. SIP has stored some of these hazardous wastes referenced above at the Facility for multiple years, some as early as 2016.

Ohio EPA determined that SIP does not have a hazardous waste permit in violation of ORC § 3734.02(E)&(F), OAC rule 3745-50-41(A) and OAC rule 3745-50-45(A). Therefore, SIP has established an unlawful hazardous waste storage facility by storing hazardous waste for greater than at least 180 days without first obtaining a hazardous waste facility installation and operation permit.

In order to mitigate these violations, Ohio EPA recommends that all hazardous waste being unlawfully stored at SIP be sent to a hazardous waste facility with a valid installation and operation permit as soon as possible.

Since SIP violated ORC § 3734.02(E) & (F) by establishing an unpermitted treatment, storage, or disposal facility (TSDF), SIP is subject to the closure and financial assurance requirements in OAC rules 3745-55-10 through 3745-55-48, 3745-55-78 and 3745-55-97. Therefore, SIP may be required to submit a closure plan for the areas where the hazardous waste was being stored. A closure plan describes the steps necessary to investigate the extent of contamination and clean up all contamination found.

SIP is also subject to all applicable general facility standards found in OAC Chapters 3745-54 and 3745-55, until such time as SIP has demonstrated that it has ceased operations as a TSDF. Additionally, at any time, Ohio EPA may assert its right to have SIP begin facility-wide cleanup, pursuant to the corrective action process under Ohio EPA's requirements.

- 2. ORC §3734.13(D), Violating an Order of the Director:** No person shall violate any term or condition of any order issued under this section.

A. Order No. 1, Hazardous Waste Removal

Within 30 days of the effective date of the Orders, SIP was required to submit documentation showing that all hazardous wastes identified at the Facility by Ohio EPA were properly transported off-site to an authorized facility. Ohio EPA has not received this shipment documentation (i.e., manifests). Therefore, SIP remains in violation of ORC §3734.02(E)&(F) in addition to Order No. 1. To resolve this violation, Ohio EPA recommends that SIP comply with the December 27, 2018, Orders.

B. Order No. 2, Waste Evaluation

Within 30 days of the effective date of the Orders, SIP was required to submit analytical results demonstrating that all remaining wastes at the Facility had been evaluated in compliance with OAC rule 3745-52-11. Ohio EPA has not received this waste evaluation documentation. Therefore, SIP remains in violation of OAC rule 3745-52-11 in addition to Order No. 2. To resolve this violation, Ohio EPA recommends that SIP comply with the December 27, 2018, Orders.

C. Order No. 3, Hazardous Waste Removal

SIP was required to submit documentation showing that all hazardous wastes identified at the Facility as a result of compliance with Order No. 2 have been properly transported off-site to an authorized facility within 60 days of the effective date of the Orders. Ohio EPA has not received this shipment documentation (i.e., manifests). Therefore, SIP remains in violation of ORC §3734.02(E) & (F) in addition to Order No. 3. To resolve this violation, Ohio EPA recommends that SIP comply with the December 27, 2018 Orders.

D. Order No. 4, Closure Requirements

Within 30 days of the effective date of the Orders, SIP was required to submit to Ohio EPA, for review and approval, a Closure Plan for the hazardous waste management units described in Findings Nos. 12.a and 16.a of the Orders. Ohio EPA has not received a Closure Plan. Therefore, SIP remains in violation of Order No. 4. To resolve this violation, Ohio EPA recommends that SIP comply with the December 27, 2018 Orders.

- 3. OAC Rule 3745-52-11, Hazardous Waste Determination and OAC rule 3745-54-13, Waste Analysis:** A person who generates a waste as defined in OAC rule 3745-51-02 shall make an accurate determination as to whether that waste is a hazardous waste in order to ensure wastes are properly managed according to all applicable hazardous waste rules.

- A. SIP failed to determine if the wastes stored in 14 tanks associated with the non-operating plating line are a hazardous waste. The plating line is located on the west side of the building.
- B. SIP failed to determine if the wastes stored in at least 50, 55-gallon containers, as well as numerous bags, are a hazardous waste. The containers and bags are located throughout the Facility with most being stored on the east side of the Facility.
- C. SIP failed to determine whether the wastes stored in several containers found in the non-operating lab area are a hazardous waste. The lab area is located on the east side of the building at its southern end. The shelves in the lab area contain small containers of various chemicals surrounded by one to five-gallon containers.

In order to resolve these violations, Ohio EPA recommends that SIP immediately evaluate the wastes listed above to determine if they are hazardous waste as required by this rule and submit the evaluations to this office for review.

- D. In addition to the wastes identified above, SIP must conduct an inspection of the Facility to identify any other waste that may be present. As a facility subject to the standards in OAC Chapters 3745-54 and 3745-55, SIP is required to, at a minimum, obtain information which must be known to treat, store and/or dispose of the waste in accordance with the requirements of OAC Chapters 3745-50, 3745-54 to 3745-57, 3745-205, and 3745-270. Should additional container(s) or tank(s) of waste be found, SIP is requested to conduct an evaluation of these wastes pursuant to OAC rules 3745-52-11 (Hazardous Waste Determination) and 3745-54-13 (Waste Analysis). Please notify me of your findings, as well as provide the waste determination for any additional wastes.

### **Conclusion**

Ohio EPA requests that SIP promptly undertake the necessary measures to return to compliance with Ohio's environmental laws and rules. Within 14 days of receipt of this letter, SIP is requested to provide documentation to Ohio EPA including the steps taken to resolve the violations cited above. Documentation of steps taken to return SIP to compliance includes written correspondence, updated policies, and photographs as appropriate may be submitted via the postal service or electronically to [frank.zingales@epa.ohio.gov](mailto:frank.zingales@epa.ohio.gov).

Please be advised that violations cited above will continue until the violations have been properly resolved. Failure to comply with Chapter 3734. of the ORC and rules promulgated thereunder may result in an administrative or civil penalty.



MR. HOPPER  
SEBRING INDUSTRIAL PLATING CO.  
APRIL 28, 2021  
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The submission of any requested information in response to this letter does not constitute waiver of the Ohio EPA's authority to seek administrative or civil penalties as provided in Chapter 3734. of the ORC.

This NOV is only associated with the areas of the operations that were inspected or the documentation reviewed and does not constitute a waiver of potential violations not discovered.

A copy of the inspection report will be sent with a separate letter. You can find Ohio's hazardous waste rules and other information on the division's web page at: <https://epa.ohio.gov/derr/compliance>.

Should you have any questions, please contact me at (330) 963-1108, or via email at [frank.zingales@epa.ohio.gov](mailto:frank.zingales@epa.ohio.gov).

Sincerely,

*/s/ Frank Zingales*

Frank Zingales  
Hazardous Waste Program  
Division of Environmental Response and Revitalization

FZ/sc

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