



**John R. Kasich**, Governor  
**Mary Taylor**, Lt. Governor  
**Craig W. Butler**, Director

December 27, 2018

Sebring Industrial Plating Co.  
 Attn: Richard Sicklesmith  
 PO Box 206  
 546 West Tennessee Ave.  
 Sebring, OH 44672

**Re: Sebring Industrial Plating Co.  
 Director's Final Findings and Orders (DFFO)  
 DFFO  
 RCRA C - Hazardous Waste  
 Mahoning County  
 OHD987045168**

**Subject:** Final Findings and Orders

Dear Sir:

Transmitted herewith are the Final Findings and Orders of the Director concerning the matter indicated for Sebring Industrial Plating Co.

You are hereby notified that this action of the Director of Ohio EPA (Director) is final and may be appealed to the Environmental Review Appeals Commission pursuant to Section 3745.04 of the Ohio Revised Code. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The appeal must be filed with the Commission within thirty (30) days after notice of the Director's action. The appeal must be accompanied by a filing fee of \$70.00 made payable to "Treasurer, State of Ohio." The Commission, in its discretion, may reduce the fee if by affidavit it is demonstrated that payment of the full amount of the fee would cause extreme hardship. Notice of the filing of the appeal shall be filed with the Director within three (3) days of filing with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. An appeal may be filed with the Environmental Review Appeals Commission at the following address:

Environmental Review Appeals Commission  
 30 East Broad Street, 4<sup>th</sup> Floor  
 Columbus, Ohio 43215

If you have any questions, please contact Sarah Miles at (614) 644-3037.

Sincerely,

Tonya Andrews, Administrative Professional 3

Enclosure

cc: Frank Zingales, DERR, NEDO  
Natalie Oryshkewych, DERR, NEDO  
Mitch Mathews, DERR, CO  
Erik Hagen, DERR, CO  
Sarah Miles, Legal

**BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY**

**In the Matter of:**

**Sebring Industrial Plating Co.**  
546 Tennessee Avenue  
Sebring, Ohio 44672

**Director's Final  
Findings and Orders**

**Respondent**

I certify this to be a true and accurate copy of the  
official documents as filed in the records of the Ohio  
Environmental Protection Agency.

**PREAMBLE**

By: Don Laseker Date: 12/27/18

It is agreed by the parties hereto as follows:

**I. JURISDICTION**

These Director's Final Findings and Orders (Orders) are issued to Sebring Industrial Plating Co. (Respondent) pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency (Ohio EPA) under Ohio Revised Code (ORC) § 3734.13 and 3734.02(G).

**II. PARTIES BOUND**

These Orders shall apply to and be binding upon Respondent and heirs and successors in interest liable under Ohio law. No change in ownership of Respondent or of the Facility shall in any way alter Respondent's obligations under these Orders.

**III. DEFINITIONS**

Unless otherwise stated, all terms used in these Orders shall have the same meaning as defined in ORC Chapters 3734. and 3752. and the rules promulgated thereunder.

**IV. FINDINGS**

The Director of Ohio EPA has determined the following findings:

1. Pursuant to ORC § 3734.02(G) and rule 3745-50-31 of the Ohio Administrative Code (OAC), the Director may, by order, exempt any person generating, storing, treating, or disposing of hazardous waste in such quantities or under such

circumstances that, in the determination of the Director, it is unlikely that the public health or safety or the environment will be adversely affected thereby, from any requirement to obtain a permit or comply with other requirements of ORC Chapter 3734. Any such exemption shall be consistent with and equivalent to rules promulgated under the Resource Conservation and Recovery Act of 1976, 90 Stat. 2806, 42 U.S.C. § 6921 et seq., as amended.

2. Respondent is a "person" as defined in ORC § 3734.01(G) and OAC rule 3745-50-10(A).
3. Respondent owns and operates a metal plating facility located at 546 Tennessee Avenue, Sebring, Mahoning County, Ohio 44672 (Facility) and has been assigned U.S. EPA identification number OHD987045168.
4. At the Facility, Respondent generates "hazardous waste" as that term is defined by ORC § 3734.01(J) and OAC rules 3745-50-10(A) and 3745-51-03. The hazardous wastes generated at the Facility include characteristically hazardous spent plating wastes (D002 – corrosivity, D006 – cadmium, and D007 – chromium) as described in OAC rules 3745-51-21 and 3745-51-24, respectively.
5. On July 17, 2018 the Chief of the Village of Sebring Fire Department (Fire Chief) informed Ohio EPA of concerns at the Facility. The Fire Chief found the following concerns at the Facility: the building's roof has two large holes allowing precipitation to enter the building; the building windows needed to be boarded up to prevent unauthorized access; many containers and tanks containing unknown waste were present. Due to these concerns, the Fire Chief issued a verbal cease and desist order to Respondent because of public safety and fire safety concerns. Approximately on or before July 24, 2018, the Fire Chief lifted the cease and desist order after the Respondent boarded up the windows.
6. On July 18, 2018, Ohio EPA conducted a complaint investigation and compliance evaluation inspection of the Facility. Ohio EPA confirmed the conditions referenced in Finding No. 5. of these Orders and determined that Respondent, *inter alia*, failed to evaluate wastes generated in non-operating plating tanks at the Facility to determine if they are hazardous, in violation of OAC rule 3745-52-11. These tanks had ceased being used for longer than a year. Specifically, used "Lanthane Stellar Blue" dip solution, and waste process waters, rinse waters and sludge in the 4,000-gallon open-top "horseshoe tank" and the 3,200-gallon open-top clarifying tank need to be evaluated to determine if they are hazardous waste.
7. By letter dated July 20, 2018, Ohio EPA notified Respondent of the violation

referenced in Finding No. 6. of these Orders.

8. On September 14, 2018, Ohio EPA's Office of Emergency Response was called to the Facility to respond to an undetermined amount of unknown liquids released from the building. The liquids had traveled to adjacent properties and into a storm sewer. A rinse tank was being filled with water and was allowed to overflow for an extended period of time. Ohio EPA's level of effort contractor removed the released waste and pumped out a rinse tank to provide Respondent additional capacity for operations at the Facility.
9. On September 18, and October 11, 2018, Ohio EPA conducted compliance evaluation inspections at the Facility to determine Respondent's compliance with the hazardous waste regulations. During the October 11, 2018 visit, Ohio EPA collected samples of wastes stored in tanks and containers at the Facility.
10. On October 29, 2018, Ohio EPA received the analytical results for the samples collected as referenced in Finding No. 9. of these Orders indicating that hazardous wastes are being stored at the Facility. Specifically, the waste "Lanthane Stellar Blue" passivation solution located on the east side of the building is a characteristic hazardous waste due to corrosivity (D002) and toxicity for cadmium (D006) and chromium (D007); the waste plating and passivation solutions and rinses in as many as nine tanks associated with the "old barrel line" are characteristic hazardous waste due to toxicity for cadmium (D006) and/or chromium (D007); waste rinse water and sludge in the first segment of the "horseshoe tank" of the non-operating wastewater treatment system located on the east side of the building is characteristic hazardous waste due to toxicity for cadmium (D006); and the waste plating solution and rinse waters in the floor sump associated with the non-operating wastewater treatment system and located next to the "horseshoe tank" are characteristic hazardous waste due to toxicity for cadmium (D006).
11. Ohio EPA has determined that Respondent is storing approximately 4,700 gallons (18,000 kilograms) of hazardous waste at the Facility. OAC rules 3745-52-34(B) and 3745-52-34(F) provide, respectively, that a large quantity generator of hazardous waste that stores hazardous waste for more than 90 days, or a small quantity generator that stores hazardous waste for more than 180 days or in quantities greater than 6,000 kilograms is the operator of a hazardous waste storage facility and is subject to all general facility standards found in OAC Chapters 3745-54 and 3745-55. Respondent has not applied for or received a hazardous waste facility permit.
12. Based upon the compliance evaluation inspections referenced in Findings Nos.



6. and 9. of these Orders, the analytical results of samples collected referenced in Finding No. 10. of these Orders, and both the quantity and length of time of hazardous waste stored at the Facility referenced in Finding No. 10. of these Orders, Ohio EPA has determined that Respondent, *inter alia*;

- a. Established and is operating an unpermitted hazardous waste storage facility by storing hazardous waste for longer than provided in OAC rule 3745-52-34 without a hazardous waste facility installation and operation permit, in violation of ORC § 3734.02(E) and (F) and OAC rules 3745-50-41(A) and 3745-50-45(A). Specifically, the east side the building where the hazardous waste "Lanthane Stellar Blue" passivation solution was stored in a tank is a hazardous waste management unit; the tanks holding hazardous waste in the "old barrel line" are hazardous waste management units; the first segment of the "horseshoe tank" of the non-operating wastewater treatment system is a hazardous waste management unit; and the floor sump associated with the non-operating wastewater treatment system and located next to the "horseshoe tank" is a hazardous waste management unit;
  - b. Failed to evaluate wastes at the Facility to determine if they are hazardous, in violation of OAC rule 3745-52-11. Specifically, Respondent failed to determine whether waste in three containers on the east side of the wastewater treatment system are hazardous waste. One 55-gallon container is labeled "sulfuric acid," one 30-gallon container is labeled "get tested" and one 55-gallon plastic container is holding a wastewater treatment system chemical. Additionally, the non-operating lab area contains several containers of unknown waste that need evaluated.
13. By letter dated November 14, 2018, Ohio EPA notified Respondent of the violations referenced in Finding No. 12. of these Orders. This letter also notified Respondent that the violation referenced in Finding No. 6. of these Orders is resolved.
  14. On November 15, 2018, Ohio EPA conducted a compliance evaluation inspection at the Facility and collected samples of wastes at the Facility. Ohio EPA collected samples of waste plating and passivation solutions from 14, 55-gallon containers on the east side the building, and waste plating solution and sludge from the floor sump near the "old barrel line" on the west side of the building.
  15. On December 4, 2018, Ohio EPA received the analytical results of the collected samples referenced in Finding No 14. of these Orders indicating the waste

plating and passivation solutions are characteristic hazardous waste due to corrosivity (D002) and toxicity for cadmium (D006) and chromium (D007), and the waste plating solution and sludge from the floor sump is characteristic hazardous waste due to toxicity for cadmium (D006).

16. Based upon the analytical results of samples collected from wastes referenced in Findings Nos. 14. and 15. of these Orders, Ohio EPA determined that Respondent, *inter alia*:
  - a. Established and is operating an unpermitted hazardous waste facility by storing hazardous waste for longer than allowed without a hazardous waste facility installation and operation permit, in violation of ORC § 3734.02(E) and (F) and OAC rules 3745-50-41(A) and 3745-50-45(A). Specifically, the east side the building where the 14, 55-gallon containers of hazardous waste plating and passivation solutions are stored is a hazardous waste management unit; and the floor sump near the "old barrel line" on the west side of the building is a hazardous waste management unit; and
  - b. Failed to evaluate wastes at the Facility to determine if they are hazardous waste, in violation of OAC rule 3745-52-11.
17. By letter dated December 7, 2018, Ohio EPA notified Respondent of the violations referenced in Finding No. 16. of these Orders.
18. Due to Respondent's establishment and operation of a hazardous waste storage facility as described in Findings Nos. 12.a. and 16.a. of these Orders, Respondent is required to have a hazardous waste facility installation and operation permit and is subject to all general facility standards found in OAC Chapter 3745-54 and 55, including but not limited to, closure in accordance with OAC rules 3745-55-11 through 3745-55-20, the financial assurance for closure requirements contained in OAC rules 3745-55-42 through 3745-55-51 and corrective action for waste management units in accordance with OAC rule 3745-54-101. To obtain a hazardous waste facility installation and operation permit, Respondent is required to submit "Parts A and B" of the application in accordance with OAC Chapter 3745-50.
19. The submittal of a Closure Plan which complies with the administrative requirements of OAC Chapters 3745-65 and 66 and the substantive requirements of OAC Chapters 3745-54 and 55 including, but not limited to, the groundwater protection program in accordance with OAC rules 3745-54-90 through 3745-54-100 in lieu of the submittal of an application for a hazardous

waste facility installation and operation permit is unlikely to adversely affect the public health or safety or environment. Therefore, the Director finds that the issuance to Respondents of an exemption from the requirement to submit an application for a hazardous waste facility installation and operation permit for the Facility is unlikely to adversely affect the public health or safety or the environment within the meaning of ORC § 3734.02(G).

## **V. ORDERS**

Respondent shall achieve compliance with Chapters 3734. of the ORC and the regulations promulgated thereunder according to the following compliance schedule:

1. Within 30 days after the effective date of these Orders, Respondent shall submit documentation showing that all hazardous waste identified by Ohio EPA at the Facility has been properly transported off-site to an authorized facility.
2. Within 30 days after the effective date of these Orders, Respondent shall submit analytical results demonstrating that all remaining wastes at the Facility have been evaluated in compliance with OAC rule 3745-52-11.
3. Within 60 days after the effective date of these Orders, Respondent shall submit documentation showing that all identified hazardous waste as a result of compliance with Order No. 2. at the Facility has been properly transported off-site to an authorized facility.

Compliance with Orders Nos. 1., 2. and 3. of these Orders shall resolve the violations referenced in Findings Nos. 12.b. and 16.b. of these Orders.

4. Respondent is hereby exempted from the requirement to submit an application for a hazardous waste facility installation and operation permit for the Facility, provided that, within 30 days after the effective date of these Orders, Respondent complies with the following:
  - a. Within 30 days after the effective date of these Orders, Respondent shall 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 these Orders. A copy of the Closure Plan shall be submitted in accordance with Section X. of these Orders and an additional copy submitted to Ohio EPA, Division of Environmental Response and Revitalization, Erik Hagen, Manager, Engineering Section, P.O. Box 1049, Columbus, Ohio 43216-1049;



- b. This Closure Plan shall comply with the administrative requirements of OAC Chapters 3745-65 and 3745-66 and the substantive requirements of OAC Chapters 3745-54 and 3745-55 and OAC rule 3745-56-28 including but not limited to, the groundwater protection program in accordance with OAC rules 3745-54-90 through 54-100;
- c. The Closure Plan is subject to approval by Ohio EPA. If Ohio EPA does not approve the Closure Plan referenced in Order No. 4.a. and provides Respondent with a written statement of deficiencies, Respondent shall submit a revised Closure Plan for approval addressing the deficiencies within 30 days of receiving such written statement. If Ohio EPA modifies the Closure Plan, the modified Closure Plan becomes the approved plan;
- d. Upon Ohio EPA's written approval of the Closure Plan, Respondent shall implement the approved Closure Plan in the manner and pursuant to the time frames set forth in the approved Closure Plan and OAC rules 3745-55-13/3745-66-13;
- e. Within 30 days after approval of the Closure Plan pursuant to Order No. 4.a., Respondent shall submit a closure cost estimate and documentation demonstrating that Respondent have established financial assurance and liability coverage for the areas of the Facility subject to closure, in accordance with OAC rules 3745-55-42 through 3745-55-47; and
- f. Within 60 days after the effective date of closure, Respondent shall submit certification of closure to Ohio EPA in accordance with OAC rule 3745-55-15. Closure certification of the area described in Order No. 4.a., will resolve the violations referenced in Finding Nos., 12.a. and 16.a. of these Orders.

## **VI. TERMINATION**

Respondent's obligations under these Orders shall terminate when Respondent certify in writing and demonstrate to the satisfaction of Ohio EPA that Respondent have performed all obligations under these Orders and the chief of Ohio EPA's Division of Environmental Response and Revitalization acknowledges, in writing, the termination of these Orders. If Ohio EPA does not agree that all obligations have been performed, then Ohio EPA will notify Respondent of the obligations that have not been performed, in which case Respondent shall have an opportunity to address any such deficiencies and seek termination as described above.

The certification shall contain the following attestation: "I certify that the information contained in or accompanying this certification is true, accurate and complete."

This certification shall be submitted by Respondent to Ohio EPA and shall be signed by Respondent.

#### **VII. OTHER APPLICABLE LAWS**

All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable local, state and federal laws and regulations. These Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to Respondent.

#### **VIII. NOTICE**

All documents required to be submitted by Respondent pursuant to these Orders shall be addressed to:

Ohio Environmental Protection Agency  
Northeast District Office  
Division of Environmental Response and Revitalization  
2110 East Aurora Road  
Twinsburg, Ohio 44087  
Attn: Hazardous Waste Program Manager

and Ohio EPA Central Office at the following address:

For mailings, use the post office box number:

Manager, Hazardous Waste Compliance Assurance Section  
Ohio Environmental Protection Agency  
Division of Environmental Response and Revitalization  
P.O. Box 1049  
Columbus, Ohio 43216-1049

For deliveries to the building:

Manager, Hazardous Waste Compliance Assurance Section  
Ohio Environmental Protection Agency  
Division of Environmental Response and Revitalization

50 West Town Street  
Columbus, Ohio 43215

or to such persons and addresses as may hereafter be otherwise specified in writing by Ohio EPA.

#### **IX. RESERVATION OF RIGHTS**

Nothing contained herein shall be construed to prevent Ohio EPA from seeking legal or equitable relief to enforce the terms of these Orders or from taking other administrative, legal or equitable action as deemed appropriate and necessary, including seeking corrective action at the Facility and penalties against Respondent for noncompliance with these Orders and/or for the violations described herein. Nothing contained herein shall be construed to prevent Ohio EPA from exercising its lawful authority to require all Respondent to perform additional activities pursuant to ORC Chapter 3734, or any other applicable law in the future. Nothing herein shall restrict the right of Respondent to raise any administrative, legal or equitable claim or defense with respect to such further actions which Ohio EPA may seek to require of Respondent. Nothing in these Orders shall be construed to limit the authority of Ohio EPA to seek relief for violations not addressed in these Orders.

#### **X. APPEAL RIGHTS**

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission pursuant to ORC § 3745.04. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The appeal must be filed with the Commission within thirty (30) days after notice of the Director's action. The appeal must be accompanied by a filing fee of \$70.00, made payable to "Treasurer, State of Ohio", which the Commission, in its discretion, may reduce if by affidavit you demonstrate that payment of the full amount of the fee would cause extreme hardship. Notice the filing of the appeal shall be filed with the Director within three (3) days of filing with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office Environmental Enforcement Section. An Appeal may be filed with the Environmental Review Appeals Commission at the following address:

**Environmental Review Appeals Commission  
30 East Broad Street, 4<sup>th</sup> Floor  
Columbus, OH 43215**

**XI. EFFECTIVE DATE**

The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

**IT IS SO ORDERED:**

**Ohio Environmental Protection Agency**

A handwritten signature in black ink, appearing to read 'C. Butler', is written over a horizontal line.

Craig W. Butler  
Director