



REGION 5

CHICAGO, IL 60604

**ELECTRONIC MAIL
DELIVERY RECEIPT REQUESTED**

Mr. John Angi
Operations Manager
Industrial Plating Incorporated
120 N 36th Street
Lafayette, IN 47905-4701
John@industrialplatinginc.com

Re: **Warning Letter: Notice of Violations**
Industrial Plating Incorporated
Facility ID IND005421177
Lafayette, Indiana

Dear Mr. Angi:

On June 29, 2023, the U.S. Environmental Protection Agency conducted a RCRA compliance evaluation inspection of the Industrial Plating Incorporated ("Industrial Plating," "facility" or "you") located in Lafayette, Indiana. The purpose of the inspection was to evaluate Industrial Plating's compliance with certain provisions of RCRA and its implementing regulations related to the generation, treatment and storage of hazardous waste. We have enclosed a copy of the inspection report for your convenience.

Information currently available to EPA suggests that Industrial Plating is in violation of RCRA. By sending this letter, EPA is extending to you an opportunity to advise the Agency, in person or in writing, of any further information EPA should consider with respect to the violation(s).

We request that you voluntarily submit a response in writing to us no later than 30 calendar days after receipt of this letter documenting the actions, if any, which you have taken since the inspection to address the violations identified below or demonstrating why the violation(s) have not occurred. At this time, EPA does not plan additional enforcement action under RCRA in response to the violations identified in this letter assuming Industrial Plating demonstrates full compliance. EPA, however, reserves its right to take additional actions under RCRA including issuing an information request, seeking a penalty, and issuing an order.

Storage of Hazardous Waste without a Permit or Interim Status Which Violated Section 3005 of RCRA, 42 U.S.C. § 6925(a) and State Permitting Requirements

During the inspection, EPA observed Industrial Plating failure to comply with the RCRA permit exemption conditions, below. When a hazardous waste generator fails to comply with the conditions for a permit exemption, the generator becomes an operator of a hazardous waste storage facility without a permit in violation of 329 Ind. Admin. Code 3.1-13-3 and 40 C.F.R. §§ 270.1(c), and 270.10(a) and (d). Many of the RCRA permit exemption conditions are also independent requirements that apply to permitted and interim status hazardous waste management facilities that treat, store, or dispose of hazardous waste (TSD requirements). When a hazardous waste generator loses its permit exemption due to a failure to comply with an exemption condition incorporated from 329 Ind. Admin. Code 3.1-10-1 and 40 C.F.R. Part 265, the generator: (a) becomes an operator of a hazardous waste storage facility; and (b) simultaneously violates the corresponding TSD requirement. For purposes of remedying potential noncompliance or preventing future violations, EPA recommends that Industrial Plating comply with the conditions below instead of applying for a hazardous waste storage permit.

Other Potential Violations

1. Hazardous Waste Determination

Under 329 Ind. Admin. Code 3.1-7-1 and 40 C.F.R. Part 262.11, a generator must determine whether its waste is hazardous.

At the time of the inspection, Industrial Plating had not made hazardous waste determinations for two wastes generated at the facility. One waste was generated by research and development, located in the <90-day accumulation area and the other waste was generated by the cleanup of spilled spent cleaner from a hose malfunction, located in the Old Wastewater Treatment.

2. Preparedness and Prevention

Under 329 Ind. Admin. Code 3.1-10-1 and 40 C.F.R. Part 265.37, the owner or operator of the facility must attempt to make arrangements with local police departments, fire departments, hospitals, contractors, and State and local emergency response teams, as appropriate for the type of waste handled at his facility and the potential need for the services of these organizations.

At the time of the inspection on June 29, 2023, no arrangements with local authorities had been made.

On July 18, 2023, Industrial Plating provided an updated copy of their contingency plan via email. The updated contingency plan states arrangements had been made with Lafayette Fire Department and IU Health Hospital. No further action is required for this item.

3. Contingency Plan

Under 329 Ind. Admin. Code 3.1-10-1 and 40 C.F.R. Part 265.52(c), a generator's contingency plan must describe arrangements agreed to by local police departments, fire departments, hospitals, contractors, and State and local emergency response teams to coordinate emergency services, pursuant to § 265.37.

At the time of the inspection, no arrangements with local authorities were described in the contingency plan.

On July 18, 2023, Industrial Plating provided an updated copy of their contingency plan via email. The updated contingency plan noted that arrangements had been made with the Lafayette Fire Department and IU Health Arnett Hospital but did not describe the arrangements.

Under 329 Ind. Admin. Code 3.1-10-1 and 40 C.F.R. Part 265.52(d), a generator's contingency plan must list names, addresses and phone numbers of all persons qualified to act as emergency coordinators and this list must be kept up to date. Where more than one person is listed, one must be named as primary emergency coordinator and the others must be listed in the order in which they will assume responsibility as alternates.

At the time of an inspection, the contingency plan did not contain an updated list of persons qualified to act as emergency coordinators.

On July 18, 2023, Industrial Plating provided EPA with an updated contingency plan via email that had an updated emergency coordinator listed, as well as an alternate. No further action is required for this item.

Actions Requested

In order to ensure compliance, by no later than 30 calendar days after receipt of this letter, please provide information documenting the actions, if any, which you have taken since the inspection to address the identified violations or demonstrating why the violations have not occurred.

Please send all reports requested by this letter by electronic mail to:

r5lecab@epa.gov

and

brown.jaime.l@epa.gov

The subject line of all email correspondence must include your EPA identification number, IND005421177. All electronically submitted materials must be in final and searchable format, such as Portable Document Format (PDF) with Optical Character Recognition (OCR) applied. If you are unable to send a response to these email addresses due to email size restrictions or other problems, contact Jaime L. Brown to make additional arrangements for transmission of the response.

This letter is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 et seq., because it seeks information from specific individuals or entities as part of an administrative investigation. You may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B for any part of the information you submit to EPA in response to this letter. Information subject to a business confidentiality claim is available to the public only to the extent, and by means of the procedures, set forth at 40 C.F.R. Part 2, Subpart B. If you do not assert a business confidentiality claim when you submit the information, EPA may make this information available to the public without further notice.

The EPA contact in this matter is Jaime L. Brown. You may call her at (312) 886-3781 if you have additional questions. Thank you for your prompt attention to these concerns and your efforts to protect human health and the environment.

Sincerely,

Michael D. Harris
Division Director
Enforcement and Compliance Assurance Division

Enclosure

cc: Jennifer Reno, IDEM (jreno@idem.in.gov)