



REGION 5

CHICAGO, IL 60604

March 10, 2025

**ELECTRONIC MAIL
DELIVERY RECEIPT REQUESTED**

Mr. Jim Konicek
Vice President
Plating Perceptions Inc.
8815 Herrick Road
Twinsburg, Ohio 44087
Konicek57@yahoo.com

Re: **Notice of Violations**
Plating Perceptions Inc.
Twinsburg, Ohio
Facility ID: OHD987033362

Dear Mr. Konicek:

On August 29, 2023, the U.S. Environmental Protection Agency conducted a Resource Conservation and Recovery Act ("RCRA") compliance evaluation inspection of Plating Perceptions Inc. ("facility or you") located in Twinsburg, Ohio. The purpose of the inspection was to evaluate Plating Perceptions' compliance with certain provisions of RCRA and its implementing regulations¹ 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 Plating Perceptions is in violation of RCRA. By 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 violations. 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 violations have not occurred. At this time, EPA does not plan additional enforcement action under RCRA in response to the violations identified in this letter

¹ We note that effective October 5, 2020, the State of Ohio promulgated revised regulations which have not yet been authorized by EPA. EPA authorized the 2010 edition of Ohio's hazardous waste regulations which contained a provision at Ohio Admin. Code § 3745-52-34 that remains the RCRA authorized Large Quantity Generator provision in Ohio.

assuming Plating Perceptions, Inc., 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 Plating Perceptions' 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 Ohio Admin. Code §§ 3745-50-45(A); 3745-50-41(A) and (D) [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 Ohio Admin. Code chs. 3745-65 to 68 and 3745-256, the generator: (a) becomes an operator of a hazardous waste storage facility; and (b) simultaneously violates the corresponding TSD requirement. For purposes of remedying noncompliance or preventing future violations, EPA recommends that Plating Perceptions comply with the conditions below instead of applying for a hazardous waste storage permit.

The permit exemption conditions identified below are also independent TSD requirements:

1. Aisle Space

Under Ohio Admin. Code §§ 3745-52-34(A)(4), and 3745-65-35 the owner or operator shall maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless aisle space is not needed for any of the above-mentioned purpose. At the time of the inspection, aisle space was not maintained in the B-102 Area 3 and B-101 Area 1, to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment. Please see photos Number 1, 9, and 10 of the enclosed inspection report.

2. Copies of the Contingency Plan- Submittal

Under Ohio Admin. Code §§ 3745-52-34(A)(4) and 3745-65-53(B), a large quantity generator must submit a copy of the contingency plan and all revisions to the plan to all local police departments, fire departments, hospitals, and local emergency response teams described in the contingency plan pursuant to paragraph (C) of rule 3745-65-52 of the Administrative Code, that may be requested to provide emergency services. At the time of the inspection, Plating Perceptions failed to provide documentation of submittal of the facility's contingency plan to local emergency authorities.

After the inspection, Plating Perceptions provided documentation of facility's contingency plan submittal to local fire department. No documentation was provided to document the facility's contingency plan submittals to the local police or hospital.

3. Inspections – Containers

Under Ohio Admin. Code §§ 3745-52-34(A)(1)(a), and 3745-66-74, the owner or operator must inspect areas where containers are stored, at least weekly, looking for leaks and for deterioration caused by corrosion or other factors. The owner or operator must record inspections in an inspection log or summary. At the time of the inspection, Plating Perceptions, failed to conduct weekly inspections of a 55-gallon drum of hazardous waste that was stored outside of the B-102 Area 3.

Other Violations

4. Universal Waste Management

Under Ohio Admin. Code § 3745-273-13(D)(1), a small quantity handler of universal waste generator must manage lamps in a way that prevents releases of any universal waste or component of a universal waste to the environment by containing any lamp in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed. At the time of the inspection, Plating Perceptions failed to keep a box accumulating universal waste lamps closed. Please see photo Number 11 of the enclosed inspection report.

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 violation(s) have not occurred. You do not need to provide documentation regarding violations that you addressed during the inspection as noted above.

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

R5LE CAB@epa.gov

and

samaranski.derrick@epa.gov

The subject line of all email correspondence must include your EPA identification number, OHD987033362. 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 Derrick Samaranski 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 Derrick Samaranski. You may call him at (312) 886-7812 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
HARRIS**

Digitally signed by
MICHAEL HARRIS
Date: 2025.03.10
09:28:58 -05'00'

Michael D. Harris
Division Director
Enforcement and Compliance Assurance Division

cc: Mitch Mathews, Ohio EPA, mitchell.mathews@epa.ohio.gov