



REGION 5

CHICAGO, IL 60604

ELECTRONIC MAIL

DELIVERY RECEIPT REQUESTED

Ms. Felicia Larson
EH&S Coordinator
Lake City Plating, LLC (Plant 1)
1701 Lake Avenue
Ashtabula, Ohio 44004
felicia@lakecityplating.com

Re: **Notice of Violation and Opportunity to Confer**
Description of Areas of Concern
Lake City Plating, LLC (Plant 1)
OHD004186656
Ashtabula, Ohio

Dear Ms. Larson:

On December 6, 2022, the U.S. Environmental Protection Agency conducted a Resource Conservation and Recovery Act (RCRA) compliance evaluation inspection of the Lake City Plating, LLC (Plant 1) ("Lake City Plant 1" or "you") facility located in Ashtabula, Ohio. The purpose of the inspection was to evaluate Lake City Plant 1's compliance with certain provisions of RCRA and its implementing regulations related to the generation, treatment and storage of hazardous waste.¹

Information currently available to EPA suggests that Lake City Plant 1 may be 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 areas of concern identified in this letter.

During the inspection, EPA observed several areas of concern, described below. The description of the areas of concern is not a final determination regarding Lake City Plant 1's compliance with RCRA. EPA requests 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 areas of concern described below or demonstrating why the areas should not be of

¹ 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 provision in Ohio regarding the accumulation time of hazardous waste. Accordingly, all citations to the Ohio Admin. Code in this letter refer to the 2010 edition.

concern. After your receipt of this letter and, if applicable, review of your response, EPA will notify you of any further action.

Areas of Concern

During the inspection, EPA observed the following areas of concern:

1. Date When Each Period of Accumulation Begins

Under Ohio Admin. Code § 3745-52-34(A)(2), a large quantity generator must clearly mark, and make visible for inspection, each container holding hazardous waste with the date upon which each period of accumulation begins.

During the inspection of the Plant 1 Wastewater area, the inspector observed that there was one approximately 12 cubic-yard roll-off container. The inspector further observed that the roll-off was not marked with an accumulation start date. Mr. Lacey, Technical Director, present at the time, stated that the roll-off contained hazardous waste F006 sludge.

2. Hazardous Waste Container Labeling

Under Ohio Admin. Code § 3745-52-34(A)(3), a large quantity generator must label or clearly mark each container holding hazardous waste with the words "Hazardous Waste."

During the inspection of the Plant 1 Wastewater area, the inspector observed that there was one approximately 12 cubic-yard roll-off container. The inspector further observed that the roll-off was not labeled as "Hazardous Waste." Mr. Lacey, present at the time, stated that the roll-off contained hazardous waste F006 sludge.

3. Keeping Hazardous Waste Containers Closed

Under Ohio Admin. Code §§ 3745-52-34(A)(1) and 3745-66-73(A), a large quantity generator must ensure that a container holding hazardous waste shall always be closed during storage, except when it is necessary to add or remove waste.

During the inspection of the Plant 1 Wastewater area, the inspector observed that there was one approximately 12 cubic-yard roll-off container. The inspector further observed that the roll-off was not covered, and that no waste was being added or removed at the time of the inspection. Mr. Lacey, present at the time, stated that the roll-off contained hazardous waste F006 sludge and that the F006 sludge drops into the roll-off approximately every 20-28 hours.

4. Emergency Equipment Inspections

Under Ohio Admin. Code §§ 3745-52-34(A)(4) and 3745-65-33, all facility communications or alarm systems, fire protection equipment, spill control equipment, and decontamination

equipment, where required, shall be tested and maintained as necessary to assure its proper operation in time of emergency. The owner or operator shall record the inspections in a log or summary.

During the inspection of records, Ms. Larson stated that the facility's spill equipment was being inspected but the inspections were not documented.

5. Submittal of Contingency Plan Copies and Revisions to Required Authorities

Under Ohio Admin. Code §§ 3745-52-34(A)(4) and 3745-65-53(B), a copy of the contingency plan and all revisions to the plan shall be submitted 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.

During the inspection of records, the inspector observed that the facility's contingency plan was last revised on 8/17/21 due to emergency coordinator changes as stated by Mr. Lacey. The inspector did not observe documentation that the plan had been submitted to all the required local authorities. On January 23, 2023, Lake City Plant 1 submitted correspondence via email to EPA that documented that its revised contingency plan was submitted to all the required authorities. No further actions are necessary for this paragraph.

6. Conducting and Documenting Weekly Inspections

Under Ohio Admin. Code §§ 3745-52-34(A)(1)(a) and 3745-66-74, a large quantity generator shall inspect areas where containers are stored, at least once during the period from Sunday to Saturday, looking for leaks and for deterioration of containers caused by corrosion or other factors. The owner or operator shall record inspections in an inspection log or summary.

During the inspection of records, the inspector observed that there were skipped periods observed from April 2021 to October 5, 2021. Ms. Larson stated that Lake City Plant 1's generator status changed from a very small quantity generator (VSQG) to a large quantity generator in April of 2021, but inspections were not conducted and documented until 10/5/21.

Actions Requested

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 areas of concern, as well as any additional information requested.

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

r5lecab@epa.gov

and

gangwisch.bryan@epa.gov

The subject line of all email correspondence must include OHD004186656. 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 Bryan Gangwisch 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 Bryan Gangwisch. You may reach Bryan at (312) 886-0989 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

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