



REGION 5

CHICAGO, IL 60604

ELECTRONIC MAIL DELIVERY RECEIPT REQUESTED

Ryan Stricker, General Manager
Stricker Refinishing Company, Inc.
2060 Hamilton Avenue
Cleveland, Ohio 44114
Stricker@strickerplating.com

Re: **Notice of Violations**
Stricker Refinishing Company, Inc.
Cleveland, Ohio
Facility ID: OHD987033420

Dear Mr. Stricker:

On July 10, 2024, the U.S. Environmental Protection Agency conducted a Resource Conservation and Recovery Act ("RCRA") compliance evaluation inspection of the Stricker Refinishing Company, Inc. ("facility" or "you") located in Cleveland, Ohio. The purpose of the inspection was to evaluate Stricker Refinishing Company's compliance with certain provisions of RCRA and its implementing regulations¹ related to the generation, treatment and storage of hazardous waste. A copy of the inspection report is enclosed for your convenience.

Information currently available to EPA suggests that Stricker Refinishing Company 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.

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 Stricker Refinishing Company's failure to comply with the RCRA permit exemption condition, below. When a hazardous waste generator fails to comply with the

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.

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 Stricker Refinishing Company comply with the conditions below instead of applying for a hazardous waste storage permit.

1. Hazardous Waste Container Labeling

Under Ohio Admin. Code § 3745-52-34(C)(1)(b), a large quantity generator must label or clearly mark each satellite container holding hazardous waste with the words “Hazardous Waste”.

At the time of the inspection, a 25-gallon metal box container accumulating spent Methyl Ethyl Ketone (MEK) waste in the Plating Area was missing the required label. Please see photos Number 8-10 and 17 of the enclosed inspection report.

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

2. Use and Management of Containers - Closure

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

At the time of the inspection, a 25-gallon metal box container accumulating spent MEK waste in the Plating Area was left open when waste was not being added or removed. Please see photos Number 8-10 and 17 of the enclosed inspection report.

During the inspection, Stricker Refinishing Company closed the 25-gallon metal container accumulating spent MEK, which addressed the item described above. EPA is not requesting any further information for this violation.

3. Content of the Contingency Plan - Emergency Arrangements

Under Ohio Admin. Code §§ 3745-52-34(A)(4) and 3745-65-52(C) a large quantity generator must describe arrangements agreed to by local police departments, fire departments, hospitals, contractors, and Ohio EPA and local emergency response teams to coordinate emergency services, pursuant to rule 3745-65-37 of the Ohio Administrative Code in the facility's contingency plan. Where local authorities decline to enter into such agreements or arrangements, the owner or operator must document such refusal in the operating record.

At the time of the inspection, Stricker Refinishing Company failed to describe arrangements agreed to with local authorities in the facility's contingency plan or their refusals in the operating record.

4. 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, Stricker Refinishing Company failed to provide documentation of submittal of the facility's contingency plan to local emergency authorities, after updates to the plan's emergency coordinator list in 2021.

5. Design and Installation of New Tank Systems or Components

Under Ohio Admin. Code §§ 3745-52-34(A)(4), and 3745-66-92(G), a large quantity generator must keep on file at the facility written statements by those persons required to certify the design of the tank system and supervise the installation of the tank system in accordance with the requirements of paragraphs (B) to (F) of rule 3745-66-92 of the Administrative Code, to attest that the tank system was properly designed and installed and that repairs, pursuant to paragraphs (B) and (D) of rule 3745-66-92 of the Administrative Code were performed. These written statements must also include the certification statement as required in paragraph (D) of rule 3745-50-42 of the Administrative Code.

At the time of the inspection, Stricker Refinishing Company, was storing hazardous waste in a 90-day 3,150-gallon polypropylene tank, and failed to keep on file at the facility: written statements by those persons required to certify the design of the tank system and supervise the installation of the tank system in accordance with the requirements of paragraphs (B) to (F) of rule 3745-66-92 of the Administrative Code to attest that the tank system was properly designed and installed and that repairs, pursuant to paragraphs (B) and (D) of rule 3745-66-92 of the Administrative Code were performed, and written statements including the certification statement as required in paragraph (D) of rule 3745-50-42 of the Administrative Code.

6. Inspections - Tank Systems

Under Ohio Admin. Code §§ 3745-52-34(A)(4), and 3745-66-95(A)(3), a large quantity generator must inspect, where present, at least once each operating day, data gathered from monitoring and leak-detection equipment (e.g., pressure or temperature gauges, monitoring wells) to ensure that the tank system is being operated according to the tank system's design.

At the time of the inspection, Stricker Refinishing Company, failed to conduct daily inspections of the facility's 90-day hazardous waste tank system on Saturdays and Sundays.

7. Training

Under Ohio Admin. Code §§ 3745-52-34(A)(4) and 3745-65-16(C) and (D)(4), a large quantity generator of hazardous waste must have a program of classroom instruction or on-the-job training that teaches facility personnel to perform their duties in a way that ensures the facility's compliance with requirements of RCRA. With respect to this training program, facility personnel shall take part in an annual review of the initial training and owner, or operator shall maintain records that document that the training or job experience described above has been given to and completed by facility personnel.

At the time of the inspection, Stricker Refinishing Company did not have records documenting that annual refresher training had been given to and completed by facility personnel during years 2021, 2022, and 2023.

8. Land Disposal Restriction Records

Under Ohio Admin. Code §§ 3745-52-34(A)(4) and 3745-270-07(A)(8), a large quantity generator of hazardous waste must retain on-site a copy of all notices, certifications, waste analysis data, and other documentation produced pursuant to this rule for at least three years from the date that the waste that is the subject of such documentation was last sent to on-site or off-site treatment, storage, or disposal.

At the time of the inspection, Stricker Refinishing Company failed to retain on-site copies of all notices, certification, waste analysis, and other documentation produced pursuant to rule 3745-270-07 of the Administrative Code for the F006 listed hazardous waste stream.

Other Violations

9. Hazardous Waste Determination

Under Ohio Admin. Code § 3745-52-11, a generator must determine whether its waste is hazardous.

At the time of the inspection, Stricker Refinishing Company had not made a determination whether the spent MEK solvent generated in the Plating Area from parts cleaning was hazardous.

10. Hazardous Waste Manifests

Under Ohio Admin. Code § 3745-52-40(A), a generator must keep a copy of each manifest signed in accordance with paragraph (A) of rule 3745-52-23 of the Administrative Code for three years or until he receives a signed copy from the designated facility which received the waste. This signed copy must be retained as a record for at least three years from the date the waste was accepted by the initial transporter.

At the time of the inspection, Stricker Refinishing Company failed to keep disposal facility signed copies of hazardous waste manifests for the off-site shipments of F006 wastewater waste stream to Evoqua Water Technologies LLC (MND981098478).

11. Hazardous Waste Recordkeeping

Under Ohio Admin. Code § 3745-52-40(B) and (C), a generator shall keep a copy of each biennial report for a period of at least three years after the due date of the report, and must keep records of any test results, waste analyses, or other determinations made in accordance with rule Ohio Admin. Code § 3745-52-11 for at least three years after the date the waste was last sent to on-site or off-site treatment, storage, or disposal.

At the time of the inspection, Stricker Refinishing Company, failed to keep a copy of the 2023 biennial report for a period of at least three years after the due date of the report, and failed to maintain waste determination records for hazardous waste corrosive process liquids (D002, D011), wastewater ion exchange resin and plating bath filters (F006) waste stream, non-hazardous copper and brass sludge, wastewater filter socks, spent grinding media, non-hazardous filters and liners from the tin and nickel plating.

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, OHD987033420. 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 D. Harris
Division Director
Enforcement and Compliance Assurance Division

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