



State of Ohio Environmental Protection Agency

STREET ADDRESS:

Lazarus Government Center
50 W. Town St., Suite 700
Columbus, Ohio 43215

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MAILING ADDRESS:

P.O. Box 1049
Columbus, OH 43216-1049

CERTIFIED MAIL

7007 0220 0000 7613 0612

December 6, 2007

**Re: Director's Final Findings & Orders
City Plating and Polishing LLC
dba City Plating
OHR 000 106 815**

Mr. Randy Solganik
City Plating and Polishing LLC
dba City Plating
4821 West 130th Street
Cleveland, Ohio 44135

Dear Mr. Solganik:

Here are the Director's Final Findings and Orders (Orders) issued to City Plating and Polishing LLC on December 6, 2007. These Orders are effective today.

I have also enclosed invoices for the penalty payments as required by Order Nos. 1.a through 1.i. and 2.a. through 2.i.. Please remember that your first payments are due no later than January 5, 2008.

If you have any questions concerning compliance with these Orders, do not hesitate to contact Natalie Oryshkewych at (330) 963-1267.

Sincerely,

David A. Sholtis, Assistant Chief
Division of Hazardous Waste Management

Attachments

cc: Michael A. Savage, Chief, DHWM
Harry Sarvis, Mgr., CAS, DHWM
Elissa Miller, Legal
Heidi Greismer, PIC
Natalie Oryshkewych, Mgr., DHWM, NEDO
Nyall McKenna, Supervisor, DHWM, NEDO
Michael R. Blumenthal, Waxman Blumenthal LLC

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OHIO E.P.A.

DEC -6 2007

ENTERED DIRECTOR'S JOURNAL

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

In the Matter of:

**City Plating and Polishing, LLC
dba City Plating
4821 West 130th Street
Cleveland, Ohio 44135**

**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: [Signature] Date: 12-6-07

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to City Plating and Polishing, LLC dba City Plating (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 3745.01.

II. PARTIES BOUND

These Orders shall apply to and be binding upon Respondent 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 Chapter 3734. and the rules promulgated thereunder.

IV. FINDINGS

The Director of Ohio EPA has determined the following findings:

1. Respondent is a "person" as defined in ORC § 3734.01(G) and Ohio Administrative Code (OAC) rule 3745-50-10(A).
2. Respondent operates zinc, tin, and zinc alloy (nickel) electroplating lines and is located at 4821 West 130th Street, Cleveland, Cuyahoga County, Ohio (Facility). Respondent notified Ohio EPA of its hazardous waste activities and was issued generator identification number OHR000106815.
3. 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. Respondent is a large quantity generator of hazardous waste. The hazardous waste generated by Respondent at the Facility includes hazardous waste filter cake (F006) from the operation of a wastewater treatment system and universal waste light bulbs.
4. On June 2, 2005, Ohio EPA conducted a compliance evaluation inspection at the Facility. As a result of the inspection, Ohio EPA determined that Respondent had, *inter alia*:
 - a. Caused hazardous waste to be transported to a facility not operating under a hazardous waste permit issued in accordance with ORC Chapter 3734., in violation of ORC § 3734.02(F);
 - b. Failed to use a hazardous waste manifest for two off-site shipments of hazardous waste, in violation of OAC rule 3745-52-20;
 - c. Failed to determine whether universal waste light bulbs were hazardous waste, in violation of OAC rule 3745-52-11;
 - d. Failed to mark eleven, one cubic-yard containers holding hazardous waste with the words, "Hazardous Waste," and failed to mark each container with the accumulation start date, in violation of OAC rule 3745-52-34(A)(2) and (3);
 - e. Failed to develop and implement a hazardous waste management training program for employees at the Facility that handle and/or manage hazardous waste, in violation of OAC rule 3745-65-16;

- f. Failed to maintain eleven, one cubic-yard containers holding hazardous waste closed when not adding or removing waste, in violation of OAC rule 3745-66-73(A);
 - g. Failed to conduct and document weekly inspections of areas at the Facility where hazardous wastes are stored, in violation of OAC rule 3745-66-74;
 - h. Failed to develop and maintain on-site a hazardous waste contingency plan for use in the event of an emergency or release of hazardous waste at the Facility, in violation of OAC rules 3745-65-52 through 3745-65-55; and
 - i. Failed to label containers holding used oil with the words, "Used Oil," in violation of OAC rule 3745-279-22(C).
- 5. By letter dated July 29, 2005, Ohio EPA notified Respondent of the violations referenced in Finding Nos. 4.a. through 4.i. of these Orders.
- 6. In correspondence dated August 19 and October 3, 2005, Respondent provided responses to Ohio EPA's July 29, 2005 letter.
- 7. By letter dated October 20, 2005, Ohio EPA notified Respondent that Respondent had abated the violations referenced in Finding Nos. 4.b through 4.d., 4.f., 4.h. and 4.i. of these Orders.
- 8. In correspondence dated June 14, 2006, Respondent submitted responses to Ohio EPA's October 20, 2005 letter.
- 9. By letter dated June 14, 2006, Ohio EPA notified Respondent that Respondent had abated the violations referenced in Finding Nos. 4.e. and 4.g. of these Orders.
- 10. Based upon the information contained in Respondent's August 19 and October 3, 2005, and June 14, 2006 responses to Ohio EPA, referenced in Finding Nos. 6 and 8 of these Orders, the Director has determined that no additional action is required of Respondent regarding the ORC § 3734.02(F) violation referenced in Finding No. 4.a. of these Orders.

V. ORDERS

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

1. Respondent shall pay Ohio EPA the amount of \$13,000.00 in settlement of Ohio EPA's claims for civil penalties, which may be assessed pursuant to ORC Chapter 3734. \$9,600.00 of this amount will be deposited into the hazardous waste cleanup fund established pursuant to ORC § 3734.28 pursuant to the following schedule:
 - a. Within 30 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$800.00;
 - b. Within 120 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$800.00;
 - c. Within 210 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$800.00;
 - d. Within 300 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$800.00;
 - e. Within 390 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$800.00;
 - f. Within 480 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$800.00;
 - g. Within 570 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$800.00;
 - h. Within 660 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$800.00;
 - i. Within 750 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$800.00;
 - j. Within 840 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$800.00;

- k. Within 930 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$800.00; and
- l. Within 1020 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$800.00.

Respondent shall make each payment by tendering an official check made payable to "Treasurer, State of Ohio". The official checks shall be submitted to Ohio EPA, Office of Fiscal Administration, P.O. Box 1049, Columbus, Ohio 43216-1049, together with a letter identifying Respondent and the Facility. A copy of each check shall be submitted in accordance with Section X. of these Orders.

- 2. In lieu of paying \$2,400.00 of total civil penalty to Ohio EPA, Respondent shall fund a supplemental environmental project (SEP) by making a contribution in the amount of \$2,400.00 to the Ohio EPA Clean Diesel School Bus Program (Fund 5CD) pursuant to the following schedule:
 - a. Within 30 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$200.00;
 - b. Within 120 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$200.00;
 - c. Within 210 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$200.00;
 - d. Within 300 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$200.00;
 - e. Within 390 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$200.00;
 - f. Within 480 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$200.00;
 - g. Within 570 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$200.00;
 - h. Within 660 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$200.00;

- i. Within 750 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$200.00;
- j. Within 840 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$200.00;
- k. Within 930 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$200.00; and
- l. Within 1020 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$200.00.

Respondent shall make each payment by tendering an official check made payable to "Treasurer, State of Ohio". The official checks shall be submitted to Brenda Case, or her successor, Ohio EPA, Office of Fiscal Administration, Department L-2711, Columbus, Ohio 43260-2711, together with a letter identifying Respondent and the Facility. A copy of each check shall be submitted in accordance with Section X. of these Orders, and an additional copy of this check shall be sent to James A. Orlemann, Assistant Chief, SIP Development and Enforcement, or his successor, Ohio EPA, Division of Air Pollution Control, P.O. Box 1049, Columbus, Ohio 43216-1049.

- 3. Should Respondent miss a scheduled payment as described in Order Nos. 2.a. through 2.l., Respondent shall pay to Ohio EPA the missed payment amount no later than 7 days after the missed payment due date. Payment shall be made in accordance with the procedures established in Order No. 1. A copy of each check shall be submitted in accordance with Section X. of these Orders.
- 4. In lieu of paying the remaining \$1,000.00 of civil penalty to Ohio EPA, within 120 days after the effective date of these Orders, Respondent shall install the four new plating barrels and the 2,100 gallon sludge thickening tank purchased in June 2007 by Respondent as part of an approved SEP. The approved SEP will reduce the amount of F006 hazardous waste generated at the Facility.
- 5. Should Respondent fail to implement the SEP in accordance with the requirements established in Order No. 4., Respondent shall pay to Ohio EPA, within 7 days after failing to comply with Order No. 4., the amount of \$1,000.00 in accordance with the procedures in Order No. 1. A copy of this check shall be submitted in accordance with Section X. of these Orders.

VI. TERMINATION

Respondent's obligations under these Orders shall terminate when Respondent certifies in writing and demonstrates to the satisfaction of Ohio EPA that Respondent has performed all obligations under these Orders and Ohio EPA's Division of Hazardous Waste Management 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 a responsible official of Respondent. For purposes of these Orders, a responsible official is a corporate officer who is in charge of a principal business function of Respondent.

VII. OTHER CLAIMS

Nothing in these Orders shall constitute or be construed as a release from any claim, cause of action or demand in law or equity against any person, firm, partnership or corporation, not a party to these Orders, for any liability arising from, or related to, the operation of Respondent's Facility.

VIII. 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.

IX. MODIFICATIONS

These Orders may be modified by agreement of the parties hereto. Modifications shall be in writing and shall be effective on the date entered in the journal of the Director of Ohio EPA.

X. 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 Hazardous Waste Management
2110 E. Aurora Road
Twinsburg, Ohio 44087
Attn: DHWM Manager

and Ohio EPA Central Office at the following address:

For mailings, use the post office box number:

Chris Korleski, Director
Ohio Environmental Protection Agency
Lazarus Government Center
Division of Hazardous Waste Management
P.O. Box 1049
Columbus, Ohio 43216-1049
Attn: Manager, Compliance Assurance Section

For deliveries to the building:

Chris Korleski, Director
Ohio Environmental Protection Agency
Lazarus Government Center
Division of Hazardous Waste Management
50 West Town Street, Suite 700
Columbus, Ohio 43215
Attn: Manager, Compliance Assurance Section

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

XI. RESERVATION OF RIGHTS

Ohio EPA and Respondent each reserve all rights, privileges and causes of action, except as specifically waived in Section XII. of these Orders.

XII. WAIVER

In order to resolve disputed claims, without admission of fact, violation or liability, Respondent consents to the issuance of these Orders and agrees to comply with these Orders. Compliance with these Orders shall be a full accord and satisfaction for Respondent's liability for the violations specifically cited herein.

Respondent hereby waives the right to appeal the issuance, terms and conditions, and service of these Orders, and Respondent hereby waives any and all rights Respondent may have to seek administrative or judicial review of these Orders either in law or equity.

Notwithstanding the preceding, Ohio EPA and Respondent agree that if these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, Respondent retains the right to intervene and participate in such appeal. In such an event, Respondent shall continue to comply with these Orders notwithstanding such appeal and intervention unless these Orders are stayed, vacated or modified.

XIII. EFFECTIVE DATE

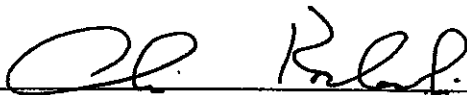
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

XIV. SIGNATORY AUTHORITY

Each undersigned representative of a party to these Orders certifies that he or she is fully authorized to enter into these Orders and to legally bind such party to these Orders.

IT IS SO ORDERED AND AGREED:

Ohio Environmental Protection Agency



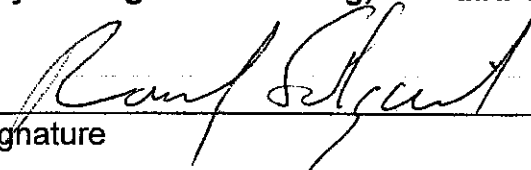
Chris Korleski
Director

December 6, 2007

Date

IT IS SO AGREED:


City Plating and Polishing, LLC dba City Plating



Signature

November 13, 2007

Date



Printed or Typed Name

Member

Title