



State of Ohio Environmental Protection Agency

STREET ADDRESS:

MAILING ADDRESS:

Lazarus Government Center
122 S. Front Street
Columbus, Ohio 43215

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www.epa.state.oh.us

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

CERTIFIED MAIL

September 15, 2006

Re: Director's Final Findings & Orders
Delta Plating, Inc.
dba Olymco Incorporated
US EPA ID No.: OHD 038 954 525

Greg Kalikas, President
Delta Plating, Inc.
dba Olymco Incorporated
2125 Harrison Avenue S.W.
Canton, Ohio 44706

Dear Mr. Kalikas:

Here are the Director's Final Findings and Orders (Orders) issued to Delta Plating, Inc. dba Olymco Incorporated on September 15, 2006. These Orders are effective today.

I have also enclosed invoices for the penalty payments as required by Order No. 5.a. through 5.j. and Order No. 6.a. through 6.j. Please remember that your first payments are due no later than December 14, 2006.

If you have any questions concerning compliance with these Orders, do not hesitate to contact Kurt Princic at (330) 425-9171.

Sincerely,

for Pamela S. Allen, Manager
Regulatory and Information Services
Division of Hazardous Waste Management

I:\USERS\DSHARPE\FOSSENT\enf.olymco.06.wpd

Attachments

cc: Michael A. Savage, Chief, DHWM
Harry Sarvis, Mgr., CAS, DHWM
Todd Anderson, Legal
Heidi Greismer, PIC
Kurt Princic, Mgr., DHWM, Northeast District Office
Steve Bell

Bob Taft, Governor
Bruce Johnson, Lieutenant Governor
Joseph P. Koncick, Director



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OHIO E.P.A.

SEP 15 2006

ENTERED DIRECTOR'S JOURNAL

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

In the Matter of:

Delta Plating, Inc.
dba Olymco Incorporated
2125 Harrison Avenue S.W.
Canton, Ohio 44706

**Director's Final
Findings and Orders**

Respondent

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to Delta Plating, Inc., dba Olymco Incorporated (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 operates an electroplating facility located at 2125 Harrison

I certify this to be a true and accurate copy of the
official document as filed in the records of the Ohio
Environmental Protection Agency

[Signature] 9/15/06

Avenue S.W., in Canton, Stark County (Facility). Respondent is authorized to do business in Ohio.

2. Respondent is a "person" as defined in ORC § 3734.01(G) and Ohio Administrative Code (OAC) rule 3745-50-10(A).
3. Respondent was issued generator identification number OHD038954525.
4. 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. The hazardous wastes generated by Respondent at the Facility include spent plating bath solutions (D002, D007, D008) and electroplating wastewater treatment sludges (F006).
5. On December 19, 2001 and January 15, 2002, 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. Failed to maintain personnel training records, in violation of OAC rule 3745-65-16(D);
 - b. Failed to list spill control equipment in the contingency plan and update the contingency plan, in violation of OAC rule 3745-65-52 and OAC rule 3745-65-54;
 - c. Failed to comply with the hazardous waste tank system requirements for an area at the Facility located under the plating operations known as the "pit area," in violation of OAC rules 3745-66-91 to 3745-66-95; and
 - d. Failed to maintain land disposal restriction (LDR) documentation on-site, in violation of OAC rule 3745-270-07.
6. By letter dated February 11, 2002, Ohio EPA notified Respondent of the violations referenced in Finding No. 5. of these Orders.
7. On March 12, 2002, Respondent submitted a response to Ohio EPA's February 11, 2002 letter.
8. On May 1, 2002, Ohio EPA met with Respondent to discuss the conditions at the Facility and the outstanding violations.
9. On October 1, 2002, Ohio EPA sent another letter to Respondent notifying Respondent of the violations referenced in Finding No. 5. of these Orders.

In this same letter, Ohio EPA notified Respondent that it was in violation of ORC § 3734.02(E) and (F) for storing hazardous waste in tank system known as the "pit area" referenced in Finding No. 5.c. of these Orders, for greater than ninety days without a permit.

10. On August 2, 2003 and October 20, 2003, Ohio EPA conducted follow-up inspections at the Facility. During the October 20, 2003 inspection, Ohio EPA observed waste from a storage tank leaking onto the ground forming a puddle. Samples of the leaking waste and puddle were obtained during this inspection. As a result of these inspections, Ohio EPA determined that Respondent had, *inter alia*, failed to evaluate waste to determine if the waste was hazardous waste, in violation of OAC rule 3745-52-11.
11. By letter dated October 31, 2003, Ohio EPA notified Respondent of the violation referenced in Finding No. 10. of these Orders.
12. By letter dated November 19, 2003, Ohio EPA provided Respondent with the analytical results from the samples obtained during the October 20, 2003 inspection. The results demonstrated that the waste leaking from the tank and the puddle of waste on the ground were characteristically hazardous waste for chromium. Based upon the analytical results, the violation OAC rule 3745-52-11 referenced in Finding No. 10. of these Orders is abated.
13. Because the storage tank referenced in Finding No. 10. of these Orders held hazardous waste and Respondent had failed to respond to releases to the environment from this hazardous waste storage tank, the Director has determined that Respondent disposed of hazardous waste, in violation of ORC § 3734.02(E) and (F). In addition, the Director has determined that Respondent was using the tank as a hazardous waste storage tank without meeting the regulatory requirements for a hazardous waste tank system, in violation of OAC rules 3745-55-91/3745-66-91 through 3745-55-96/3745-66-96.
14. On November 20, 2003, Ohio EPA sent a third letter to Respondent notifying Respondent of the violations referenced in Finding No. 5. of these Orders.
15. By letter dated December 12, 2003, Ohio EPA notified Respondent that no further action was required at that time to abate the hazardous waste tank system violations referenced in Finding No. 13. of these Orders because the hazardous waste storage tank was taken out of service. In this same letter, Ohio EPA notified Respondent that it had failed to report the releases of hazardous waste to the Director, in violation of OAC rules 3745-55-96/3745-66-96. Respondent was also notified that this hazardous waste tank system was subject to closure in accordance with OAC rules 3745-55-97/3745-66-

97.

16. On December 31, 2003, Ohio EPA sent Respondent a letter requesting a response to Ohio EPA's November 20, 2003 letter.
17. By letter dated January 22, 2004, during a meeting on October 1, 2004 and by letter dated March 30, 2005, Ohio EPA notified Respondent that it must comply with the closure requirements for the hazardous waste storage tank system and hazardous waste disposal area referenced in Finding Nos. 13. and 15. of these Orders. Also, in the March 30, 2005 letter, Ohio EPA informed Respondent that it was in violation of OAC rules 3745-55-97/3745-66-97 for failing to comply with the hazardous waste tank closure rules.
18. On May 12, 2005, Ohio EPA received a closure plan for the hazardous waste tank system and disposal area referenced in Finding Nos. 13. and 15. of these Orders.
19. On September 16, 2005, Ohio EPA conducted an inspection at the Facility. As a result of the inspection, Ohio EPA determined that Respondent had, inter alia:
 - a. Failed to evaluate waste to determine if the waste was hazardous waste, in violation of OAC rule 3745-52-11;
 - b. Stored hazardous waste in a tank system and in containers for greater than ninety days without a permit, in violation of ORC § 3734.02 (E) and (F) and failed to comply with the hazardous waste tank system requirements, in violation of OAC rules 3745-55-91/3745-66-91 to 3745-55-95/3745-66-95. The tank system referred to in this Finding is the pit area referenced previously in Finding Nos. 5.c. and 9. of these Orders;
 - c. Failed to maintain and operate the Facility in a manner that minimizes the possibility of fire, explosion or releases of hazardous waste, in violation of OAC rule 3745-65-31;
 - d. Failed to properly label and date containers of hazardous waste, in violation of OAC rules 3745-52-34(A)(2) and (A)(3);
 - e. Failed to manage hazardous wastes in containers that were in good condition and closed, in violation of OAC rule 3745-66-71 and OAC rule 3745-66-73;

- f. Failed to conduct weekly inspections of hazardous waste container accumulation areas, in violation of OAC rule 3745-66-74;
 - g. Failed to have a personnel training program, in violation of OAC rule 3745-65-16;
 - h. Failed to have a contingency plan that describes the actions Facility personnel will take in response to fires, explosions or releases to the environment, in violation of OAC rule 3745-65-52; and
 - i. Failed to maintain LDR documentation on-site, in violation of OAC rule 3745-270-07.
20. By letters dated October 5, 2005 and October 19, 2005, Ohio EPA notified Respondent of the violations referenced in Finding No. 19. of these Orders.
21. By letters dated November 2, 2005 and November 18, 2005, Respondent submitted responses to Ohio EPA's October 5, 2005 and October 19, 2005 letters.
22. By letter dated November 5, 2005, Ohio EPA sent Respondent a notice of deficiency letter for the closure plan referenced in Finding No. 18. of these Orders.
23. By letter dated December 14, 2005, Respondent submitted a revised closure plan to Ohio EPA.
24. On January 9, 2006, Ohio EPA performed a follow up inspection at the Facility. As a result of the inspection, Ohio EPA determined that Respondent had, *inter alia*:
- a. Failed to conduct weekly inspections of hazardous waste container accumulation areas, in violation of OAC rule 3745-66-74;
 - b. Failed to have a personnel training program, in violation of OAC rule 3745-65-16; and
 - c. Failed to have a contingency plan that describes the actions Facility personnel will take in response to fires, explosions or releases to the environment, in violation of OAC rule 3745-65-52.
25. By letter dated January 31, 2006, Ohio EPA notified Respondent of the violations referenced in Finding No. 24. of these Orders. In this same letter, Ohio EPA notified Respondent that the violations referenced in Finding Nos.

- 5.d., 19.a., 19.c., 19.d., 19.e., and 19.i. of these Orders had been abated.
26. By letter dated March 8, 2006, Ohio EPA approved the revised closure plan referenced in Finding No. 23. of these Orders with modifications.
 27. On April 12, 2006, Respondent filed a notice of appeal with the Environmental Review Appeals Commission of Ohio EPA's closure plan approval with modifications referenced in Finding No. 26. of these Orders.
 28. Because the waste from the pit area tank system referenced in Finding Nos. 5.c. and 9. of these Orders has been removed and the pit area is no longer used to store hazardous waste, the Director has determined that closure of the pit area tank system is not required at this time. Furthermore, the Director has determined that closure of the hazardous waste container accumulation area referenced in Finding No. 19.b. of these Orders is not required at this time because Respondent is continuing to use this area as a generator hazardous waste accumulation area.
 29. As part of Respondent's wastewater treatment process, Respondent generates a liquid from the reverse osmosis system that is shipped off-site to Envirite as a non-hazardous waste. The Director has determined that this waste is a F006 hazardous waste sludge and therefore Respondent has caused the transportation of hazardous waste without a manifest and was storing hazardous waste in a tank system without meeting the regulatory requirements for a hazardous waste tank system, in violation of OAC rules 3745-52-20 through 3745-52-23 and OAC rules 3745-55-91/3745-66-91 through 3745-55-96/3745-66-96.
 30. Based upon a review of Respondent's financial information, Ohio EPA determined that Respondent does not possess the financial ability to pay the entire civil penalty settlement as proposed in the Director's April 3, 2006 letter.

V. ORDERS

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

1. Within 60 days after the effective date of these Orders, Respondent shall submit to Ohio EPA, documentation demonstrating that the personnel training violations referenced in Finding Nos. 5.a., 19.g. and 24.b. have been abated.

2. Within 60 days after the effective date of these Orders, Respondent shall submit to Ohio EPA four weeks of completed hazardous waste accumulation area inspection logs. The submittal of this documentation will demonstrate that the violations referenced in Finding Nos. 19.f. and 24.a. have been abated.
3. Within 60 days after the effective date of these Orders, Respondent shall submit to Ohio EPA documentation demonstrating that the contingency plan has been revised to describe the actions Facility personnel will take in response to fires, explosions or releases to the environment. Submittal of this documentation will abate the violations referenced in Finding Nos. 5.b., 19.h. and ~~24.c.~~ of these Orders.
4. Within 60 days after the effective date of these Orders, Respondent shall submit to Ohio EPA documentation demonstrating how Respondent will manage the F006 hazardous waste sludge generated from reverse osmosis system referenced in Finding No. 28. of these Orders in accordance with the hazardous waste management rules. Ohio EPA's approval of Respondent's submittal will abate the violations referenced in Finding No. 28. of these Orders.
5. Respondent shall pay Ohio EPA the amount of \$53,000.00 in settlement of Ohio EPA's claims for civil penalties, which may be assessed pursuant to ORC Chapter 3734. \$42,400.00 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 90 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$3,000.00;
 - b. Within 180 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$3,000.00;
 - c. Within 270 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$3,000.00;
 - d. Within 360 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$3,000.00;
 - e. Within 450 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$5,000.00;
 - f. Within 540 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$5,000.00;

Director's Final Findings and Orders

Delta Plating, Inc.

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- g. Within 630 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$5,000.00;
- h. Within 720 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$5,000.00;
- i. Within 810 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$5,000.00; and
- j. Within 900 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$5,400.00.

Each of the payments above shall be made by 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 the Respondent and the Facility. A copy of each check shall be submitted in accordance with Section X. of these Orders.

- 6. In lieu of paying the remaining \$10,600.00 of civil penalty, Respondent shall fund a supplemental environmental project (SEP) by making a contribution in the amount of \$10,600.00 to the Ohio EPA Clean Diesel School Bus Program (Fund 5CD) in accordance with the following schedule:
 - a. Within 90 days after the effective date of these Orders, Respondent shall pay to the Ohio EPA Clean Diesel School Bus Program the amount of \$500.00;
 - b. Within 180 days after the effective date of these Orders, Respondent shall pay to the Ohio EPA Clean Diesel School Bus Program the amount of \$500.00;
 - c. Within 270 days after the effective date of these Orders, Respondent shall pay to the Ohio EPA Clean Diesel School Bus Program the amount of \$500.00;
 - d. Within 360 days after the effective date of these Orders, Respondent shall pay to the Ohio EPA Clean Diesel School Bus Program the amount of \$500.00;
 - e. Within 450 days after the effective date of these Orders, Respondent shall pay to the Ohio EPA Clean Diesel School Bus Program the amount of \$1,000.00;

- f. Within 540 days after the effective date of these Orders, Respondent shall pay to the Ohio EPA Clean Diesel School Bus Program the amount of \$1,000.00;
- g. Within 630 days after the effective date of these Orders, Respondent shall pay to the Ohio EPA Clean Diesel School Bus Program the amount of \$1,000.00;
- h. Within 720 days after the effective date of these Orders, Respondent shall pay to the Ohio EPA Clean Diesel School Bus Program the amount of \$1,000.00;
- i. Within 810 days after the effective date of these Orders, Respondent shall pay to the Ohio EPA Clean Diesel School Bus Program the amount of \$2,000.00; and
- j. Within 900 days after the effective date of these Orders, Respondent shall pay to the Ohio EPA Clean Diesel School Bus Program the amount of \$2,600.00;

Each of the payments above shall be made by official checks made payable to "Treasurer, State of Ohio." The official check 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. A copy of this 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.

- 7. Should Respondent miss a scheduled payment as described in Order Nos. 6.a. through 6.j. of these Orders, 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. 5. of these Orders. A copy of each 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 person 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.

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:

Joseph P. Koncelik, 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:

Joseph P. Koncelik, Director
Ohio Environmental Protection Agency
Lazarus Government Center
Division of Hazardous Waste Management
122 South Front Street
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 reserves its rights to exercise its lawful authority to require Respondent to perform closure as well as corrective action at the Facility at some time in the future, pursuant to ORC Chapter 3734. or any other applicable law. Respondent reserves its rights to raise any administrative, legal or equitable claim or defense with respect to any final action of the Director regarding such closure or corrective action. Ohio EPA and Respondent each reserve all other 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. Except for the rights to seek closure of hazardous waste units and corrective action at the Facility, which rights Ohio EPA does not waive, 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

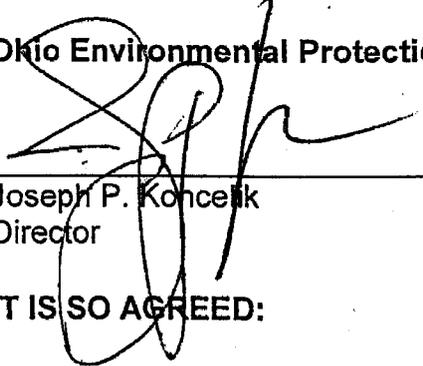
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

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



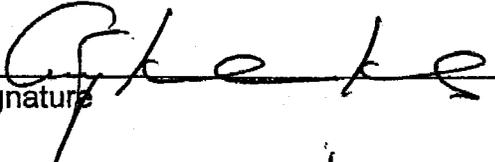
Joseph P. Koncelik
Director

SEP 15 2006

Date

IT IS SO AGREED:

Delta Plating, Inc.



Signature

Date

8-31-06

GREG KALIKAS
Printed or Typed Name

PRESIDENT
Title