

FILED

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**U.S. EPA REGION 5
HEARING CLERK**

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:

Docket No.: RCRA-05-2025-0014

Lake City Plating, LLC (Plants 1 and 2)
1701 Lake Avenue and 1700 Lake Avenue
Ashtabula, Ohio 44004
EPA ID No. OHD004186656 (Plant 1)
EPA ID No. OHR000137034 (Plant 2)

Respondent

**EXPEDITED SETTLEMENT
AGREEMENT AND
FINAL ORDER**

EXPEDITED SETTLEMENT AGREEMENT

1. The Director, Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency (“EPA”), Region 5 (“Complainant”) and Lake City Plating, LLC (“Respondent”) enter into this Resource Conservation and Recovery Act (“RCRA”) Expedited Settlement Agreement (“ESA” or “Agreement”) to settle the civil violations set forth in this Agreement for a penalty of \$18,750.
2. EPA inspected Lake City Plating, LLC on December 6, 2022, and/or reviewed information you provided on January 17, 2023, January 23, 2023, March 22, 2024, and May 3, 2024. Complainant has determined Respondent violated the following sections of RCRA, and the Ohio hazardous waste management program, Ohio Administrative Code, at Respondent’s facility (Plants 1 and 2) located at 1701 and 1700 Lake Avenue, Ashtabula, Ohio (the “Facility”):
 - a. Section 3005 of RCRA, 42 U.S.C. § 6925(a), and the regulations at 40 C.F.R. Part 270 and Ohio Admin. Code § 3745-50 prohibit the treatment, storage, or disposal of hazardous waste without a permit or interim status. A generator may, however, accumulate hazardous waste on-site for 90 days or less without a permit or interim status, provided that the generator complies with all applicable conditions set forth in Ohio Admin. Code §§ 3745-52-34(A)(1)¹ and 3745-66-73(A), including, but not limited to, keeping the hazardous waste storage roll-off containers closed in Plants 1 and 2. On December 6, 2022,

¹ 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.

Respondent failed to keep the hazardous waste roll-off containers closed in the Facility's 90-day storage Wastewater Sludge Press areas of Plants 1 and 2, and Respondent had not obtained a permit or interim status. Respondent stored hazardous waste without a permit or without interim status in violation of Section 3005 of RCRA, 42 U.S.C. § 6925(a), and the requirements of Ohio Admin. Code § 3745-52-34(A) because it failed to comply with the conditions for an exemption as described above.

- b. Section 3005 of RCRA, 42 U.S.C. § 6925(a), and the regulations at 40 C.F.R. Part 270 and Ohio Admin. Code § 3745-50 prohibit the treatment, storage, or disposal of hazardous waste without a permit or interim status. A generator may, however, accumulate hazardous waste on-site for 90 days or less without a permit or interim status, provided that the generator complies with all applicable conditions set forth in Ohio Admin. Code §§ 3745-52-34(A)(1)(a) and 3745-66-74, including, but not limited to, conducting weekly inspections of the 90-day storage accumulation areas from April 2021 through October 5, 2021 at Plant 1, and from January 1, 2020 through October 5, 2021 at Plant 2. On December 6, 2022, Respondent failed to conduct and maintain records of weekly inspection of the Facility's 90-day storage areas of Plants 1 and 2, and Respondent had not obtained a permit or interim status. Respondent stored hazardous waste without a permit or without interim status in violation of Section 3005 of RCRA, 42 U.S.C. § 6925(a), and the requirements of Ohio Admin. Code § 3745-52-34(A) because it failed to comply with the conditions for an exemption as described above.
- c. Section 3005 of RCRA, 42 U.S.C. § 6925(a), and the regulations at 40 C.F.R. Part 270 and Ohio Admin. Code § 3745-50 prohibit the treatment, storage, or disposal of hazardous waste without a permit or interim status. A generator may, however, accumulate hazardous waste on-site for 90 days or less without a permit or interim status, provided that the generator complies with all applicable conditions set forth in Ohio Admin. Code § 3745-52-34(A)(2), including, but not limited to, clearly marking, and making visible for inspection, each container holding hazardous waste with the date upon which each period of accumulation begins. On December 6, 2022, one roll-off container in Plant 1, and one roll-off container and five totes in Plant 2 were not marked with an accumulation start date and Respondent had not obtained a permit or interim status. Respondent stored hazardous waste without a permit or without interim status in violation of Section 3005 of RCRA, 42 U.S.C. § 6925(a), and the requirements of Ohio Admin. Code § 3745-52-34(A)(2), because it failed to comply with the conditions for an exemption as described above.
- d. Section 3005 of RCRA, 42 U.S.C. § 6925(a), and the regulations at 40 C.F.R. Part 270 and Ohio Admin. Code § 3745-50 prohibit the treatment, storage, or disposal of hazardous waste without a permit or interim status. A generator may, however, accumulate hazardous waste on-site for 90 days or less without

a permit or interim status, provided that the generator complies with all applicable conditions set forth in Ohio Admin. Code § 3745-52-34(A)(3), including, but not limited to, labeling, or clearly marking each container holding hazardous waste with the words “Hazardous Waste.” On December 6, 2022, one roll-off container in Plant 1 and five totes in Plant 2 were not labeled as “Hazardous Waste” and Respondent had not obtained a permit or interim status. Respondent stored hazardous waste without a permit or without interim status in violation of Section 3005 of RCRA, 42 U.S.C. § 6925(a), and the requirements of Ohio Admin. Code § 3745-52-34(A)(3), because it failed to comply with the conditions for an exemption as described above.

- e. Section 3005 of RCRA, 42 U.S.C. § 6925(a), and the regulations at 40 C.F.R. Part 270 and Ohio Admin. Code § 3745-50 prohibit the treatment, storage, or disposal of hazardous waste without a permit or interim status. A generator may, however, accumulate hazardous waste on-site for 90 days or less without a permit or interim status, provided that the generator complies with all applicable conditions set forth at Ohio Admin. Code §§ 3745-52-34(A)(4) and 3745-65-16(C) and (D), including, but not limited to, providing training to employees with hazardous waste management responsibilities. On December 6, 2022, Respondent failed to provide documentation showing completion of training for employees during 2020 for Plant 2, and Respondent had not obtained a permit or interim status. Respondent stored hazardous waste without a permit or without interim status in violation of Section 3005 of RCRA, 42 U.S.C. § 6925(a), and the requirements of Ohio Admin. Code § 3745-52-34(A) because it failed to comply with the conditions for an exemption as described above.
- f. Section 3005 of RCRA, 42 U.S.C. § 6925(a), and the regulations at 40 C.F.R. Part 270 and Ohio Admin. Code § 3745-50 prohibit the treatment, storage, or disposal of hazardous waste without a permit or interim status. A generator may, however, accumulate hazardous waste on-site for 90 days or less without a permit or interim status, provided that the generator complies with all applicable conditions set forth at Ohio Admin. Code §§ 3745-52-34(A)(4) and 3745-65-33, including, but not limited to, ensuring that 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 an emergency. The emergency equipment inspections shall be recorded in a log or summary. On December 6, 2022, Respondent failed to provide documentation of the Plants 1 and 2 spill equipment inspections, and Respondent had not obtained a permit or interim status. Respondent stored hazardous waste without a permit or without interim status in violation of Section 3005 of RCRA, 42 U.S.C. § 6925(a), and the requirements of Ohio Admin. Code § 3745-52-34(A) because it failed to comply with the conditions for an exemption as described above.

- g. Section 3005 of RCRA, 42 U.S.C. § 6925(a), and the regulations at 40 C.F.R. Part 270 and Ohio Admin. Code § 3745-50 prohibit the treatment, storage, or disposal of hazardous waste without a permit or interim status. A generator may, however, accumulate hazardous waste on-site for 90 days or less without a permit or interim status, provided that the generator complies with all applicable conditions set forth Ohio Admin. Code §§ 3745-52-34(A)(4) and 3745-65-35, including, but not limited to, maintaining 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 purposes. On December 6, 2022, Respondent failed to maintain sufficient aisle space in the area surrounding the five hazardous waste totes at the Plant 2 Container Accumulation Area, and Respondent had not obtained a permit or interim status. Respondent stored hazardous waste without a permit or without interim status in violation of Section 3005 of RCRA, 42 U.S.C. § 6925(a), and the requirements of Ohio Admin. Code § 3745-52-34(A) because it failed to comply with the conditions for an exemption as described above.
- h. Section 3005 of RCRA, 42 U.S.C. § 6925(a), and the regulations at 40 C.F.R. Part 270 and Ohio Admin. Code § 3745-50 prohibit the treatment, storage, or disposal of hazardous waste without a permit or interim status. A generator may, however, accumulate hazardous waste on-site for 90 days or less without a permit or interim status, provided that the generator complies with all applicable conditions set forth Ohio Admin. Code §§ 3745-52-34(A)(4) and 3745-65-53(B), including, but not limited to, providing updated copies of the facility's contingency plan to local emergency authorities. On December 6, 2022, Respondent failed to provide updated copy of the facility's contingency plan to local emergency authorities, and Respondent had not obtained a permit or interim status. Respondent stored hazardous waste without a permit or without interim status in violation of Section 3005 of RCRA, 42 U.S.C. § 6925(a), and the requirements of Ohio Admin. Code § 3745-52-34(A) because it failed to comply with the conditions for an exemption as described above.
- i. Under Ohio Admin. Code § 3745-270-07(A)(8), a generator shall 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. On December 6, 2022, Respondent failed to maintain land disposal restriction notices for the following Plant 2 hazardous waste streams: spent acid tin plating solution; spent cadmium cyanide plating solution; and waste tank liners. Respondent's failure to maintain land disposal restriction notices violated Ohio Admin. Code § 3745-270-07(A)(8).

3. The EPA and Respondent agree that settlement of this matter for a civil penalty of eighteen thousand seven hundred and fifty dollars (\$18,750) is in the public interest.
4. EPA is authorized to enter into this Agreement pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), and 40 C.F.R. §§ 22.13(b), and 22.18(b)(2)–(3).
5. EPA provided notice of commencement of this action to the state of Ohio pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).
6. In signing this Agreement, Respondent: (1) admits that Respondent is subject to RCRA and its implementing regulations; (2) admits that EPA has jurisdiction over Respondent and Respondent's conduct as alleged herein, (3) neither admits nor denies the factual allegations contained herein; (4) consents to the assessment of this penalty; (5) waives the opportunity to request a hearing pursuant to Section 3008(b) of RCRA, 42 U.S.C. § 6928(b) or 40 C.F.R. § 22.15(c); (6) waives any right to contest the allegations in this Expedited Settlement Agreement and Final Order and its right to appeal this Expedited Settlement Agreement and Final Order; and (7) waives any rights or defenses that Respondent has or may have for this matter to be resolved in federal court, including but not limited to any right to a jury trial, and waives any right to challenge the lawfulness of the final order accompanying the ESA.
7. By its signature below Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that: (1) the alleged violations have been corrected, and (2) Respondent has paid the civil penalty in accordance with paragraph 8.
8. Respondent shall have paid a civil penalty of eighteen thousand seven hundred and fifty dollars (\$18,750) within 30 days of its receipt of the letter setting forth the opportunity for expedited settlement. Respondent shall pay the penalty using any method, or combination of appropriate methods, as provided on the EPA website: <https://www.epa.gov/financial/makepayment>. For additional instructions see: <https://www.epa.gov/financial/additional-instructions-making-payments-epa>.
9. Respondent shall have sent a notice of payment that states Respondent's name, complete address, and the case docket number to EPA at the following addresses, when it paid the penalty:

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 5
r5hearingclerk@epa.gov

U.S. Environmental Protection Agency
Cincinnati Finance Center
CINWD_AcctsReceivable@epa.gov

Bryan Gangwisch
Land Enforcement and Compliance Assurance Branch
U.S. Environmental Protection Agency, Region 5
gangwisch.bryan@epa.gov
and
r5lecab@epa.gov

James Bonar-Bridges
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 5
bonarbridges.james@epa.gov

10. The civil penalty is not deductible for federal tax purposes.
11. This Agreement resolves only Respondent's liability for federal civil penalties under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), for the violations alleged in the Agreement.
12. EPA reserves all of its rights to take enforcement action for any other past, present, or future violations by Respondent of RCRA, any other federal statute or regulation, or this Agreement.
13. Each party shall bear its own costs and fees, if any.
14. This Agreement is binding on the parties signing below, and in accordance with 40 C.F.R. § 22.31(b), is effective upon filing.
15. In accordance with 40 C.F.R. § 22.6, the parties consent to service of this Agreement by e-mail at the following valid e-mail addresses: bonarbridges.james@epa.gov (for Complainant), and todd@lakecityplating.com (for Respondent).
16. Respondent understands that the ESA will become publicly available upon filing.


IT IS SO AGREED,

Todd B. Bendis

Name (print)

CEO

Title (print)



Signature

4/4/2025

Date

APPROVED BY EPA:

Michael D. Harris

Division Director

Enforcement and Compliance Assurance Division

In the Matter of:
Lake City Plating, LLC (Plants 1 and 2)
Docket No.: RCRA-05-2025-0014

FINAL ORDER

This Expedited Settlement Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This Expedited Settlement Agreement and Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31.

IT IS SO ORDERED:

Ann L. Coyle
Regional Judicial Officer
United States Environmental Protection Agency
Region 5