

**FILED**

**May 31, 2024**

**9:25 am**

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

**UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

**IN THE MATTER OF:**

Docket No.: RCRA-05-2024-0017

MPC Plating LLC  
9921 Clinton Road  
Brooklyn, Ohio 44144  
EPA ID. No. OHD982073397

**EXPEDITED SETTLEMENT  
AGREEMENT AND  
FINAL ORDER**

Respondent

**EXPEDITED SETTLEMENT AGREEMENT**

1. The Director, Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency (“EPA”), Region 5 (“Complainant”) and MPC Plating LLC (“Respondent”) enter into this Resource Conservation and Recovery Act (“RCRA”) Expedited Settlement Agreement (“Agreement”) to settle the civil violations set forth in this Agreement for a penalty of (\$13,750).
2. EPA inspected MPC Plating LLC on September 28, 2022, and/or reviewed information you provided on October 6, 2022, and December 12, 2023. Complainant has determined Respondent violated the following sections of RCRA, and the Ohio hazardous waste management program, Ohio Administrative Code, at Respondent’s facility located at 9921 Clinton Road Brooklyn, Ohio 44144 (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)(a)<sup>1</sup> and 3745-66-74, including, but not limited to, conducting weekly inspections of the 90-day accumulation areas. On September 28, 2022, Respondent failed to conduct and maintain records of weekly inspection of the Facility’s 90-day

<sup>1</sup> 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.

storage 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.

- 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(C), including, but not limited to, clearly marking each satellite container holding hazardous waste with the words "Hazardous Waste. See Ohio Admin. Code § 3745-52-34(C)(1)(b). On September 22, 2022, one satellite container was not properly labeled with the words "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(C), 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)(4) and 3745-65-16(A) through (D), including, but not limited to, providing training to employees with hazardous waste management responsibilities. On September 28, 2022, Respondent failed to provide documentation showing completion of training for employees during years 2020 and 2021, 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.
- 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 Ohio Admin. Code §§ 3745-52-34(A)(4) and 3745-65-37(A), including, but not limited to, attempting to make arrangements with local emergency authorities to familiarize authorities with possible

hazards and facility layout. On September 28, 2022, Respondent failed to attempt to make arrangements with 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.

- 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 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 September 28, 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.
- f. 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 Ohio Admin. Code for three years or until he receives a signed copy from the designated facility which received the waste. At the time of the inspection, Respondent failed to maintain copies of disposal facility signed manifests. Respondent's failure to maintain manifest records violated Ohio Admin. Code § 3745-52-23.
- g. Under Ohio Admin. Code § 3745-273-13(D)(1), a small quantity handler of universal waste must contain any lamp in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. At the time of inspection, Respondent failed to manage approximately 100 used fluorescent lamps, which were stored in the Facility's universal waste area in appropriate containers or packages. Respondent's failure to properly manage used lamps violated Ohio Admin. Code § 3745-273-13(D)(1).
- h. Under Ohio Admin. Code § 3745-273-14(A) and (E), a small quantity handler of universal waste must label or clearly mark each lamp or a container or package in which such lamps are contained with any one of the following phrases: "Universal Waste-Lamps," "Waste Lamps" or "Used Lamps;" and each battery or a container or package in which such batteries are contained labeled or

marked clearly with one of the following phrases: "Universal Waste - Batter(ies)," or "Waste Battery(ies)," or "Used Battery(ies). Respondent is small quantity handler of universal waste because it accumulates less than 5,000 kilograms of universal waste at any time. On September 28, 2022, loosely stored lamps and batteries with appropriate phrases. Respondent's failure to label or clearly mark universal waste lamps and batteries or containers or packages containing universal wastes, as described above, violated Ohio Admin. Code § 3745-273-14(A) and (E).

- i. Ohio Admin. Code § 3745-273-15(C), a small quantity handler of universal waste must be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes waste. At the time of the inspection, Respondent failed to demonstrate the length of time two boxes of used lamps, loose used lamps, and used batteries stored in the Facility's universal waste area were accumulated. The used batteries and used lamps did not have accumulation start dates. Respondent's failure to demonstrate the length of time that the universal waste has been accumulated from the date it becomes waste, as described above, violated Ohio Admin. Code § Ohio Admin. Code § 3745-273-15(C).
3. The EPA and Respondent agree that settlement of this matter for a civil penalty of thirteen thousand seven hundred and fifty dollars (\$13,750) 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 for a hearing pursuant to Section 3008(b) of RCRA, 42 U.S.C. § 6928(b); and (6) waives any right to contest the allegations contained herein or to appeal the Final Order.
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 thirteen thousand seven hundred and fifty dollars (\$13,750) within 30 days of its receipt of the letter setting forth the opportunity for expedited settlement. Payment of a civil penalty may be made online at [www.pay.gov](http://www.pay.gov). To pay online at [www.pay.gov](http://www.pay.gov) use the Search Public Forms option and enter 'sfo 1.1' in the search field then open form and complete required fields. If a respondent is unable to pay the penalty online at [www.pay.gov](http://www.pay.gov), contact Derrick Samaranski at [samaranski.derrick@epa.gov](mailto:samaranski.derrick@epa.gov) to make alternative arrangements.
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. EPA, Region 5  
[r5hearingclerk@epa.gov](mailto:r5hearingclerk@epa.gov)

Derrick Samaranski  
Land Enforcement and Compliance Assurance Branch  
U.S. EPA, Region 5  
[Samaranski.derrick@epa.gov](mailto:Samaranski.derrick@epa.gov) and  
[r5lecab@epa.gov](mailto:r5lecab@epa.gov)

Mark Koller  
Office of Regional Counsel  
U.S. EPA, Region 5  
[Koller.mark@epa.gov](mailto:Koller.mark@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: [koller.mark@epa.gov](mailto:koller.mark@epa.gov) (for Complainant), and [msayle@mpcplating.com](mailto:msayle@mpcplating.com) (for Respondent).

16. Respondent understands that the ESA will become publicly available upon filing.

IT IS SO AGREED,

Kevin Closky  
Name (print)

CEO MPC PLATING  
Title (print)

[Handwritten Signature]  
Signature

5/1/24  
Date

APPROVED BY EPA:

MICHAEL  
HARRIS

Digitally signed by  
MICHAEL HARRIS  
Date: 2024.05.16  
15:57:57 -05'00'

Michael D. Harris  
Division Director  
Enforcement and Compliance Assurance Division

**In the Matter of:  
MPC Plating LLC  
Docket No.: RCRA-05-2024-0017**

**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 COYLE** Digitally signed by ANN  
COYLE  
Date: 2024.05.30  
12:28:17 -05'00'

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