



State of Ohio Environmental Protection Agency

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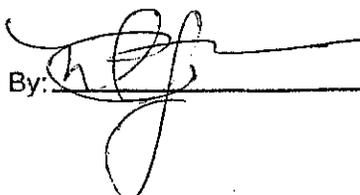
MAILING ADDRESS:

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

CERTIFIED MAIL

May 26, 2009

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.

By:  Date: 5-26-09

OHIO E.P.A.
MAY 26 2009
ENTERED DIRECTOR'S JOURNAL

Mr. John Reese, Environmental Health and Safety
ASHTA Chemicals Inc.
3509 Middle Road
Ashtabula, Ohio 44004

**Re: Closure Plan Approval
REMOVAL TO RISK-BASED LEVELS
ASHTA Chemicals Inc.
OHD 980793301**

Dear Mr. Reese:

On March 9, 2009, ASHTA Chemicals Inc. submitted to Ohio EPA a closure plan for unpermitted storage and disposal units located at 3509 Middle Road, Ashtabula, Ohio. Revisions to the closure plan were received on April 15 and 23, 2009. The closure plan was submitted pursuant the May 26, 2009 Director's Final Findings and Orders in order to demonstrate that ASHTA Chemicals Inc. proposal for closure complies with the substantive requirements of OAC rules 3745-55-11 and 3745-55-12.

The owner or operator and the public were given the opportunity to submit written comments regarding the closure plan in accordance with the hazardous waste rule requirements. No public comments were received by Ohio EPA.

Based upon review of ASHTA Chemicals' submittal and subsequent revisions, I conclude that the closure plan for the hazardous waste facility at 3509 Middle Road, Ashtabula, Ohio, as modified herein, meets the performance standard contained in OAC rule 3745-55-11, and complies with the pertinent parts of OAC rule 3745-66-12.

The closure plan submitted to Ohio EPA on March 9, 2009 and revised on April 15 and 23, 2009 by ASHTA Chemicals Inc. is hereby approved with the following modifications:

1. Section 8.2 discusses the assumptions used in the risk assessment and the intent to rely on activity and use limitations in an Environmental Covenant. In order for

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

closure activities to be completed, an executed Environmental Covenant is required. Therefore, the following sentence needs to be added to the end of Section 13.0: **The Closure Certification will also include documentation of the executed Environmental Covenant with appropriate activity and use limitations.**

2. Section 10.3 discusses the collection of confirmatory soil samples from excavation areas to evaluate the removal of contaminated soil. The section lacks statements explaining what actions will be taken if confirmatory soil samples do not meet the risk-based clean closure levels. Therefore the following statement needs to be added to the last paragraph: **If confirmatory soil samples do not meet the risk-based clean closure levels, ASHTA Chemicals will coordinate with Ohio EPA to determine appropriate actions and, if necessary, excavate additional contaminated soil.**
3. Last sentence in Section 12.0 includes a typographical error. The last sentence in the section needs to be modified to read: **Documentation will be provided in the Closure Plan-CERTIFICATION regarding the origin of any fill brought from off property.**
4. In addition, it is recommended that ASHTA Chemicals coordinate with Ohio EPA and seek approval prior to bringing fill material from off property to ensure that the source location of the fill material is acceptable to Ohio EPA. Therefore, the following sentence needs to be added to the last paragraph of Section 12.0: **Prior to bringing fill material from off property sources, ASHTA Chemicals will coordinate with Ohio EPA and seek its approval for use of the fill material. Documentation regarding the source and nature of the fill material will be provided to Ohio EPA prior to bringing any fill material from off property sources.**

Compliance with the approved closure plan, including the modifications specified herein, is expected. Ohio EPA will monitor such compliance. Ohio EPA expressly reserves the right to take action, pursuant to chapters 3734. and 6111. of the Ohio Revised Code, and other applicable law, to enforce such compliance and to seek appropriate remedies in the event of noncompliance with the provisions and modifications of this Approved Closure Plan. Please be advised that approval of this closure plan does not release ASHTA Chemicals Inc. from any responsibilities regarding corrective action for all releases of hazardous waste or constituents from any waste management unit, regardless of the time at which waste was placed in the unit.

You are hereby notified that this action of the director is final and may be appealed to the Environmental Review Appeals Commission pursuant to Section 3745.04 of the Ohio Revised Code. The appeal must be in writing and set forth the action complained of and

the grounds upon which the appeal is based. The appeal must be filed with the Commission within thirty (30) days after notice of the Director's action. The appeal must be accompanied by a filing fee of \$70.00 which the Commission, in its discretion, may reduce if by affidavit you demonstrate that payment of the full amount of the fee would cause extreme hardship. Notice of the filing of the appeal shall be filed with the Director within three (3) days of filing with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. An appeal may be filed with the Environmental Review Appeals Commission at the following address:

Environmental Review Appeals Commission
309 South Fourth Street, Room 222
Columbus, Ohio 43215

When closure is completed, OAC rule 3745-55-15 requires the owner or operator of a facility to submit to the Director of Ohio EPA, certification by the owner or operator and an independent, registered professional engineer, that the facility has been closed in accordance with the approved closure plan. The certification by the owner or operator shall include the statement found in OAC rule 3745-50-42(D). These certifications should be submitted to:

Jeremy A. Carroll, P.E., Manager
Ohio Environmental Protection Agency
Division of Hazardous Waste Management
Regulatory and Information Services Section
P.O. Box 1049
Columbus, Ohio 43216-1049.

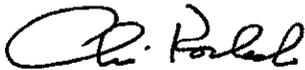
A copy should also be sent to:

Ohio Environmental Protection Agency
Division of Hazardous Waste Management
Suzanne Prusnek
Northeast District Office
2110 East Aurora Road
Twinsburg, Ohio 44087

Ohio EPA's Division of Hazardous Waste Management strongly encourages you to consider pollution prevention options for any processes at your facility that generate waste. While implementation of pollution prevention options is not required by Ohio laws and regulations, the application of waste minimization practices may help reduce the expense of remedial activities. Additionally, implementation of pollution prevention options may

prevent the creation of new units and as a result eliminate the requirement to submit a closure plan in the future. For assistance in identifying and implementing pollution prevention options, contact Suzanne Prusnek at (330) 963-1181.

Sincerely,



Chris Korleski
Director

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cc: Jeremy Carroll, Manager, RISS, DHWM, CO, Central File
Ed Lim, Manager, ERAS, DHWM, CO
Suzanne Prusnek, DHWM, NEDO
Martin Smith, DHWM, CO
Mike Allen, Supervisor, ERAS, DHWM, CO
John Schierberl, Supervisor, EU, DHWM, CO