



**Environmental
Protection Agency**

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

OHIO E.P.A.

JUL 21 2011

ENTERED DIRECTOR'S JOURNAL

CERTIFIED MAIL

July 21, 2011 91 7108 2133 3932 1840 3118

Mr. Jack Kuntz
Harrison Township Community and Economic Development Department
5945 North Dixie Drive
Dayton OH 45414

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.

**Re: Amended Closure Plan Approval
Former American Carco Corporation Property
OHD004277687**

By: Scott J. Nally Date: 7-21-11

Dear Mr. Kuntz:

On May 6, 2011 Harrison Township submitted to Ohio EPA an amended facility closure plan for the remaining units (Closure Units #1- #6) formerly operated by American Carco, located at 2800 Ontario Avenue, Dayton Ohio. The original plan was approved with modifications in the February 18, 1992 Director's Letter. The original plan was approved in a Final Action by the Director in a Director's letter dated February 18, 1992. The amended closure plan was submitted pursuant to rule 3745-66-12 of the Ohio Administrative Code (OAC) in order to demonstrate that Harrison Township's proposal for amended closure complies with the substantive requirements of OAC rule 3745-66-12.

The owner or operator and the public were given the opportunity to submit written comments regarding the amended closure plan in accordance with the hazardous waste rule requirements. No public comments were received by Ohio EPA. Based upon review of Harrison Township's submittal and subsequent revisions, I conclude that the amended closure plan for the hazardous waste facility at 2800 Ontario Avenue, Dayton, Ohio, meets the performance standard contained in OAC rule 3745-66-11 and complies with the pertinent parts of OAC rule 3745-66-12.

The amended closure plan submitted to Ohio EPA on May 6, 2011 by Harrison Township is hereby approved.

Compliance with the approved closure plan is expected and 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 amended closure plan does not release Harrison Township 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, made payable to "Ohio Treasurer," 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
77 South High Street
17th Floor
Columbus 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:

Ohio Environmental Protection Agency
Division Materials and Waste Management
Attn: Scott Heidenreich, Manager
P.O. Box 1049
Columbus, Ohio 43216-1049

A copy should also be sent to:

Ohio Environmental Protection Agency
Division of Materials and Waste Management
Attn: Tom Ontko, Southwest District Office,
401 East Fifth Street
Dayton OH 45402

Ohio EPA, Division of Materials and Waste Management, strongly encourages you to consider pollution prevention options for any waste generating activities conducted at the property. 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 Tom Ontko at 937-285-6090.

Sincerely,



Scott J. Nally
Director

cc:

Ed Lim, Engineering, DERR, CO
Tom Ontko, DMWM, SWDO
Harold O'Connell, DERR, SWDO
Scott Heidenreich, DMWM, CO
Jeremy Carroll, DMWM, CO