

**Environmental
Protection Agency**

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

OHIO E.P.A.

JUN -6 2012

ENTERED DIRECTOR'S JOURNAL

CERTIFIED MAIL**JUN 7 6 2012**

Frank Nagorney
Cowden & Humphrey Co. LPA
4600 Euclid Avenue, Suite 400
Cleveland, OH 44103-3748

**RE: NEW CLOSURE PLAN APPROVAL – REMOVAL, DLH PLATING FACILITY,
OHD004170650**

Dear Mr. Nagorney:

On February 28, 2012, HzW Environmental Consultants, LLC, on behalf of Grand Avenue Realty Company, Inc., submitted to Ohio EPA a new closure plan for the unpermitted hazardous waste management units located at 2801 Grand Avenue, in Cleveland, Ohio. The closure plan was submitted pursuant to the October 13, 2011 Partial Preliminary Injunction (Cuyahoga County Court of Common Pleas, Case No. CV11766695, State of Ohio v. Grand Avenue Realty Company, Inc., *et. al.*) in order to demonstrate that Grand Avenue Realty Company's proposal for closure complies with the substantive requirements of Ohio Administrative Code (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 Grand Avenue Realty Company's submittal, I conclude that the closure plan for the hazardous waste facility located at 2801 Grand Avenue, in Cleveland, Ohio, as modified herein, meets the performance standard contained in OAC rule 3745-55-11 and complies with the pertinent parts of OAC rule 3745-55-12.

The closure plan submitted to Ohio EPA on February 28, 2012, by Grand Avenue Realty Company, Inc., is hereby approved with the following modifications:

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 Donna Lassiter Date: 6-6-12

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1. Page one, Section 1.0 entitled "Background", is modified to state:
 - A. The closure plan is intended to support the clean closure of the hazardous waste management units (HWMUs) at the Property. The HWMUs include the cadmium automatic plating line area; the area between the cadmium automatic plating line and the zinc chloride plating line; the chrome and zinc hand plating line area and the wastewater treatment unit system, including all conveyances and piping.
 - B. The closure plan was submitted pursuant to the October 13, 2011 Partial Preliminary Injunction (Cuyahoga County Court of Common Pleas, Case No. CV11 766695, State of Ohio v. Grand Avenue Realty Company, Inc., *et. al*). The Partial Preliminary Injunction (PPI) is incorporated into the closure plan by reference. The closure plan and PPI require that the HWMUs be closed in accordance with OAC rules 3745-55-10 through 3745-55-20.
 - C. Ohio EPA's July 14, 2011 letter to Mr. Joseph Koncelik, Esq., concerning remediation activities at the DLH Plating facility, is incorporated into the closure plan by reference.
2. Page one, Section 2.0 entitled "Description of Facility", is modified to state:
 - A. Hazardous wastes generated at the Property included those described under U.S. EPA hazardous waste numbers D002/D003/D006/D007/F006/F007/F008.
 - B. Floor drains at the Property received waste plating-related solutions and rinse waters.
3. Page two, Section 4.0 entitled "History of Release of Hazardous Waste", is modified to include, by reference, all U.S. EPA Pollution Reports concerning the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) removal action at the DLH Plating Site.
4. Page two, Section 4.1 entitled "Hazardous Waste Management Units to be Closed", is modified to state that within 30 days of approval of the closure plan, a copy of the laboratory analytical data reports for Phase II assessment activities at the Property will be submitted to Ohio EPA's Northeast District Office (NEDO), Division of Environmental Response and Revitalization (DERR).
5. Page two, Section 5.0 entitled "Detail Drawing of Hazardous Waste Management Units to be Closed", is modified to state:
 - A. Prior to removal, the Property owner or its representative will contact the Northeast Ohio Regional Sewer District (NEORS) and the City of Cleveland (COC), Division of Water Pollution Control (WPC) to determine the location of all drains and sewers at the Property.

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- B. A description (i.e., size, construction material, integrity) and the detailed location of all floor drains, including conveyances and piping, at the Property will be accurately recorded during implementation of the closure plan.
6. Page three, Section 6.0 entitled "Removal of Wastes", is modified to state:
- A. All current and former floor drains at the Property, as well as their contents, will be removed. All floor drains, including conveyances and piping, will be removed to the point where they connect to the public sewer system. The connection will then be sealed. All floor drains and their contents will be placed into container(s) and/or tank(s).
 - B. The Property owner or its representative will contact NEORSD and COC WPC concerning the appropriate procedures to seal the floor drain connection at the public sewer system.
 - C. All waste generated from closure activities will be evaluated in accordance with the procedures found in OAC rule 3745-52-11. If determined to be a hazardous waste, the waste will be managed in accordance with OAC rule 3745-52-34. All non-hazardous solid waste will be disposed at a licensed municipal solid waste landfill. All other wastes will be managed in compliance with Ohio's water pollution control laws found in ORC Chapter 6111, as well as any local ordinances or rules.
 - D. A health and safety plan (HASP), consistent with or exceeding the Occupational Safety and Health Administration's (OSHA) standards identified in 29 CFR 1910.120, 1910.132 through 1910.138, 1910.1000, 1910.1200 and 29 CFR 1926, will be developed prior to and implemented during closure activities.
7. Page three, Section 6.1 entitled "Air Emissions and Storm Water Run-Off", is modified to state:
- A. Dust control measures (i.e., water misting) will be implemented during all closure activities that generate visible emissions or dust.
 - B. All liquids or water encountered during the excavation and removal of the floor drains at the Property will be placed into container(s) and/or tank(s). All waste will be evaluated in accordance with the procedures found in OAC rule 3745-52-11. If determined to be a hazardous waste, the waste will be managed in accordance with OAC rule 3745-52-34. All non-hazardous solid waste will be disposed at a licensed municipal solid waste landfill. All other wastes will be managed in compliance with Ohio's water pollution control laws found in ORC Chapter 6111, as well as any local ordinances or rules.
 - C. All storm water will be managed in compliance with Ohio's water pollution control laws found in ORC Chapter 6111, as well as any local ordinances or rules.

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8. Page four, Section 6.1 entitled "Decontamination Efforts", is modified to state:
 - A. Decontamination of all reusable equipment (i.e., hand-held or heavy machinery) will be accomplished by brushing or scraping debris from the exposed surfaces followed by at least three rinses of a suitable detergent and water.
 - B. All decontamination activities will take place in an area that has been designed to capture rinseate and other waste generated from decontamination activities. The area will be designed to prevent decontamination activities from contaminating surrounding environmental media.
 - C. All waste from decontamination activities will be placed into container(s) and/or tank(s). All waste will be evaluated in accordance with the procedures found in OAC rule 3745-52-11. If determined to be a hazardous waste, the waste will be managed in accordance with OAC rule 3745-52-34. All non-hazardous solid waste will be disposed at a licensed municipal solid waste landfill. All other wastes will be managed in compliance with Ohio's water pollution control laws found in ORC Chapter 6111, as well as any local ordinances or rules.

9. Page four, Section 9.0 entitled "Closure Schedule," is modified to state:
 - A. The closure schedule will commence within 90-days of closure plan approval.
 - B. The professional engineer or his/her representative will be present at the Property for any critical closure activity (e.g., floor drain location and removal activities).
 - C. The Property owner or its representative will notify the designated Ohio EPA, NEDO staff at least five business days in advance of critical activities.

10. Page five, Section 10.0 entitled "Certification," is modified to state:
 - A. The closure certification will identify that the HWMUs were closed in accordance with the approved closure plan, as modified, and will include the exact wording found in OAC rule 3745-50-42(D).
 - B. The closure certification will also include photographs, off-site waste management documentation (e.g., manifests) and a description and map depicting the accurate location of all drains that were removed.

11. Page five, Section 11.0 entitled "Status of Facility After Closure," is modified to state:
 - A. The Property is subject to RCRA Correction Action. These obligations may be met through an alternative clean up program as Ohio EPA's Voluntary Action Program (VAP) through completion of the Covenant Not to Sue (CNS) stage.
 - B. Once certified closed, all HWMUs and floor drains, including any impacted environmental media (i.e., soil and ground water) will remain as Identified Areas (IAs) under the VAP.

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12. Page five, Section 12.0 entitled "Costs Associated with Closure and Financial Assurance" is modified to state that in accordance with the October 13, 2011 PPI, within 30 days of approval of the closure plan, Grand Avenue Realty Company, Inc. will submit to Ohio EPA a detailed closure cost estimate, as well as documentation of financial assurance and liability coverage.

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 Grand Avenue Realty Company, 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, made payable to "Treasurer of the State of Ohio", 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, 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 a qualified professional engineer, that the facility has been closed in accordance with the approved closure plan. The certification by the owner or operator must include the statement found in OAC rule 3745-50-42(D). These certifications should be submitted to:

Edwin Lim, Engineering Section
Ohio Environmental Protection Agency
Division of Environmental Response and Revitalization
P.O. Box 1049
Columbus, Ohio 43216-1049

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A copy should also be sent to:

Rod Beals, Manager
Ohio Environmental Protection Agency
Division of Environmental Response and Revitalization
Northeast District Office
2110 E. Aurora Rd.
Twinsburg, Ohio 44087

If you have any questions concerning implementing this closure plan, please contact Frank Zingales at (330) 963-1108.

Sincerely,



Scott J. Nally
Director

SJN/FAZ:ddw

cc: Martin Lewis, Esq., Tucker Ellis
Joseph Koncelik, Esq., Frantz Ward
Scott Broski, NEORSD
ec: Ed Lim, DERR, CO
Connie Livchak, DMWM, CO
Brad Hauser, DMWM, CO
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