



State of Ohio Environmental Protection Agency

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JUL - 8 2010
P.O. Box 1049
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ENTERED DIRECTOR'S JOURNAL

CERTIFIED MAIL

July 8, 2010

Ms. Helun Bachour-Chahda, President
J.H. & H. Management, Inc.
3811 West 150th Street
Cleveland, Ohio 44111

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: Amy Cassler Date: 7-8-10

**Re: Amended Closure Plan Approval
Clean Closure by Removal
Former Novacote, Inc. Facility
OHR 000 014 043**

Dear Ms. Bachour-Chahda:

On May 21, 2010, T.D. Kmiec and Associates submitted to Ohio EPA an amended closure plan for one indoor container storage area, one outdoor container storage and hazardous waste disposal area, and one outdoor container storage pad at the former Novacote, Inc. facility located at 3807 West 150th Street in Cleveland, Ohio. Revisions to the amended closure plan were received on June 21, 2010. The original plan was submitted pursuant to the April 4, 2007, Director's Final Findings and Orders. The amended closure plan was submitted pursuant to rule 3745-66-12 of the Ohio Administrative Code (OAC) in order to demonstrate that the former Novacote, Inc. facility proposal for amended closure complies with the substantive requirements of OAC rules 3745-55-11/3745-66-11 and 3745-55-12/3745-66-12.

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 T.D. Kmiec and Associate's submittal and subsequent revisions, I conclude that the amended closure plan for the hazardous waste facility at 3807 West 150th Street in Cleveland meets the performance standard contained in OAC rule 3745-55-11/3745-66-11 and complies with the pertinent parts of OAC rule 3745-55-12/3745-66-12. However, the closure cost estimate is not included in this approval and will be acknowledged through separate correspondence.

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

Ohio EPA is an Equal Opportunity Employer

The amended closure plan submitted to Ohio EPA on May 21, 2010, and revised on June 21, 2010, by T.D. Kmiec and Associates is hereby approved.

Compliance with the approved closure plan 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 of this approved closure plan. Please be advised that approval of this amended closure plan does not release J.H.& H. Management, 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 "Ohio Treasurer Kevin Boyce," 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 3745-55-15/3745-66-15 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 E. Aurora Road
Twinsburg, Ohio 44087

Ohio EPA, 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

cc: Jeremy Carroll, Manager, RISS, DHWM, CO
Ed Lim, Manager, ERAS, DHWM, CO
Suzanne Prusnek, DHWM, NEDO
John Palmer, DHWM, NEDO
Pam McCoy, DHWM, CO
Mike Allen, Engineering Unit, DHWM, CO
John Schierberl, Supervisor, Enforcement Unit, DHWM, CO