



John R. Kasich, Governor  
Mary Taylor, Lt. Governor  
Craig W. Butler, Director

OHIO E.P.A.

JUL - 1 - 2014

ENTERED DIRECTOR'S JOURNAL

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: [Signature] Date: 7-1-14

**CERTIFIED MAIL**

**JUL 01 2014**

Mr. Joseph Miceli  
Miceli-Lograsso Development Co. III LLC  
2721 E. 90<sup>th</sup> St.  
Cleveland, OH 44104

RE: Miceli-Lograsso Development Co. III LLC  
Director's Authorization  
Approval  
RCRA C – Hazardous Waste  
Cuyahoga County  
OHD004170650

**Subject: Closure Plan Approval via Removal and Risk Assessment**

Dear Mr. Miceli:

On May 9, 2014, HzW Environmental Consultants LLC, on behalf of Miceli-Lograsso Development Company III LLC (Miceli), submitted to the Ohio Environmental Protection Agency (Ohio EPA) a new closure plan for three unpermitted hazardous waste management units (G05, G33 and Trailer 1) located at 2800 East 90<sup>th</sup> Street, in Cleveland, Ohio. The closure plan was submitted pursuant to the May 7, 2014 Director's Final Findings and Orders in order to demonstrate that Miceli's proposal for closure complies with the substantive requirements of Ohio Administrative Code (OAC) rules 3745-55-11 and 3745-55-12.

The closure plan also includes a process by which excavated soil and debris, containing listed hazardous waste, will be evaluated against concentration levels that the director of Ohio EPA has deemed protective and adequate for the granting of a contained-in determination. Upon the granting of the contained-in determination, the soil and debris will no longer be considered to contain a listed hazardous waste.

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 the closure plan submittal, I conclude that the closure plan for the three hazardous waste management units (G05, G33 and Trailer 1) located at 2800 East 90<sup>th</sup> Street, in Cleveland, Ohio, meets the performance standard contained in OAC rule 3745-55-11, and complies with the pertinent parts of OAC rule 3745-55-12.

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 ORC, 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

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approved plan. Please be advised that approval of this closure plan does not release the facility 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 ORC. 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 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, 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 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, 17<sup>th</sup> 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 amended 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:

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

A copy should also be sent to:

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

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

Sincerely,



Craig W. Butler  
Director

CWB/FZ/cl

cc: Joseph Koncelik, Tucker Ellis LLP  
Barbara Knecht, HzW Environmental Consultants, LLC

ec: Kelly Smith, Ohio EPA, CO, DMWM  
Mitch Mathews, Ohio EPA, CO, DMWM  
Connie Livchak, Ohio EPA, CO, DMWM  
Todd Anderson, Ohio EPA, CO, Legal  
Erik Hagen, Ohio EPA, CO, DERR  
Don Vogel, Ohio EPA, CO, DERR  
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Frank Zingales, Ohio EPA, NEDO, DMWM  
Timothy Kern, Ohio AGO