



State of Ohio Environmental Protection Agency

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MAY 28 2010

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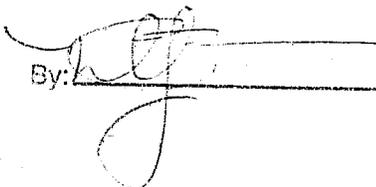
ENTERED DIRECTOR'S JOURNAL

CERTIFIED MAIL

May 28, 2010

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.

Brandon Partners
Attn: Mr. William Baumann
5801 Train Avenue
Cleveland, Ohio 44102

By:  Date: 5.28.10

**Re: Amended Closure Plan Approval
RISK ASSESSMENT
North East Chemical Corporation prepared by Brandon Partners
EPA ID No.: OHD 980 681 571**

Dear Mr. Baumann:

On October 29, 2008, Brandon Partners submitted to Ohio EPA an amended closure plan for former container and tank storage units located at the North East Chemical Corporation, 3301 Monroe Avenue, Cleveland, Ohio. Revisions to the amended closure plan were received on May 29, 2009, and March 1, 2010. The amended closure plan was submitted pursuant to rule 3745-66-12 of the Ohio Administrative Code (OAC) in order to demonstrate that Brandon Partners' proposal for amended closure complies with the requirements of OAC rules 3745-66-11 and 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 Brandon Partners' submittal and subsequent revisions, I conclude that the amended closure plan for the hazardous waste facility at 3301 Monroe Avenue, Cleveland, Ohio, as modified herein, 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 October 29, 2008, and revised on May 29, 2009, and March 1, 2010, by Brandon Partners is hereby approved with the attached modifications.

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

Compliance with the approved closure plan, especially 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 amended closure plan does not release Brandon Partners 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 3745-66-15 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:

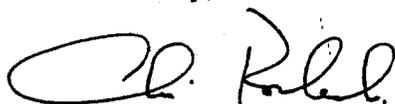
Jeremy A. Carroll, P.E., Manager
Ohio Environmental Protection Agency
Division of Hazardous Waste Management
Regulatory and Information Services Section
P.O. Box 1049
Columbus, Ohio 43216-1049

A copy should also be sent to:

Ohio Environmental Protection Agency
Division of Hazardous Waste Management
Frank Zingales
2110 East 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 Frank Zingales at (330) 963-1108.

Sincerely,



Chris Korleski
Director

cc: Jeremy Carroll, Manager, RISS, DHWM, CO
Ed Lim, Manager, ERAS, DHWM, CO
Frank Zingales, DHWM, NEDO
John Palmer, DHWM, NEDO
Rich Kurlich, DDAGW, NEDO
Cole Miller, DHWM, CO
Amanda Sturm, AGO

ec: John Schierberl, Supervisor, Enforcement Unit, DHWM, CO
Mike Allen, Engineering Unit, DHWM, CO

Attachment with Modifications to North East Chemical Amended Closure Plan

The following modifications will be made to the North East Chemical amended closure plan.

1. Page 12, First Paragraph

"However, EDG noted in the Closure Plan that if soil sampling indicated that ground water was potentially impacted, then an amendment to the Closure Plan to address ground water corrective actions in accordance with OAC 3745-54-90 through 3745-54-1003745-55-02 would be submitted to the Ohio EPA."

2. Page 13, Task IX

"Complete any necessary soil remediation that exceed background remediation standards, ~~risk-based standards~~ or MDLs. An amended closure plan containing a risk assessment may also be provided."

3. Page 19, Section 6.5

"...EDG proposed collection of soil samples every two feet below ground surface (GBS) to maximum depths of four feet. ~~The number of samples to be collected from each HWMU within the building was based on the same rationale used for rinsate sampling. Delineation was proposed...~~"

4. Page 20, second paragraph

"In order to address the data quality objectives of the soil screening process and in order to fully delineate the soil contamination, this revised Closure Plan proposes to supplement the photoionization detector (PID) readings with visual indicators and ~~the potential for migration of COCs (i.e. leachability)~~ when selecting samples for analysis."

5. Page 23, Section 7.0

"The proposed additional closure activities will consist of scarification of the east half of the waste process room floor, establishment of BRS for metals and SVOCs in soils, evaluation of subsurface conditions in the vicinity of drains and other conduits, further delineation of subsurface soils in HWMUs exceeding BRS or MCLMDLs, evaluation of the subsurface conditions in the vicinity of the underground emergency spill control tank, remediation of soils exceeding the standards, disposal of drums and totes remaining onsite, and completion of a groundwater investigation. BRS and MCLMDLs will be used to determine the clean closure level (CCL) goals."

6. Page 25, second paragraph

~~"The Ohio EPA indicated that background concentrations of all detected PAHs, SVOCs, and metals as listed in Appendix B should be established. All metals listed in Appendix B will be subject to background analysis. In addition to the PAHs listed above, additional SVOCs as listed in Appendix B herein will also be subject to the background assessment."~~

7. Page 26, last paragraph

~~"The interval selected for analysis will be based on professional judgment and the physical characteristics of the sample, but the preferred interval for analysis is from the three to four foot sample interval which will likely be selected for analysis to reduce the likelihood of impacts from surface activities. The interval selected for analysis will be based on the physical characteristics of the sample."~~

8. Page 30, Section 7.3

~~"Additional soil sampling will be performed to further delineate the full horizontal and vertical extent of soil contamination and determine the maximum concentrations of contaminants within each HWMU. Confirmatory sampling may be required due to the absence of laboratory data sheets from the 2001 EDG soil sampling. If confirmatory sampling is needed, confirmatory sampling will be performed in 25% of the areas sampled by EDG. If the EDG and confirmatory datasets agree within 20% between samples from the same location, then the historical data will be considered valid and will be used as a reference point for further horizontal and vertical delineation from each "hot-spot" sample location that exceeds background or MDLs. If the datasets do not agree, then each HWMU will be resampled in the same manner as performed by EDG. The grid intervals will be established as performed previously by EDG with the same methodology for selection of the samples and analysis of the samples for the COCs identified in Appendix B."~~

9. Page 32, Section 7.3

~~"The analytical results from the each sampling episode will be evaluated with respect to potential exposure pathways as described in Section 8.48.1.2 below. Scenarios in which hot-spots can be excavated in accordance with Section 8.58.1.3 to eliminate potential exposure pathways will also be evaluated."~~

10. Page 34, Section 7.5

~~"The highest field screened sample above groundwater, an additional sample interval to be determined in the field, and, one sample located at the soil-groundwater interface (or at a depth of 10-12' if groundwater is not encountered),~~

~~and one sample immediately below this interval will be submitted for laboratory analysis of COCs listed in Appendix B of this amended Closure Plan.”~~

11. Page 38, Section 8.1

~~“Soil data that exceeds the CCLs will be compared to background data and MDLs. If the hazardous constituents found in the closure area are similar to those found in the background soils, then a site specific BRS will be developed as the remediation standard. The BRS will be evaluated in a manner consistent with Appendix C of the CPRG, Guidance to Statistical Evaluation of Hazardous Waste Constituent Levels in Soils.”~~

12. Page 42, Section 8.4

~~“Metals and SVOCs subject to background analysis as listed in Section 7.2 that significantly exceed background concentrations (as determined by calculation of the upper confidence limits) and additional chemicals listed in Appendix B that exceed the MDLs will be further evaluated by completion of a site specific risk assessment. In addition, a risk assessment will need to be performed to establish acceptable cleanup levels for COCs found in soils and groundwater for which a GCN does not exist. The risk assessment will be performed in accordance with Chapter 6 – Risk Assessment in Closure and Chapter 7 – General Concepts in Human Health Risk Assessments of the CPRG. The risk assessment will be submitted within an amended closure plan to the OEPA. The exposure point concentration...”~~

13. Page 44, Section 8.5

~~“Waste characterization analysis of excavated soils will be performed pursuant to RCRA hazardous waste regulations to determine if they will be hazardous for disposal purposes. Any waste which contains hazardous constituents associated with listed hazardous waste, as found in OAC 3745-51-30 through 3745-51-35, will be managed and disposed of as hazardous waste. The basis for determining whether the waste is listed a characteristic hazardous waste will be made in accordance with OAC 3745-51-2030 through 3745-51-24. This may include obtaining one composite sample by obtaininong grab sample from each disposal box and analysis of each sample for hazardous waste characteristics, including ignitability, corrosivity, reactivity, and toxicity, and whether individual constituents that are classified as acutely hazardous or toxic. If the results of waste characterization analysis...”~~

14. Page 46, Task IX

~~“Complete any necessary soil remediation in the above areas that exceed background remediation standards, risk-based closure standards, or MCMDLs,~~

including offsite disposal. An amended closure plan containing a risk assessment may be provided at this time.

15. Page 48, Section 13.0

“A detailed cost estimate to comply with the financial assurance requirements will be submitted to the Ohio EPA Division of Hazardous Waste Management (DHWM) financial staff for review within 30 days of closure plan approval.”