OhioEPA

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JUL 21 2014

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

DIRECTOR'S JOURNAL

CERTIFIED MAIL

JUL 21 2014

Tice Enterprises, Inc.
13822 N. Vision Drive
P.O. Box 37
Kenton, OH 43326

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: _____ **Date:** 7-21-14

Re: Closure Period Extension
Former King-Ohio Forge, Inc.
OHD0045583835

Dear Ms. Tice:

On July 9, 2014, Tice Enterprises Inc. (Tice) submitted a request for an extension to the closure period specified in the Approved Closure Plan for the closure of container storage areas at the former King-Ohio Forge facility located at 820 Steiner Avenue, Kenton, Ohio.

An extension request to complete all closure activities was made on December 30, 2013. The 2013 request was approved and the closure period was extended to ended April 30, 2014.

Closure activities were not completed as of the April 2014 deadline. On July 9, 2014, Tice requested an additional 30 days to August 9, 2014, to complete all closure activities. The extension request was submitted pursuant to Ohio Administrative Code (OAC) rule 3745-66-13(B) as closure will require longer than the 180 day period as specified in OAC rule 3745-66-13. Tice has requested this extension because of delays in recording the environmental covenant limiting the property to commercial and industrial use. You have requested an extension to the closure period to complete recording of the environmental covenant.

My staff reviewed your request for an extension to the closure period, and recommends that the extension be granted per OAC rule 3745-66-13(B). I concur, and am therefore granting this extension request. This extension is being granted for the above referenced closure plan and expires on August 9, 2014. It is important to note that the existing, expired closure period anticipated the completion of closure activities.

Tice Enterprises Inc. shall continue to take all steps to prevent a threat to human health and the environment from the container storage areas per OAC rule 3745-66-13(B)(2).

Please be advised that approval of this closure extension request does not release Tice from any responsibilities as required under the Hazardous and Solid Waste Amendments of 1984, regarding corrective action for all releases of hazardous waste or constituents from any solid 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 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 of State ") 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, 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 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 of Environmental Response and Revitalization
P.O. Box 1049
Columbus, Ohio 43216-1049
Attn: Edwin Lim, Engineering Section

A copy should also be sent to:

Ohio Environmental Protection Agency
Division of Environmental Response and Revitalization
North West District Office,
347 North Dunbridge Road.
Attn: Brian Patterson

Sincerely,

Craig W. Butler
Director

cc: Joseph Reidy, Attorney, Frost Brown Todd LLC, (One Columbus, Suite 2300 | 10 West Broad Street | Columbus, OH 43215-3484)

ec: Ed Lim, Manager, ERAS, DERR, CO
Todd Anderson, Legal
Kelly Smith, Enforcement Unit, DMWM, CO
Connie Livchak, FARU-DMWM, CO
Don Vogel, ERAS, DERR, CO
Michael Terpinski, DERR, NWDO
Brian Patterson, DERR, NWDO
Lisa Gifford, DMWM, NWDO