

Mass Realty LLC. (fka Evergreen/Everbrown, fka Chemicals, Inc.)

March, 2009

Mass Realty LLC owns property which was operated until 1997 by Chemicals, Inc. as a re-packager and distributor of over 600 chemicals including solvents, caustics, and acids. The site is located at 614 Shepherd Drive in the village of Lockland, Hamilton County. Ohio EPA became aware of the site in 1989 due to repeated reports of chemicals spills on the property. Former owner Evergreen and Ohio EPA entered into an Administrative Order on Consent (AOC) in July, 1991 which required Evergreen to conduct an investigation to identify volatile organic compound (VOC) sources to ground water, and to prevent off-property migration of VOC-contaminated ground water from sources at the facility.

Investigations at the site identified VOC-contamination of soils and ground water. The company installed a ground water extraction system to prevent off-property migration of VOC-contaminated ground water in 1994. Mass Realty LLC purchased the property from Evergreen in late 2000 and voluntarily assumed responsibility for the requirements of the 1991 AOC. Ohio EPA amended the AOC in February, 2001 and Mass Realty continued operation of the ground water extraction system pursuant to the amended AOC until July, 2003. At that time, Mass Realty LLC discontinued operation of the system and all ground water monitoring, in violation of the AOC. Ohio EPA referred Mass Realty LLC to the Ohio Attorney General's office in late 2003 for failure to fulfill their responsibilities under the February, 2001 AOC. The case was tried in Hamilton County Common Pleas Court in March, 2008. On March 18, 2009, the court issued its ruling requiring Mass Realty LLC to comply with the 2001 AOC. The court also dismissed all state claims for personal liability against the defendant as well as the state's request for recovery of past response costs. The state has 30 days to appeal the court's ruling.

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