Subject: HB Dayton 1, LLC - Closure Plan Approval OHR000201541

Dear Mr. Hathaway:

On May 6, 2019, HB Dayton 1, LLC submitted a closure plan to Ohio Environmental Protection Agency (Ohio EPA) for the unpermitted RCRA hazardous waste closure units located at 725 Albany Street, Dayton, Ohio. The closure plan was submitted to demonstrate HB Dayton 1, LLC’s proposal for closure complies with the administrative requirements of Ohio Administrative Code (OAC) Chapters 3745-65 and 3745-66 as well as the substantive requirements of OAC rules 3745-55-11 and 3745-55-12. The submittal of the closure plan also complies with Order Number 1 of the May 1, 2019 Director’s Final Findings and Orders.

The owner or operator and the public were given the opportunity to submit written comments regarding the closure plan during a 30-day public comment period which ended June 6, 2019. Ohio EPA received no comments. Therefore, based upon review of HB Dayton 1, LLC’s submittal, I conclude the closure plan for the hazardous waste facility at 750 Albany Street, Dayton, Ohio, meets the performance standard contained in OAC rule 3745-55-11, and complies with the pertinent parts of OAC rule(s) 3745-55-12.

The closure plan submitted to Ohio EPA on May 6, 2019 by HB Dayton 1, LLC 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 laws, to enforce such compliance and to seek appropriate remedies in the event of noncompliance with the provisions of this approved plan. Please be advised, approval of this closure plan does not release HB Dayton 1, LLC 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 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  
30 E Broad St 4th Fl, Columbus, OH 43215  
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: Erik Hagen, ERAS

A copy should also be sent to:

Ohio Environmental Protection Agency  
Southwest District Office  
Division of Environmental Response and Revitalization  
401 East Fifth Street, Dayton, Ohio 45402  
Attn: Brian Marlatt, DERR Site Coordinator

If you have any questions about implementing this amended closure plan, contact Brian Marlatt at (937) 285-6083.

Sincerely,

Laurie A. Stevenson  
Director

Enclosure

ec: Trent Hathaway, Sealing Agents  
Sarah Miles, Legal  
Brian Marlatt, DERR, SWDO  
Mitchell Mathews, Manager, DERR, CO  
Randall Kirkland, Manager, DERR, SWDO  
George Strobel, Supervisor, DERR, SWDO  
Robyn Winstead, DERR, SWDO