



State of Ohio Environmental Protection Agency

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P.O. Box 1049  
Columbus, OH 43216-1049

**CERTIFIED MAIL**

April 4, 2007

**Re: Director's Final Findings & Orders**  
**J. H. & H. Management, Inc.**  
**US EPA ID No.: OHR 000 014 043**

Ms. Helun Bachour-Chahda, President  
J. H. & H. Management, Inc.  
3811 West 150th  
Cleveland, Ohio 44111

Dear Ms. Bachour-Chahda:

Here are the Director's Final Findings and Orders (Orders) issued to J. H. & H. Management, Inc. on April 4, 2007. These Orders are effective today.

If you have any questions concerning compliance with these Orders, do not hesitate to contact Kurt Princic, at (330) 963 -1200.

Sincerely,

Pamela S. Allen, Manager  
Regulatory and Information Services  
Division of Hazardous Waste Management

enf.j.h. & h.management.inc.wpd

Attachments

cc: Michael A. Savage, Chief, DHWM, CO  
Harry Sarvis, Mgr., CAS, DHWM, CO  
Elissa Miller, Legal  
Heidi Greismer, PIC  
Kurt Princic, Mgr., DHWM, NEDO

Ted Strickland/ Governor  
Lee Fisher, Lieutenant Governor  
Chris Kortleski, Director

OHIO E.P.A.

APR -4 2007

ENTERED DIRECTOR'S JOURNAL

BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY

RECEIVED  
2007 MAR 12 PM 1:59  
OFFICE OF THE DIRECTOR  
OHIO EPA

In the Matter of:

J.H. & H. Management, Inc.  
3811 West 150th  
Cleveland, Ohio 44111

Director's Final  
Findings and Orders

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.

Respondent

By: [Signature] Date: 4/4/07

PREAMBLE

It is agreed by the party hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to J.H. & H. Management, Inc. (Respondent) pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency (Ohio EPA) under Ohio Revised Code (ORC) §§ 3734.13 and 3745.01.

II. PARTIES BOUND

These Orders shall apply to and be binding upon Respondent and successors in interest liable under Ohio law. No change in ownership of the Respondent or of the Facility shall in any way alter Respondent's obligations under these Orders.

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meaning as defined in ORC Chapter 3734. and the rules promulgated thereunder.

IV. FINDINGS

The Director of Ohio EPA has determined the following findings:

1. Respondent is a "person" as defined in ORC § 3734.01(G) and Ohio Administrative Code (OAC) rule 3745-50-10(A).
2. Novacote, Inc. (Novacote) leased a facility located at 3807 West 150<sup>th</sup>, Cleveland, OH 44111 (Facility) owned by the Respondent. Novacote operated a metal plating and phosphating business at this Facility. Respondent did not operate the Facility.
3. Novacote notified Ohio EPA of its hazardous waste, universal waste, and used oil activities and was issued generator identification number OHR000014043.
4. On April 5, 2005, December 19, 2005, April 6, 2006, April 11, 2006, May 11, 2006, May 19, 2006, June 13, 2006, and October 18, 2006, Ohio EPA conducted compliance inspections at the Facility. As a result of the inspections, Ohio EPA determined that Novacote had, *inter alia*:
  - a. Established an unpermitted hazardous waste facility, in violation of ORC § 3734.02(E) and (F), through its storage and mismanagement at the Facility of hazardous wastes. Specifically, Novacote:
    - i. Stored 19 one yard containers of hazardous waste filter cake (D007) for 42 days in excess of the 90-day accumulation period;
    - ii. Stored 10 totes of hazardous waste spent acid (D002) on an outdoor pad between the Facility and the Graytech building (3811 West 150<sup>th</sup>, Cleveland, Ohio 44111) for 138 days in excess of the 90-day accumulation period;
    - iii. Stored 12 containers of hazardous waste spent hexavalent chromate conversion coating (D002, D007) by the north wall for 120 days in excess of the 90-day accumulation period; and
    - iv. Continues to store hazardous waste (D007) in a roll-off past the 90-day accumulation period (September 4, 2006). Additionally, this roll-off has released, and continues to release, hazardous waste causing the disposal of hazardous waste.
  - b. Additionally, the inspections at the Facility revealed multiple violations of the hazardous waste regulations, including, container management, waste characterization, emergency preparedness, land disposal restrictions and annual reporting as well as violations of the universal waste, used oil and cessation of regulated operations management standards.

5. By letters dated May 13, 2005, July 7, 2005, November 10, 2005, December 14, 2005, May 31, 2006, August 29, 2006, October 6, 2006, and November 3, 2006 Ohio EPA notified Novacote of the violations referenced in Finding Nos. 4.a. and 4.b. of these Orders.
6. On April 14, 2006, Ohio EPA received from Novacote a notification of permanent cessation of regulated operations at the Facility under ORC Chapter 3752.
7. By letters dated August 28, 2006 and November 3, 2006, Ohio EPA notified Respondent of the violations in 4.a. and 4.b. of these Orders.
8. In a letter dated August 29, 2006, Ohio EPA notified Novacote that it had abated some of the violations referenced in Finding No. 4.b. of these Orders. In the August 29, 2006 letter, Ohio EPA also informed Novacote that due to a leaking roll-off container of hazardous waste (D007), Novacote had caused the disposal of hazardous waste, in violation of ORC § 3734.02(E) and (F) and remained in violation of Ohio's hazardous waste laws.
9. Neither Respondent nor Novacote have responded to Ohio EPA's August 28, 2006 and August 29, 2006 letters.
10. Due to the establishment and operation of an unpermitted hazardous waste facility as described in Finding No. 4.a.i. through iv. of these Orders, Respondent as owner of the Facility is subject to all general facility standards found in OAC Chapters 3745-54 and 55, including but not limited to, closure in accordance with OAC rules 3745-55-11 through 3745-55-20, the financial assurance for closure requirements contained in OAC rules 3745-55-42 through 3745-55-51 and corrective action for waste management units in accordance with OAC rule 3745-54-101.

#### **V. ORDERS**

Respondent shall achieve compliance with Chapter 3734. of the ORC and the regulations promulgated thereunder according to the following compliance schedule:

1. Within 60 days after the effective date of these Orders, Respondent shall submit to Ohio EPA a Closure Plan(s) for the unpermitted hazardous waste management units referred to in Finding No. 4.a.i. through iv. The Closure Plan(s) shall be prepared in accordance with OAC rules 3745-55-11/3745-66-11 through 3745-55-20/3745-66-20.
2. The Closure Plan(s) is subject to approval by Ohio EPA. If Ohio EPA does not approve the Closure Plan(s) referenced in Order No. 1., and provides Respondent

with a written statement of deficiencies, Respondent shall submit a revised Closure Plan(s) for approval addressing the deficiencies within 30 days of receiving such written statement. If Ohio EPA modifies the Closure Plan(s), the modified Closure Plan(s) becomes the approved plan.

3. Upon Ohio EPA approval of the Closure Plan(s), Respondent shall implement the approved Closure Plan(s) in the manner and pursuant to the time frames set forth in the approved Closure Plan(s) and OAC rules 3745-55-13/3745-66-13.
4. Within 60 days after completion of closure, Respondent shall submit certification of closure to Ohio EPA in accordance with OAC rules 3745-55-15/3745-66-15.
5. Within 30 days after the submittal of the Closure Plan(s) pursuant to Order No. 1., above, Respondent shall submit a closure cost estimate and documentation demonstrating that Respondent has established financial assurance and liability coverage for the areas of the Facility subject to closure, in accordance with OAC rules 3745-55-42/3745-66-42 through 3745-55-47/3745-66-47.

#### **VI. TERMINATION**

Respondent's obligations under these Orders shall terminate when Respondent certifies in writing and demonstrate to the satisfaction of Ohio EPA that Respondent has performed all obligations under these Orders and Ohio EPA's Division of Hazardous Waste Management acknowledges, in writing, the termination of these Orders. If Ohio EPA does not agree that all obligations have been performed, then Ohio EPA will notify Respondent of the obligations that have not been performed, in which case Respondent shall have an opportunity to address any such deficiencies and seek termination as described above.

The certification shall contain the following attestation: "I certify that the information contained in or accompanying this certification is true, accurate and complete."

This certification shall be submitted by Respondent to Ohio EPA and shall be signed by a responsible official of Respondent. For purposes of these Orders, a responsible official is a corporate officer who is in charge of a principal business function of Respondent.

#### **VII. OTHER CLAIMS**

Nothing in these Orders shall constitute or be construed as a release from any claim, cause of action or demand in law or equity against any person, firm, partnership or corporation, not a party to these Orders, for any liability arising from, or related to, the operation of Respondent's Facility.

**VIII. OTHER APPLICABLE LAWS**

All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable local, state and federal laws and regulations. These Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to Respondent.

**IX. MODIFICATIONS**

These Orders may be modified by agreement of the parties hereto. Modifications shall be in writing and shall be effective on the date entered in the journal of the Director of Ohio EPA.

**X. NOTICE**

All documents required to be submitted by Respondent pursuant to these Orders shall be addressed to:

Ohio Environmental Protection Agency  
Northeast District Office  
Division of Hazardous Waste Management  
2110 E. Aurora Rd.  
Twinsburg, Ohio 44087  
Attn: DHWM Manager

and Ohio EPA Central Office at the following address:

For mailings, use the post office box number:

Chris Korleski, Director  
Ohio Environmental Protection Agency  
Lazarus Government Center  
Division of Hazardous Waste Management  
P.O. Box 1049  
Columbus, Ohio 43216-1049  
Attn: Manager, Compliance Assurance Section

For deliveries to the building:

Chris Korleski, Director  
Ohio Environmental Protection Agency  
Lazarus Government Center  
Division of Hazardous Waste Management

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50 West Town Street, Suite 700  
Columbus, Ohio 43215  
Attn: Manager, Compliance Assurance Section

or to such persons and addresses as may hereafter be otherwise specified in writing by Ohio EPA.

#### **XI. RESERVATION OF RIGHTS**

Ohio EPA reserves its rights to exercise its lawful authority to require Respondent to perform corrective action at Facility, at some time in the future, pursuant to ORC Chapter 3734. or any other applicable law. Respondent reserves its rights to raise any administrative, legal or equitable claim or defense with respect to performing such corrective action. Ohio EPA and Respondent each reserve all other rights, privileges and causes of action, except as specifically waived in Section XII. of these Orders.

#### **XII. WAIVER**

In order to resolve disputed claims, without admission of fact, violation or liability, Respondent consents to the issuance of these Orders and agrees to comply with these Orders. Except for the right to seek corrective action at the Facility by Respondent, which right Ohio EPA does not waive, compliance with these Orders shall be a full accord and satisfaction for Respondent's liability for the violations specifically cited herein.

Respondent hereby waives the right to appeal the issuance, terms and conditions, and service of these Orders, and Respondent hereby waives any and all rights Respondent may have to seek administrative or judicial review of these Orders either in law or equity.

Notwithstanding the preceding, Ohio EPA and Respondent agree that if these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, Respondent retains the right to intervene and participate in such appeal. In such an event, Respondent shall continue to comply with these Orders notwithstanding such appeal and intervention unless these Orders are stayed, vacated or modified.

#### **XIII. EFFECTIVE DATE**

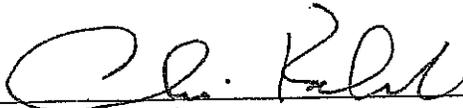
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

**XIV. SIGNATORY AUTHORITY**

Each undersigned representative of a party to these Orders certifies that he or she is fully authorized to enter into these Orders and to legally bind such party to these Orders.

**IT IS SO ORDERED AND AGREED:**

**Ohio Environmental Protection Agency**



Chris Korleski  
Director

APR 04 2007

Date

**IT IS SO AGREED:**

**J.H. & H. Management, Inc.**



Signature

3/7/2007

Date

HELUN BACHOUR-CHAHDA

Printed or Typed Name

President

3/7/07

Title