



**Environmental
Protection Agency**

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

OHIO E.P.A.

MAR - 1 2011

ENTERED DIRECTOR'S JOURNAL

March 1, 2011

CERTIFIED MAIL

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.

Jim Krimmel, President
Zaclon LLC
2981 Independence Road
Cleveland, Ohio 44115-3699

By: Dan Lassiter Date: 3-1-11

**RE: BUILDING # 13 CLOSURE PLAN APPROVAL, ZACLON LLC
OHD 004 184 768**

Dear Mr. Krimmel:

On November 1, 2010, Hull & Associates, Inc., on behalf of Zaclon LLC, submitted to Ohio EPA a closure plan for the former laboratory in Building #13 storage unit located at 2981 Independence Road, Cleveland, Ohio. Revisions to the closure plan were received on December 23, 2010, and January 20, 2011. The closure plan was submitted pursuant to the October 8, 2009 Director's Final Findings and Orders in order to demonstrate that Zaclon LLC's proposal for closure complies with the substantive requirements of Ohio Administrative Code (OAC) rules 3745-55-11 and 3745-55-12.

The owner or operator and the public were given the opportunity to submit written comments regarding the closure plan in accordance with the hazardous waste rule requirements. No public comments were received by Ohio EPA.

Based upon review of Zaclon's closure plan and subsequent revisions, I conclude that the closure plan for the hazardous waste facility at 2981 Independence Road, Cleveland, Ohio, as modified herein, meets the performance standard contained in OAC rule 3745-55-11, and complies with the pertinent parts of OAC rule 3745-66-12.

The closure plan submitted to Ohio EPA on November 1, 2010, and revised on December 23, 2010, and January 20, 2011, for Zaclon is hereby approved with the following modifications:

1. Section 4.2.1. The last sentence of this section, "Soil analytical results are shown on Figure 4" is stricken. There is no Figure 4 associated with this closure plan.

2. Section 5.1. The current list is stricken and replaced with the list, except for the CAS Numbers, that was submitted via e-mail by David Wazny of Hull and Associates to Karen Nesbit of Ohio EPA on January 3, 2011. This list is included as Attachment 1.
3. Section 10.0. The second sentence is modified to replace 6,000 square feet with 2,250 square feet.
4. Section 10.2. This section is modified to state that further investigation into the integrity of the drain lines will be conducted as part of Zaclon's Corrective Action obligations. Photographs submitted via e-mail from David Wazny of Hull and Associates to Karen Nesbit of Ohio EPA on January 6, 2011, indicate possible pipe integrity concerns that must be addressed under Corrective Action. Refer to Attachment 2.
5. Sections 15.1 and 15.2. These sections are modified to state that the closure cost estimate and financial assurance mechanism will be submitted to Ohio EPA within 30 days after approval of the closure plan.
6. Section 16.0. This section is modified to remove the signature of the Professional Engineer. The certification statement should be signed and stamped by the Professional Engineer and the owner or operator of Zaclon after completion of closure activities.
7. Appendix B, Photographs. This section is modified to include the photographs showing possible pipe integrity concerns submitted via e-mail from David Wazny of Hull and Associates to Karen Nesbit of Ohio EPA on January 6, 2011. These photographs are included as Attachment 2.

Compliance with the approved closure plan, 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 closure plan does not release Zaclon 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.

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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 "Treasurer, State of Ohio," 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 3745-55-15 requires the owner or operator of a facility to submit to the director of Ohio EPA, certification by the owner or operator and a qualified 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
Attn: Karen Nesbit
2110 East Aurora Road
Twinsburg, Ohio 44087

Ohio EPA's 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

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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 or if you have any questions about implementing this closure plan, contact Karen Nesbit at (330) 963-1159.

Sincerely,



Scott J. Nally
Director, Ohio EPA

SJN/KN/cl
Attachments

cc: Christopher Jones, Calfee, Halter & Griswold, LLP
David Wazny, Hull and Associates
Karen Nesbit, DHWM, NEDO
Sue Netzley Watkins, DERR, NEDO

ec: Ed Lim, DHWM, CO
Jeremy Carroll, DHWM, CO
Mike Allen, DHWM, CO
John Schierberl, DHWM, CO
Mitch Mathews, DHWM, CO
Todd Anderson, Legal, CO
Frank Popotnik, DHWM, NEDO
Harry Courtright, DHWM, NEDO
Natalie Oryshkewych, DHWM, NEDO
John Palmer, DHWM, NEDO
Shannon Ryan, DHWM, NEDO

ATTACHMENT 1

5.0 LIST OF HAZARDOUS WASTES

5.1 Types of Hazardous Waste

The following list comprises the wastes that may have been historically located in this unit. This list was developed off of waste disposal information from 2005 and 2006 that is believed to have been associated with Building #13.

Waste Description	U.S. EPA waste code(s)	Constituents and Degradation Products	CAS Number
Waste Corrosive Liquid, acidic Sulfuric Acid Phosphoric Acid Chromic Acid	D002, D007, D008	Not Applicable	7664-93-9 7664-38-2 7738-94-5
Waste Oxidizing Liquid, toxic Silver Nitrate Potassium Dichromate	D001, D007, D011	Not Applicable	7761-88-0 7778-50-9
Waste Corrosive Liquid, toxic Mercury Sulfuric Acid	D002, D007, D009, D011	Not Applicable	7439-97-0 7664-93-9
Waste Corrosive Liquid, basic Sodium Hydroxide	D002	Not Applicable	1310-73-2
Waste Flammable Liquid, toxic Methanol Phenolphthalein	D001	Not Applicable	67-56-1 77-09-8
<u>Waste Flammable</u> <u>Liquid, Corrosive</u> <u>Silane Compounds</u> <u>Ethylene Glycol</u>	<u>D001</u> <u>D001, D002</u>	Not Applicable	7803-62-05 107-21-1

ATTACHMENT 1

Waste Description	U.S. EPA waste code(s)	Constituents and Degradation Products	CAS Number
Waste Flammable Liquid, corrosive Glacial Acetic Acid Formic Acid	D001, D002	<u>Not Applicable</u>	758-12-3 64-18-6
Waste Flammable Liquid, toxic Formaldehyde Ammonium oxalate	D001, U122	<u>Not Applicable</u>	50-00-0 14221-47-7
Waste Toxic Liquid, inorganic Barium Lead	D005, D006, D007, D008	<u>Not Applicable</u>	7440-39-3 7439-92-1
Waste Corrosive Liquid, oxidizing Nitric acid Iodine	D001, D002	<u>Not Applicable</u>	7697-37-2 7553-56-2
Waste Sodium Arsenate-solid	D004	<u>Not Applicable</u>	7778-43-0
Waste Carbon Disulfide	D001, D002, D003, P022	<u>Not Applicable</u>	75-15-0
Waste Cyanides, inorganic solid Zinc Cyanide Sodium Cyanide	D003, P106	<u>Not Applicable</u>	557-21-1 143-33-9
Waste Hydrofluoric Acid	D002, U134	<u>Not Applicable</u>	7664-39-0

ATTACHMENT 1

<u>Waste Description</u>	<u>U.S. EPA waste code(s)</u>	<u>Constituents and Degradation Products</u>	<u>CAS Number</u>
Waste Flammable Solid Sodium Sulfide Potassium Hydroxide Activated Carbon	D001, D002, D003	<u>Not Applicable</u>	1313-82-2 1310-58-0 7440-44-0
Waste Mercury	D009	<u>Not Applicable</u>	7439-97-0
Waste Aerosol Ethane 1,1,1 trichloro	U226	<u>Not Applicable</u>	71-55-6
<u>Waste Metal</u> <u>Powders, flammable</u> <u>Magnesium Graduals</u> <u>Aluminum Dust</u>	<u>D001</u>	<u>Not Applicable</u>	7439-95-4 91728-14-2
<u>Waste Flammable</u> <u>Liquid, toxic, corrosive</u> <u>Triethanolamine</u> <u>Aqua Ammonia</u>	<u>D001, D002</u>	<u>Not Applicable</u>	102-71-6 1336-21-0

At the time of this closure plan the materials identified above were no longer located with the unit. Any material that was not disposed during lab closure was integrated back into facility manufacturing and testing processes. A complete list of those materials is not available but is presumed to be consistent with the list of wastes provided.

5.2 Characterization Methods

Potential wastes associated with the operation of the laboratory were identified and characterized as a result of the waste disposal activities associated with the material disposal from the laboratory that occurred in 2006.

ATTACHMENT 1

5.3 Proof of Adequate Characterization

The materials were characterized based on the one time disposal of the materials from the laboratory. No additional information pertaining to the characterization of these wastes is available.

Attachment 2 for Building 13

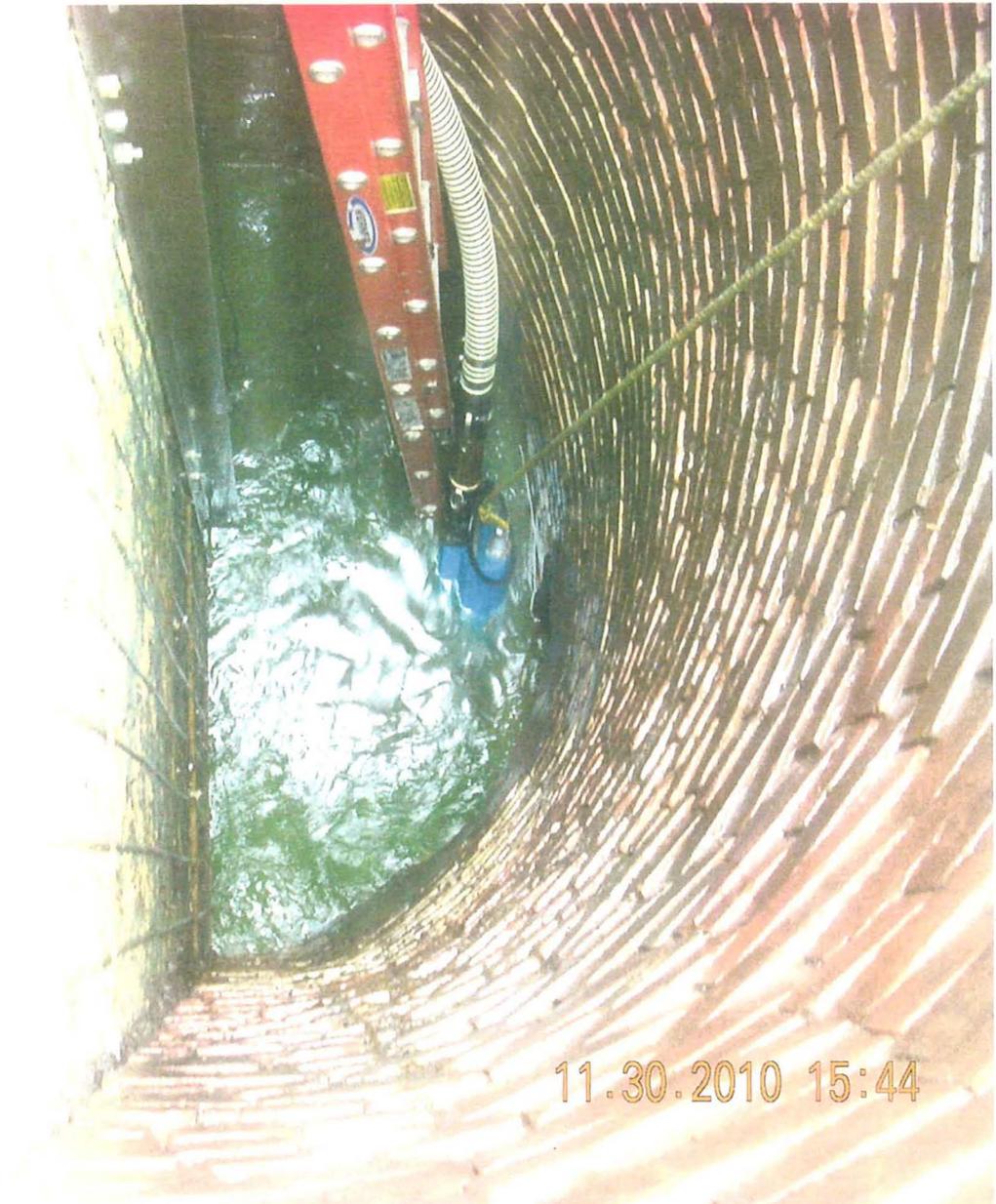


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Attachment 2 for Building 13



Attachment 2 for Building 13



Attachment 2 for Building 13

