



**Environmental
Protection Agency**

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

OHIO E.P.A.
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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: Jim Lassiter Date: 3-1-11

RE: SASH PAD 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 Sash Pad 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. Sections 1.6, 4.1.6, 4.1.8 and 10.2. These sections are modified to state that the unit also includes the former steps located near the southwest corner of the pad. The steps are shown in photographs sent via e-mail from Karen Nesbit of Ohio EPA to David Wazny of Hull and Associates on January 10, 2011 (Attachment 1). These sections are also modified to state that the earthen berms on the south side of the lower pad as shown in Photographs 3 and 4 of the closure plan are included as part of the unit. Additionally, these sections are modified to note that

there have been releases from the unit on the south side of the lower pad where the Jersey barriers did not provide containment and the sash material was released from the unit. These releases will need to be assessed as part of Corrective Action. A photograph indicating a breach in the containment walls is found in Attachment 2.

2. Section 7.1. This section is modified to state that an assigned Hull project representative will be on-site to document that all closure activities were conducted in accordance with the approved closure plan.
3. Section 10.2. This section is modified to include the former steps near the southwest corner of the pad as part of the unit being decontaminated. Additionally, this section is modified to state that the earthen berms on the south side of the lower pad will be removed along the vegetation growing out and around the existing pad/unit.
4. Sections 15.1 and 15.2. These sections are modified to state that the closure cost estimate and financial assurance mechanism will be submitted within 30 days after approval of the closure plan.
5. 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.
6. Appendix B, Photographs. This section is modified to include photographs contained in the e-mail from Karen Nesbit of Ohio EPA to David Wazny of Hull and Associates on January 10, 2011, showing the location of the steps discussed in Modification Number 1 (Attachment 1). This section is modified to include the attached photograph taken by Ohio EPA on August 10, 2005, indicating a breach in the containment wall as discussed in Modification Number 1 (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.

Jim Krimmel, President
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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

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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 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
Attachment

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

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

Attachment 1 for SASH Pad
Photo 1 Taken by Ohio EPA on May 9, 2006



Attachment 1 for SASH Pad
Photo 2 Taken by Ohio EPA on May 9, 2006



Attachment 2 for SASH Pad
Photo Taken by Ohio EPA on August 10, 2005

