



State of Ohio Environmental Protection Agency

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TO
CROFILE

Southwest District Office

401 E. Fifth St.
Dayton, Ohio 45402

TELE: (937) 285-6357 FAX: (937) 285-6249
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Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korieski, Director

April 16, 2009

Mr. Tony Mahne
3M Precision Optics
3997 McMann Road
Cincinnati Oh 45245

Re: NOV/RTC 3M Precision Optics Cessation of Regulated Operations
OHD: 942072696

Dear Mr. Mahne:

Thank you for accompanying me during Ohio EPA's April 13, 2009, inspection of 3M Precision Optics' facility. The purpose of my inspection was to determine its compliance with Ohio's Cessation of Regulated Operations (CRO) laws as found in Chapter 3752 of the Ohio Revised Code (ORC) and Chapter 3745-352 of the Ohio Administrative Code (OAC).

I found the following violation:

Building, Structure or Outdoor Location to be Secured Against Unauthorized Entry; Warning Signs, and Facility Security Requirement (ORC §3752.07 and OAC rule 3745-352-30) requires that within 30 days after the cessation of regulated operations at a facility, the owner or operator must secure each building, structure, or outdoor location of operation where regulated operations were conducted by boarding windows, doors, and other methods provided in OAC rule 3745-352-30. Warning signs that prohibit trespassing and that state specific language as provided in the law and rules must be in posted in publicly visible locations in accordance with OAC rule 3745-352-30. Furthermore, the owner or operator must inspect entry barriers and warning signs weekly to ensure they are properly maintained. Weekly inspections must be recorded in a log and the log must be available during our inspection. At a minimum, the log shall note the condition of each barrier and warning sign. Any damaged, lost, or removed barrier or sign shall be promptly replaced.

During my inspection, I observed that the building was physically secure. Doors were intact with functioning locks. There was no evidence of trespass or unauthorized entry. However, none of the signs required by OAC 3745-352-30(B) were posted. You were



3M Precision Optics
April 16, 2009
Page 2

not performing the inspections or maintaining the inspection logs as required by OAC 3745-352-30(C).

You provided the documentary evidence that all regulated substances and equipment have already been properly removed. Although I am citing the failure to post signs and perform the inspections as a violation of the rules, it is not necessary for you to retroactively post the signs or perform the inspections. 3M is returned to compliance at this time.

Enclosed you will find an inspection checklist. Please call me at (937) 285-6090 if you have any questions.

Sincerely,



Tom Ontko
Hazardous Waste Inspector
Southwest District Office

cc: \ Dinah/file
Enclosure

TO/ca

NOTICE:

Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve your company from having to comply with all applicable regulations.



PERMANENT CESSATION OF REGULATED OPERATIONS CHECKLIST

INSPECTION INFORMATION				
NAME		AFFILIATION		PHONE NUMBER
Inspectors:	Tom Ontko	Ohio EPA, SWDO		937-285-6090
Inspection Dates:	4/13/2009	Time(s):	9:45am	
Inspection Announced?	Yes	If so, how much advance notice given? scheduled previous week		
Facility: Rep(s)	Tony Mahne 513-753-2092			

30-DAY REQUIREMENTS

1.	Did the owner/operator of the reporting facility submit a notice of the cessation of all regulated operations (CRO) on a form prescribed by the Director to the following within 30 days of CRO: [ORC 3752.04 and OAC rule 3745-352-20(A)(1)(a)]		
	a.	Director of Ohio EPA?	Yes
	b.	Local Emergency Planning Committee?	Yes
	c.	Local Fire Department?	Yes
2.	Did the owner/operator designate a contact person? [ORC §3752.05 and OAC rule 3745-352-20(A)(1)(c)]		
3.	Did the owner/operator include the following information about the contact person: [ORC §3752.05(B) and OAC rule 3745-352-35(B)]		
	a.	Address of principal office of the owner/operator?	Yes
	b.	Business or residence address?	Yes
	c.	Telephone number of contact person?	Yes
4.	Has the contact person changed? [ORC §3752.05(C) and OAC rule 3745-352-35(D)]		
5.	If the contact person changed his/her address or telephone numbers, did the owner/operator or contact person provide the Director with the new address or telephone number? [ORC §3752.05(D) and OAC rule 3745-352-35(D)]		

The 30/45 day form was not included in the packet provided to SWDO from CO. Tony provided a photocopy dated 1/22/09. It is not known why the packet did not contain the 30 day form but for the purposes of this checklist, the submittal is considered timely.

90-DAY REQUIREMENTS [ORC §3752.06]

6.	Did the owner/operator make a written certification to Ohio EPA's Director concerning the completion of the removal action within 90 days after CRO? [ORC §3752.06(A)(6) and OAC rule 3745-352-20(A)(2)(g)]		
7.	Does the owner/operator hold a valid hazardous waste facility installation and operation permit or renewal permit or has obtained a generator identification number issued under the state's hazardous waste program? [ORC §3752.06(C) and OAC rule 3745-352-20(A)(2)(h)]		
8.	Did the owner/operator submit to the Director a copy of the most recent emergency and hazardous chemical inventory form that was submitted to the State Emergency Response Commission (SERC), including a statement indicating whether any asbestos-containing materials are present at the facility? [ORC §3752.06(A)(1) and OAC rule		



	3745-352-20(A)(2)(a)]	
9.	Did the owner/operator submit to the Director a copy of the current hazardous chemical list or each material safety data sheet that the owner/operator is required to have on file with the SERC? [ORC §3752.06(A)(2) and OAC rule 3745-352-20(A)(2)(b)]	Yes
10.	Did the owner/operator submit a list of every stationary tank, vat, electrical transformer, and vessel of any type that contains or is contaminated with regulated substances and that is to remain at the facility? [ORC §3752.06(A)(3) and OAC rule 3745-352-20(A)(2)(c)]	Yes
11.	Did the owner/operator drain or remove all regulated substances from each stationary tank, vat, electrical transformer, and vessel and from all piping, which is to remain at the facility? [ORC §3752.06(A)(4) and OAC rule 3745-352-20(A)(2)(d)]	N/A
12.	Did the owner/operator do the following:	
	a. Transfer the regulated substances to another facility owned or operated by the owner/operator? [ORC §3752.06(A)(4)(a) and OAC rule 3745-352-20(A)(2)(d)(i)]	Yes
OR		
	b. Transfer ownership of the regulated substances to another person through sale or otherwise? [ORC §3752.06(A)(4)(b) and OAC rule 3745-352-20(A)(2)(d)(ii)]	Yes
OR		
	c. Transfer the regulated substances off-site in compliance with applicable waste management laws? [ORC §3752.06(A)(4)(c) and OAC rule 3745-352-20(A)(2)(d)(iii)]	Yes
13.	Did the owner/operator remove from the facility all debris, non-stationary equipment and furnishings, non-stationary containers, and motor vehicles and rolling stock that contain or are contaminated with a regulated substance? [ORC §3752.06(A)(5) and OAC rule 3745-352-20(A)(2)(d)]	Yes
14.	Did the owner/operator do the following:	
	a. Transfer the debris, equipment, furnishings, containers, and motor vehicles and rolling stock to another facility owned and operated by the owner/operator? [ORC §3752.06(A)(5)(a) and OAC rule 3745-352-20(A)(2)(d)(i)].	No
OR		
	b. Transfer ownership of the debris, equipment, furnishings, containers, and motor vehicles, and rolling stock to another person through sale or otherwise? [ORC §3752.06(A)(5)(b) and OAC rule 3745-352-20(A)(2)(d)(ii)].	Yes
OR		
	c. Cause the debris, equipment, furnishings, and containers to be transported off-site in compliance with applicable waste management laws and regulations? [ORC §3752.06(A)(5)(c) and OAC rule 3745-352-20(A)(2)(d)(iii)]	Yes
15.	Did the owner/operator record in a log the standard industrial method used to remove the regulated substance from each item? [OAC rule 3745-352-20(A)(2)(e)]	N/A
SECURITY & WARNING SIGNS REQUIREMENTS OF OWNER/OPERATOR [ORC §3752.07 AND OAC RULE 3745-352-30]		
16.	Did the owner/operator secure the facility against unauthorized entry using one or more of the following as provided in OAC rule 3745-352-30(A)(1)-(5) within 30 days of CRO?	Yes



	a.	Boarded, locked or used other means to secure all windows, doors and other potential means of entry?	Yes
	b.	Fencing?	No
	c.	Lighting and a surveillance system?	Yes
	d.	Guard or security service?	No
	e.	Demonstrated to the satisfaction of the Director or his/her designee that the proposed security measures secure against unauthorized entry?	Yes
17.	Did the owner/operator post the appropriate warning signs in the following fashion within 30 days of CRO? [ORC §3752.07(A) and OAC rule 3745-352-30(B)]:		
	a.	Prohibit trespassing and state: "The building, structure, or outdoor location of operations contains or is contaminated with regulated substances that may endanger public health or safety if released into the environment." [OAC rule 3745-352-30(B)]	No
	b.	Are warning signs posted on or reasonable proximate to, the building, structure or outdoor location in sufficient number to alert people? [OAC rule 3745-352-30(B)]	No
	c.	Posted on or reasonably proximate to, locations that contains ignitable regulated substances and includes the language, "No Smoking?" [OAC rule 3745-352-30(B)(2)]	N/A
	d.	Legible from a distance of at least 25 feet? [OAC rule 3745-352-30(B)(3)]	No
	e.	Constructed to withstand weather and affixed to secure against removal? [OAC rule 3745-352-30(B)(4)]	No
18.	Are entry barrier and warning signs maintained to secure against unauthorized entry by the following measures listed below: [OAC rule 3745-352-30(C)]		
	a.	Inspected weekly or as agreed by the Director or his/her designee, county sheriff's department or local police department? [OAC rule 3745-352-30(C)(1)]	No
	b.	The condition is recorded in an inspection log? [OAC rule 3745-352-30(C)(2)]	No
	c.	Prompt repair or replacement after discovery of damage, lost or removed? [OAC rule 3745-352-30(C)(3)]	No
ADDITIONAL MULTI-MEDIA QUESTIONS			
If the owner/operator holds a valid hazardous waste installation and operation permit or renewal permit or has obtained a generator identification number issued under the state's hazardous waste program, the following four questions may apply.			
19.	If the facility has an U.S. EPA I.D. number, has the owner/operator submitted a deactivation request letter?		Yes
<i>NOTE: The inspector should submit a copy of the final CRO letter to Central Office's Regulatory and Information Services Section for I.D. deactivation. If the facility continues to need its I.D. number, the inspector should instruct the owner/operator to submit a deactivation request letter once the I.D. is no longer needed.</i>			
20.	Were there any <90 day accumulation units for hazardous waste?		Yes



	List Where Unit(s) Were/Are:	A < 90 day area outside of the OC press room was clean and orderly. No evidence for a release. A <90 day area near the rear dock of the warehouse was also clean and in good order. Small containers and lab pack items were stored in flame-proof cabinets along the outside wall also near the rear dock. The cabinets had been removed and the area was in good order,
21.	Did the owner/operator close his facility in a manner that: [OAC 3745-66-11]	
	a. Minimizes the need for further maintenance?	Yes
	b. Controls, minimizes, or eliminates, to the extent necessary to protect human health and the environment, post-closure escape of hazardous waste, hazardous constituents, leachate contaminated run-off, or hazardous waste decomposition products to the groundwater, or surface waters, or to the atmosphere?	Yes
	c. Complies with the closure requirements of OAC rules 3745-66-10 to 3745-66-20, 3745-66-97, 3745-67-28, 3745-67-58, 3745-67-80, 3745-68-10, 3745-68-51, 3745-68-81 and 3745-69-04?	N/A
22.	During the partial and final closure periods, were all contaminated equipment, structures, and soil properly disposed or decontaminated unless otherwise specified in OAC rules 3745-66-97, 3745-67-28, 3745-67-58, 3745-67-80 or 3745-68-10?	N/A
<p><i>NOTE: If necessary, the inspector should supply the owner/operator with the requirements for generator closure and inform them they must close all unit(s) and have documentation that closure was completed (LQGs only) A thorough hazardous waste inspection should be conducted for a subject TSD facility with more stringent requirements.</i> http://www.epa.state.oh.us/dhwm/guidancedocs.html#closure</p>		
	a. Were generated hazardous wastes handled in accordance with all applicable requirements of Chapter 3745-52 of the Administrative Code?	Yes
23.	Will there be building demolition or renovation? If yes:	Yes
	Has a <i>Notification of Demolition and Renovation Form</i> been submitted?	No
24.	Are there any wells on the property?	No
	If yes, where are the wells?	
	What are the wells used for?	
<p><i>NOTE: If a well is used for drinking water, the inspector should inform DDAGW.</i></p>		
25.	Is there open dumping of solid waste on the property?	No

Remark Item #10- No such tanks or vats are or were present.

Remark Item #12- All 3 methods of distribution were used. Various lab packs were manifested to Clean Harbors. Electric fork trucks and the associated lead acid batteries were auctioned by Myron Bowling Auctioneers. Some materials were internally distributed by 3M. Written documentation was provided.

Remarks Items 17 and 18 The building is not surrounded by a fence but the driveway has a gate. The building was tight and able to be secured. Security was provided and there is no evidence of trespass. None of the required CRO signage was posted. Inspections were not recorded in a log.



Remark item #19 Tony provided me of a .pdf file of a letter to DHWM dated March 19 requesting that the USEPA ID # be inactivated.

Remark Item 21c- Facility is not subject to post-closure requirements.

Remark Item # 22 The contaminated equipment was only the Zirblast shot blaster. This was sold at auction. There were no contaminated structures or soils.

Remark Item #23 Instructions on completing the renovation forms and related links provided to Tony in an e-mail sent on 4/15/2009. A large open area to the rear of the facility was walled in and turned into offices and other small rooms. To make the property easier to lease, the internal partitions will be removed and the area again will be restored to a configuration of one large room. Per Hamilton County Environmental Services Air Quality Division web site, demolition involves the removal of load-bearing walls. The activity planned by 3M does not meet this definition as the partitions to be removed are not load-bearing. The planned activity does meet the definition of renovation as renovation is defined as 'altering a facility in any way'. However, notification of renovation is required only when the activity involves disturbing RACM in excess of established limits. Summarizing, 3M's activity meets the definition of of renovation but notification is not required.

For the record, the facility is heated by 3 natural gas heaters and an electric heater. There are no boilers and no RACM.

