



State of Ohio Environmental Protection Agency

BM  
CRD File

Southwest District

401 East Fifth Street  
Dayton, Ohio 45402-2911

TELE: (937)285-6357 FAX: (937)285-6249  
www.epa.state.oh.us

Ted Strickland, Governor  
Lee Fisher, Lt. Governor  
Chris Korleski, Director

April 24, 2007

Mr. John M. Slavens  
Hollencamp and Hollencamp  
Suite 2107  
130 West Second Street  
Dayton, Ohio 45402

**RE: 821 Hall Street Property, Dayton, Ohio**

Dear Mr. Slavens:

This letter is to inform you that the property at 821 Hall Street, Dayton Ohio has not been properly secured in accordance with the Cessation of Regulated Operations Rules as described in the Ohio Administrative Code (OAC).

In accordance with OAC 3745-352-25(B)(1), If you are a holder of a first mortgage on real property at a reporting facility that has been abandoned by the owner and at which all regulated operations have been temporarily or permanently discontinued, you must submit EPA form 0330 and provide for site security. The Ohio Environmental Protection Agency received EPA form 0330 on January 10, 2007, but site security measures have not been completed.

OAC 3745-352-30 states that you must secure against unauthorized entry into each outdoor location of operation at the facility where regulated operations were conducted that contains or is contaminated with regulated substances by providing entry barriers, posting warning signs, and maintaining security measures as provided in this rule.

You must use one or more of the following methods:

- (1) Board, lock, or use other means to secure all windows, doors, and other potential means of entry;
- (2) Provide fencing;

Mr. John M. Slavens

April 24, 2007

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- (3) Provide lighting and a surveillance system;
- (4) Provide security through the employment of a guard or security service; or
- (5) Demonstrate to the satisfaction of the director that the proposed security measures secure against unauthorized entry into each building or structure at the facility where regulated operations were conducted that contains or is contaminated with regulated substances and each outdoor location of operation.

The building has been secured with locks and other means to prevent entry and warning signs have been posted. However, National City Bank is currently in violation of OAC Rule 3745-325-30 by failing to secure the outdoor location containing regulated substances. Drums of waste are still located in the alley behind the building in an unsecure area. Please immediately secure the outside location as described above.

If you have any questions or need additional information, please contact me at (937) 285-6083.

Sincerely,



Brian Marlatt  
Environmental Specialist  
Division of Hazardous Waste Management

cc: Judi L. Tinnel, National City Bank  
Dinah Crawford, SWDO/DHWM File

BM\bp

Department:



DMWM

Subdepartment:



DMWM-CRO

Office Location:



SWDO

Media:



LAND

Doc Type:



RTC

Doc Subtype:



<NONE>

Program:



<NONE>

County:



57 - MONTGOMERY

Facility ID



Facility Name:



821 Hall Street Property

Input is 24 characters long.

Date:



Record ID:





State of Ohio Environmental Protection Agency

**Southwest District Office**

401 E. Fifth St.  
Dayton, Ohio 45402

TELE: (937) 285-6357 FAX: (937) 285-6249  
www.epa.state.oh.us

Ted Strickland, Governor  
Lee Fisher, Lieutenant Governor  
Chris Korleski, Director

July 27, 2007

Mr. John M. Slavens  
Hollencamp and Hollencamp  
Suite 2107  
130 West Second Street  
Dayton, Ohio 45402

**RE: 821 HALL STREET PROPERTY, DAYTON, OHIO; RETURN TO COMPLIANCE**

Dear Mr. Slavens:

Thank you for responding to the issues resulting from a complaint received about containers in the alley behind 821 Hall Street, Dayton, Ohio. I have received the copies of the security reports contained in your July 12, 2007 letter that demonstrate compliance with the provisions listed in the Ohio Administrative Code 3745-352-30. Additionally, I have also received via facsimile from Mr. Joe Conley information regarding the final disposition of the regulated materials from the Hall Street property.

All violations described in the April 23, 2007 letter have been abated.

I appreciate your efforts in resolving this complaint. If you have any questions or need additional information, please contact me at (937) 285-6083.

Sincerely,

Brian Marlatt  
Environmental Specialist  
Division of Hazardous Waste Management

cc: Judi L. Tinnel, National City Bank  
Joe Conley, Protective Coatings, Inc.  
Dinah Crawford, SWDO/DHWM File

BM\bp



Department:



DMWM

Subdepartment:



DMWM-CRO

Office Location:



SWDO

Media:



LAND

Doc Type:



NOV

Doc Subtype:



<NONE>

Program:



<NONE>

County:



57 - MONTGOMERY

Facility ID



Facility Name:



ADT Security Services Inc

Input is 25 characters long.

Date:



6/5/2009

Record ID:





State of Ohio Environmental Protection Agency

**Southwest District Office**

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Dayton, Ohio 45402

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

PH  
File

June 5, 2009

**RE: ADT SECURITY SERVICES, INC. (ADT)  
MONTGOMERY COUNTY  
CRO-NOV/RTC**

Mr. Doug Snider  
Tyco  
One Town Center  
Boca Raton, Florida 33486

Dear Mr. Snider:

On May 29, 2009, Ohio EPA conducted an inspection of ADT's office space previously leased at 131 Salem Ave. in Dayton, Ohio to determine your compliance with Ohio's Cessation of Regulated Operations (CRO) laws and rules as found under Chapter 3752 of the Ohio Revised Code (ORC) and Chapter 3745-352 of the Ohio Administrative Code (OAC). The building owner, Gene Reichard, showed me ADT's previously leased office space. I represented Ohio EPA. Based on this inspection, Ohio EPA has determined that ADT violated the following state CRO laws and rules:

**1. 30 Day Requirement, ORC 3752.04 and OAC 3745-352-20(A)(1)(a):**

Within 30 days after CRO, you are required to submit a notice using EPA form 0327 to the director of Ohio EPA.

ADT failed to submit EPA form 0327 30 days after CRO which occurred on 10/23/07.

ADT submitted EPA form 0327 on March 15, 2009. This action **corrected** the above violation.

**2. 90 Day Requirement, ORC 3752.06(A)(6) and OAC 3745-352-20(A)(2)(g):**

Within 30 days after CRO, you are required to submit a notice using EPA form 0329 to the director of Ohio EPA.

ADT failed to submit EPA form 0329 90 days after CRO which occurred on 10/23/07.

ADT submitted EPA form 0329 on March 15, 2009. This action **corrected** the above violation.

Mr. Doug Snyder/Tyco  
ADT Security Services, Inc.  
June 5, 2009  
Page 2

I have enclosed a copy of the checklists completed during the inspection. Should you have any questions, please feel free to call me at (937) 285-6091.

Sincerely,



Pam Hull  
District Representative  
Division of Hazardous Waste Management

Enclosure

cc: Dinah Crawford, SWDO-DHWM/SWDO CRO file  
Jeff Jordan, Montgomery County Emergency Management  
Chief Herbert C. Redden II, Dayton Fire Department  
Gene Reichard, Building Owner  
Cynthia Blomquist, Earth Tech  
SWDO-CRO file: ADT Security Services, Inc.

**PERMANENT CESSATION OF REGULATED OPERATIONS CHECKLIST**

INSPECTION INFORMATION			
NAME		AFFILIATION	PHONE NUMBER
Inspectors:	Pam Hull	Ohio EPA	937-285-6091
Inspection Dates:	5/29/09	Time(s):	10:30
Inspection Announced?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	If so, how much advance notice given?	1 Day
Facility: Rep(s)	Gene Reichard, building owner		

**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? <b>SEE REMARK 1</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>	
b.	Local Emergency Planning Committee?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	
c.	Local Fire Department?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	
2.	Did the owner/operator designate a contact person? [ORC §3752.05 and OAC rule 3745-352-20(A)(1)(c)]		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
3.	Did the owner/operator include the following information about the contact person: [ORC §3752.05(B) and OAC rule 3745-352-35(B)]		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
a.	Address of principal office of the owner/operator?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	
b.	Business or residence address?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	
c.	Telephone number of contact person?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	
4.	Has the contact person changed? [ORC §3752.05(C) and OAC rule 3745-352-35(D)]		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
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)]		Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>

*NOTE: The owner/operator is also required to secure the facility and post warning signs within 30 days of CRO.*

**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)]	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/> <b>SEE REMARK 2</b>
<i>NOTE: The owner/operator may receive approval from the Director to extend the 90-day period. [ORC §3752.06(B) and OAC rule 3745-352-20(A)(3).</i>		
7.	Does the owner/operator hold a <b>valid</b> 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)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> ADT did not generate hazardous waste in their office.
8.	Did the owner/operator submit to the Director a copy of the most recent	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>

	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 <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
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 <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
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)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
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 <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
<b>OR</b>		
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 <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
<b>OR</b>		
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 <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
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 <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
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)].	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
<b>OR</b>		
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 <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
<b>OR</b>		
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	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>

	OAC rule 3745-352-20(A)(2)(d)(iii)]	
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)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
<b>SECURITY &amp; WARNING SIGNS REQUIREMENTS OF OWNER/OPERATOR [ORC §3752.07 AND OAC RULE 3745-352-30]</b>		
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 <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
	a. Boarded, locked or used other means to secure all windows, doors and other potential means of entry?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
	b. Fencing?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
	c. Lighting and a surveillance system?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
	d. Guard or security service?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
	e. Demonstrated to the satisfaction of the Director or his/her designee that the proposed security measures secure against unauthorized entry?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
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)]:	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> <b>SEE REMARK 3</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)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
	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)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
	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)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
	d. Legible from a distance of at least 25 feet? [OAC rule 3745-352-30(B)(3)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
	e. Constructed to withstand weather and affixed to secure against removal? [OAC rule 3745-352-30(B)(4)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
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)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
	b. The condition is recorded in an inspection log? [OAC rule 3745-352-30(C)(2)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>

	c.	Prompt repair or replacement after discovery of damage, lost or removed? [OAC rule 3745-352-30(C)(3)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
<b>ADDITIONAL MULTI-MEDIA QUESTIONS</b>			
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 <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
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.			
20.		Were there any <90 day accumulation units for hazardous waste?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
		<b>List Where Unit(s) Were/Are:</b>	
21.		Did the owner/operator close his facility in a manner that: [OAC 3745-66-11]	
	a.	Minimizes the need for further maintenance?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
	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 <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
	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?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
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?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
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. <a href="http://www.epa.state.oh.us/dhwm/quidancedocs.html#closure">http://www.epa.state.oh.us/dhwm/quidancedocs.html#closure</a>			
	a.	Were generated hazardous wastes handled in accordance with all applicable requirements of Chapter 3745-52 of the Administrative Code?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
23.		Will there be building demolition or renovation? If yes:	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
		Has a Notification of Demolition and Renovation Form been submitted?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
NOTE: Facility demolition work (even partial demolition) requires notification to Ohio EPA or local air agency regardless of whether asbestos is involved as required by the National Emission Standard for Hazardous Air Pollutants (NESHAPS) Standard for Asbestos. Notification requirements are found in OAC 3745-20-03 and 40 CFR §61.145(b). The notification form is available from Ohio EPA's web page at <a href="http://www.epa.state.oh.us/dapc/atu/asbestos/asbestos.html">http://www.epa.state.oh.us/dapc/atu/asbestos/asbestos.html</a>			
The inspector should check with DAPC or local air authority to determine if a notification form has been submitted. If			

<i>notification was not submitted, the inspector should provide the form to the facility.</i>		
24.	Are there any wells on the property?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
	If yes, where are the wells?	
	What are the wells used for?	
<i>NOTE: If a well is used for drinking water, the inspector should inform DDAGW.</i>		
25.	Is there open dumping of solid waste on the property?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
<i>NOTE: The inspector should inform DSIWM about open dumping of solid waste.</i>		

**REMARKS**

- 1 CRO occurred on 10/23/07. Received 30 day form on 4/20/09.
- 2 CRO occurred on 10/23/07. Received 90 day form on 4/20/09.
- 3 ADT leased 2 rooms in an office building. They were locked when I performed my 5/29/09 CRO inspection. Additionally, the 30 day form indicated that security measures began the date of CRO, 10/23/07.

