



State of Ohio Environmental Protection Agency

Northeast District Office

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

March 31, 2010

RE: COIL COATING
TSDf IN POST-CLOSURE
OHD 004 205 589
TRUMBULL COUNTY
NOTICE OF VIOLATION

Mr. Dean Gearhart
Gearmar Properties, Inc.
P.O. Box 209
Portersville PA 16051

CERTIFIED MAIL

Dear Mr. Gearhart:

I am writing concerning your property, the former Coil Coating facility, located at 2250 Larchmont Avenue, Warren, Ohio. This property is regulated through an approved RCRA Post-Closure Care Plan. On November 13, 2009, Ohio EPA conducted a post-closure care inspection at the facility. I represented the Ohio EPA. I inspected the facility to determine its compliance with Ohio's hazardous waste laws as found in Chapter 3734. of the Ohio Revised Code and Chapter 3745. of the Ohio Administrative Code. Compliance with the provisions of Gearmar Properties' Post-Closure Plan was also monitored. Based on the results of that inspection, a Notice of Violation dated November 18, 2009 was sent to your attention.

The Post-Closure Unit is a rectangular asphaltic cement cap similar to material commonly found in parking lots, approximately 255 feet (north to south) by 98 feet (east to west). The asphalt consists of a 2½ inch base coat and a 1½ inch finish coat, over a six inch compacted gravel sub-base. A four inch wedge curb surrounds the unit, and chain link fence provides security on all four sides. The cap is designed to limit vertical infiltration of precipitation and surface water into, and prevent direct contact with, soils contaminated with inorganic, low-solubility lead compounds.

The Post-Closure Plan prohibits any use or penetration of the cap, requires inspections and maintenance, and carries reporting requirements. The terms of the Post-Closure Plan are enforceable under State of Ohio laws and regulations.

On March 29, 2010, Ohio EPA conducted a follow-up inspection at this site. Mr. Edward D'Amato and I represented the Ohio EPA. You represented Gearmar Properties.

During the inspection, Ohio EPA noted the following maintenance action items had been completed:

1. Shrubs were pushing up through the cap in November. The shrubs had been removed, and the cap damage was repaired.
2. Existing small cracks had been tarred and sealed.
3. Large cracks were repaired by placing of asphaltic cement patch, compaction, and final sealing.

The following items need to be completed as soon as weather permits:

4. The two catch basins along the western border of the cap need to be cleared of vegetation.

5. Vegetation is growing into the chain link fence in several areas. The vegetation must be removed to prevent damage to the fence.

Complete the remaining maintenance, and document the results in a letter to me, including photographs and receipts as appropriate, no later than April 30, 2010. We also discussed seal-coating the entire paved area. Please let me know when you expect to have that task completed.

As we discussed, one requirement of the Post-Closure Plan is an annual inspection and report by the property owner.

The following violation is therefore noted:

1. **Ohio Administrative Code 3745-55-17 (D): All post-closure care activities must be in accordance with the provisions of the approved post-closure plan as specified in rule 3745-55-18 of the Administrative Code.**

The Post-Closure Plan states: "Gearmar will retain a qualified contractor to perform annual inspection of the RCRA cap during the post-closure care period... The contractor will prepare a short report of the results of the inspection, which will be forwarded to the Ohio EPA's designated representative." Ohio EPA would accept a detailed report from you in lieu of a contractor's report.

Ohio EPA has no record of a report from the facility in 2008 or 2009. 'Annually' is interpreted by this agency to be 'every 365 days'. Therefore, Gearmar is in violation of their Post-Closure Plan permit for 2008 and 2009.

An inspection and report in accordance with specifications in the Post-Closure Plan must be completed this year, submitted to my attention no later than November 30, 2010. Failure to comply may be the subject of an enforcement action.

It has also come to my attention that Gearmar has yet to provide financial assurance in violation of Ohio regulations, and the Post-Closure Plan. Please contact Ike Wilder at (614) 644 3067 to discuss resolution of this issue. This is your second notice regarding this issue.

Failure to list specific deficiencies in this communication does not relieve you from the responsibility of complying with all applicable regulations. Please be advised that present or past instances of non-compliance can continue as subjects of pending or future enforcement actions.

If you have any questions, please feel free to contact either Mr. Harry Courtright or me at (330) 963-1200.

Sincerely,



John B. Palmer
District Representative
Division of Hazardous Waste Management

JP:ddw

ec: Harry Courtright, Ohio EPA, DHWM, NEDO
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