



State of Ohio Environmental Protection Agency

Northeast District Office

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

November 23, 2009

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.

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.

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

1. Shrubs are pushing up through the cap, especially in the southwest and northwest corners. The shrubs must be removed, and the roots grubbed up or chemically killed. The cap damage then needs to be leveled and repaired.
2. Existing cracks that had been tarred in the past have opened up again. These cracks need to be resealed with tar, unless they have grown too big. There is also a central crack running north to south that also needs to be sealed.
3. Cracks and breaches too large to be effectively sealed with tar must be repaired by suitable preparation, placing of asphaltic cement patch, compaction, and final sealing when cured.
4. The 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 necessary maintenance, and document the results in a letter to me, including photographs and receipts as appropriate, no later than January 20, 2010. I may wish to schedule a re-inspection at that time. You would not have to be present for the re-inspection.

Ohio EPA is aware that some of the maintenance requirements are dependent on mild, snow-free weather. If the weather prohibits completion of these action items, please document this to my attention, including documentation of all work that could be completed, by the due date. Include a schedule giving your best estimate for completion of the weather-dependent activities.

Note that 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."

The last inspection was in October 2007, performed by Ohio EPA. Ohio EPA has no record of a report from the facility in 2008. 'Annually' is interpreted by this agency to be 'every 365 days'. Therefore, Gearmar is in violation of their Post-Closure Plan permit for 2008.

An inspection and report in accordance with specifications in the Post-Closure Plan must be completed next 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 failed 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.

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

JBP:ddw

ec: Harry Courtright, Ohio EPA, DHWM, NEDO
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