



State of Ohio Environmental Protection Agency

Northeast District Office

2110 East Aurora Rd.
Twinsburg, Ohio 44087

TELE: (330) 963-1200 FAX: (330) 487-0769
www.epa.state.oh.us

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

February 8, 2008

RE: 9150 GROUP, L.P.
SUMMIT COUNTY
OHD 050 387 802
UNPERMITTED TSDF
ANNUAL NOTICE OF VIOLATION

Mr. Frank Libby, site contact
9150 Group, L.P. et al.
2400 Danbury Lane
Hudson, OH 44236

CERTIFIED MAIL

RE: GROUNDWATER MONITORING NOV, HAZARDOUS WASTE NOV, CRO NOV

Dear Mr. Libby:

The Ohio EPA's Division of Hazardous Waste Management (DHWM) conducted its annual compliance inspections of this facility (OHD 050 387 802) located at 9150 Valley View Road in Macedonia (Facility). The inspection was conducted by Kris Coder, and I, of DHWM, on December 18, 2007. Mr. Frank Libby represented the Facility. This report lists the current understanding of violations and concerns that have been identified from the December 15, 2006 inspection and previous inspections to this event at your Facility. This Facility is also known as Aerosol Systems, ASI, Specialty Chemical Resources and/or Hi-Port Aerosol in Macedonia, Ohio.

These inspections are conducted annually as a result of the Facility being subject to the closure and post-closure care requirements in rules 3745-55-10 to 3745-55-20 or 3745-66-10 to 3745-66-20 of the Ohio Administrative Code (OAC). Further, the 9150 Group is regulated under 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 OAC. As the owner of the Facility, the 9150 Group is subject to these requirements.

DHWM received a Mercury Assessment on December 18, 2007, and analytical data for containment water on January 7, 2008. Sampling and Analysis Plans (SAPs) for assessment of various areas at the site have also been received. These plans are nearing finalization by Ohio EPA and yourself. Please provide a final electronic copy with your five day notice in advance of activities.

This letter serves as a **NOTICE OF VIOLATION** for cessation of regulated operation and hazardous waste rules and a **NOTICE OF VIOLATION** for groundwater monitoring rule violations.

CRO AND HAZARDOUS WASTE VIOLATIONS

1. Waste Evaluation OAC 3745-52-11 and Removal of Regulated substances, ORC § 3752.06(A)(5) and OAC 3745-352-20(A)(2)(C):

1. Mercury contamination - Dirt and concrete dust/debris identified to be mercury containing during the CRO effort was **reported** collected and sent offsite. Ohio EPA's screening on August 25, 2004, indicated levels of mercury exceeding 100ug/m³ (micrograms per cubic meter of air) in debris in the west gas house area. Documentation of waste disposal from the former west gas house area has not been received.

To abate this violation, provide documentation of proper disposal of the mercury contaminated debris that had been collected in buckets.

2. Solvent Contamination in Pipe Trench - Backfill in an outdoor concrete pipe trench at the former pump house was contaminated by solvent releases that occurred during the CRO effort in August of 2004. On June 14, 2005, Mr. Libby reported this contamination was 1,200 parts per million (ppm) for 1,1,1 trichloroethane. Later Mr. Libby reported collecting sample data at this location that was clean. The above data has been requested but not received. Subsequently, Ohio EPA, DHWM took split samples from this location with the 9150 Group on August 8, 2007, and confirmed the presence of nineteen volatile organic constituents released at this location.

To abate this violation, provide documentation of cleanup, confirmation sampling, waste evaluation, proper disposal of all contaminated soil, gravel and water within the trench and western tank containment including disposal manifests or other receipts.

3. Solvent Contaminated Containment Water - The containments have been breached and the water was either transported for disposal or was approved for discharge to the ground. The analytical documentation of the containment water has been provided.

To abate this violation, provide documentation for disposal of the western containment water. Ohio EPA has received the analytical data. The AST, loading and pumphouse concrete containments have been demolished and understood disposed as a construction demolition debris material.

4. Solvent Contaminated discharge from Connecting Pipe - Discharge of contaminated storm water occurs from a pipe connection between the dike and the pipe trench. This area needs to be investigated to determine the appropriate remedial action.

To abate this violation, provide documentation of subsurface and surface sampling in the vicinity of this pipe connection. Properly remove and dispose all contaminated soil and piping. Provide Ohio EPA with all analytical data, verification of cleanup, decommissioning and disposal manifests. Inform me five days in advance of this event so that an Ohio EPA representative may be present.

5. Waste fluid in abandoned 55- gallon drum - There is a drum of unknown waste fluid that has remained on the north side of the Facility for more than one year. The former solid waste and debris is understood to have been removed and disposed by Darko.

To abate this violation, provide waste evaluation, labeling, storage and disposal documentation that demonstrates the abandoned drums fluid contents have been properly managed and disposed.

Just prior to finalization of this document you reported that a full TCLP characterization of this drum indicates that it is non-hazardous. The analytical results were reported transmitted electronically to me, but have not yet been received. It appears this drum should be labeled as "used oil" per the **Used Oil Storage Requirements, OAC 3745-279-22(C)**. Enclosed is a list that includes used oil haulers and other disposal companies that may be able to accept this material.

3. Hazardous Waste Requirements OAC 3745-352-20 (A) (2) (G) and OAC 3745-66-10 to 66-20 Closure and post-closure care:

Since 1991, at least six (6) indoor generator accumulation units and at least seven (7) other outside areas have been identified that require closure.

To abate this violation, these units and outside areas will need to be closed in compliance with the regulations and the Facility closure plan. Repair, upgrade and/or modification of the soil and groundwater treatment system and revision of the closure plan is required to remediate soil and groundwater.

The Ohio EPA has received and commented on SAP's in regard to closure or assessment of these areas. Several plans have been returned with final comments from Ohio EPA. Please provide a final electronic copy with your five day notice in advance of activities.

4. 90-day Notification to the Director, ORC § 3752.06(A)(6) and OAC 3745-352-20(A)(2)(h):

Not all substances have been demonstrated removed as indicated by the items of Violation #1 above. The 90-day form with attached information was provided prior to satisfactory completion of the CRO effort.

To abate this violation, Ohio EPA requires additional information as identified in sections following Violation #1 above to ensure all CRO substances have been properly removed from the Facility. When removal is complete, please update and resubmit the CRO 90-day notification form.

GROUNDWATER VIOLATIONS

5. OAC Rule 3745-65-93(D)(4): 9150 Group is required to conduct a Ground Water Quality Assessment Program in accordance with OAC 3745-65-93 (D) and to specifically determine the rate, concentration, and extent of migration of hazardous waste or hazardous waste constituents in the groundwater as required by OAC 3745-65-93 (D)(4)(a) and (b).

The full rate, concentration and extent of migration of hazardous waste or hazardous waste constituents in the ground water has not been determined.

Ohio EPA will enforce this violation until satisfied that rate, concentration and extent of hazardous constituents in the ground water have been delineated.

6. OAC Rule 3745-65-93(D)(7)(a): The 9150 Group is required to make quarterly determinations of groundwater quality in accordance with this rule until final closure of the Facility.

Consistent quarterly groundwater sampling has not been performed since the September 1999 groundwater monitoring event. The Supplemental Annual Report for 1999 submitted by Aerosol does not contain 4th quarter groundwater monitoring data. **About 30 quarters of groundwater monitoring have been missed since this time.** The 9150 Group performed a groundwater monitoring event in November of 2004 and provided results on February 28, 2005. The 9150 Group has not collected and analyzed ground water samples since the November 2004 sampling event. The 9150 Group failed to complete quarterly groundwater sampling for the fourth quarter of 2007.

Ohio EPA will enforce this violation until quarterly sampling is resumed. While the historic violations cannot be specifically abated, to return to compliance, 9150 Group must resume the required quarterly groundwater sampling and analysis in accordance with **OAC Rule 3745-65-93(D)(7)(a)**.

7. OAC Rule OAC 3745-65-94(B)(2): The 9150 Group is required to provide annually, until final closure of the facility, a report to the director containing the results of the ground water quality assessment program which include, but is not limited to, the calculated (or measured) rate of migration of hazardous waste or hazardous waste constituents in the ground water during the reporting period.

An annual groundwater report has not been provided since 1999. The annual groundwater report is due March 1st of each year.

To respond to this violation, this annual report must be submitted. The appropriate annual report form may be found at: <http://www.epa.state.oh.us/dhwm/annualreport/65ANN04arial.pdf>. If you have questions regarding completion of the annual report you may contact me at: (330) 963-1146 or at: Ron.Shadrach@epa.state.oh.us.

8. **OAC Rule 3745-65-91:** states that all monitoring wells must be cased in a manner that maintains the integrity of the monitoring well bore hole and that the annular space above the sampling depth must be sealed to prevent contamination of samples and the ground water.

There are at least two well covers that were missing from within the Geis parking area at the time of the previous inspection. The well-head areas were filled with silt and debris covering the well-head. Other wells and associated extraction piping were damaged during Geis parking lot renovation efforts.

To respond to this violation, the well-head areas must be cleaned out and the well caps tightly installed. The well covers should be repaired or replaced using bolt down covers. Damaged remediation system piping needs repaired, replaced or capped. Provide a photograph that shows that the well covers, piping and casing have been properly repaired or replaced as needed. In addition, identify to Ohio EPA, by well identification number, all monitoring wells that required repair or service.

CONCERNS

10. Ground Water

In November 2004, the 9150 Group completed one quarter of ground water monitoring. The results of the November 2004 sampling indicate that:

- Volatile contaminant concentrations have increased dramatically in some wells;
- There are 12 wells in which concentrations equal or exceed MCL's;
- Some of these high concentrations are at the 9150 Group property boundary;
- Groundwater contamination appears to be moving offsite;
- A soil and groundwater treatment system should be activated to reverse/reduce this trend;
- Elevated VOCs near the former propellant and above-ground solvent tank farms indicate source areas contributing to the parking lot/driveway, sewer lines, and drainage ditch areas that require further investigation and directed remedial efforts;
- High pH values in SMW-8/UZ-7 and DMW-9A should be evaluated to determine if it has had an effect on sample validity;
- Well DZ-1 could not be sampled. Additionally,
- A new monitoring well was installed November 19, 2007 that may yet need developed and elevation surveyed. The analytical and QA/QC results of soil sampling from this boring have not been received.

14. Geis Paving Project Issues

The Geis Companies completed repaving of the upper and now lower parking adjacent to the 9150 Facility. Drainage ditching during this project inadvertently intersected piping of the 9150 Group treatment system and disturbed several wells. Note the following concerns:

- The piping connected to several wells located on Geis Property is in need of repair, replacement, or proper decommissioning.

- The groundwater treatment system is part of an approved closure plan. Ohio EPA recommends that repairs or piping upgrades be made so that the system may be operated to satisfy closure requirements. Closure plan modification may be required.
- Damage or disturbance to these lines may have created a pathway or caused discharge to the wells. This should have been evaluated and corrected immediately to protect the integrity of these wells.
- The maintained integrity of wells and casing have not been document since at least the paving ditching disturbance of the Geis parking area.
- The drainage way storm system installed by Geis Companies appears unfinished.

CONSENT ORDER

Please be advised that the 9150 Group, as owner of the Facility, may be in contempt of the Consent Order entered into between Aerosol Systems, Inc. and the State of Ohio [State of Ohio v. Aerosol Systems, Inc., et al., Case No. CV-884-10145 (Summit County Court of Common Pleas, July 9, 1990)] and an Interim Partial Consent Order State between the 9150 Group and the State of Ohio [State of Ohio v. 9150 Group, L.P., et. al. Case No. 2006-07-4740 (Summit County Court of Common Pleas, October 15, 2007)].

Ohio EPA reserves the right, pursuant to ORC Chapters 3734 and 6111 and any other applicable state and federal laws or regulations, to require further Facility-wide investigation and remediation to address any unpermitted releases of hazardous waste, hazardous substances, industrial wastes, pollutants, and/or contaminants into the environment, including groundwater.

Additional violations and/or deficiencies which may exist pertaining to **closure, financial assurance and liability, compliance monitoring inspections, etc.**, have not been considered in this letter.

Please submit the requested documentation, to my attention, within **30 days** of receipt of this letter. Should you have any questions, please feel free to contact me at: (330) 963-1146.

Sincerely,



Ronald J. Shadrach
Environmental Specialist
Division of Hazardous Waste Management

RJS:ddw
Enclosure

ec: Frank Popotnik, DHWM, NEDO
John Palmer, DHWM, NEDO
Diane Kurlich, DDAGW, NEDO
cc: Ralph McGinnis, DHWM, CO
Brian Ball, EES, AGO
Isaac Wilder, DHWM, CO
Frank Posar, Fire Inspector
Larry Albright Sr., Statutory Agent

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.