



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

November 23, 2009

James Mackey
Walter & Haverfield LLP
The Tower at Erieview
1301 E. Ninth Street
Suite 3500
Cleveland, OH 44114-1821

**RE: ZANE REALTY MGMT/FORMER CHEMIX CORPORATION, CUYAHOGA COUNTY
CESSATION OF REGULATED OPERATIONS**

Dear Mr. Mackey:

On November 5, 2009, Ohio EPA inspected Zane Realty Management's property located at 55 Lou Groza Blvd., in Berea for compliance with Cessation of Regulated Operations (CRO) rules found in Chapter 3752 of the Ohio Revised Code (ORC) and Chapter 3745-352 of the Ohio Administrative Code (OAC).

Ferris M. Kleem and Ferris E. Kleem represented Zane Realty Management during the inspection. Records for the disposal and/or transfer of regulated substances were provided and Ohio EPA reviewed the weekly inspection log for the facility.

The following issues remain outstanding:

1. Emulsion compound in a 250-gallon tank must be disposed or transferred.
2. Zane Realty Management must submit the 90-day Final Form (EPA form 0329) along with all required documentation.

Until this occurs, the following violation, cited in Ohio EPA's letters dated August 11, 2009, and November 25, 2008 remains outstanding:

**Responsibilities of owner/operator within 90-days of CRO
OAC 3745-352-20(A)(2)(a), (b), and (g)**

Ohio Administrative Code (OAC) 2745-352-20(A)(2)

Remove from the facility all regulated substances and all debris, non-stationary equipment and furnishings, non-stationary containers and motor vehicles and rolling stock that contain or are contaminated with regulated substances...by doing any or a combination of the following:

- * *Lawfully transfer the regulated substances... to another operating facility that you own or operate; or*
- * *Lawfully transfer ownership of the regulated substances...to another person; or*

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- * *Cause the regulates substances...to be transported off the premises of the facility and be managed in compliance with [appropriate federal and state laws].*

Certify to the director that you have complied with this rule using form EPA 0329

To address this violation, Zane Realty Management must dispose or transfer the emulsion compound in the tank, submit copies of disposal documentation, and submit EPA Form 0329 ("90-Day Final Form") which can be found at the following link: <http://www.epa.state.oh.us/dhwm/cro/epa0329.pdf>. You have **30-days** from the date of this letter to comply.

Enclosed is a copy of the checklist used for the inspection.

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

Please feel free to contact me at: (330) 963-1170 if you have any questions.

Sincerely,



Edward J. D'Amato
Environmental Specialist
Division of Hazardous Waste Management

EJD:ddw

cc: Ferris M. Kleem, Berea Trucking, Inc.
Ralph McGinnis, DHWM, CO
Ted Novak, Chief, Berea Fire Department
Brandy Carny, Cuyahoga County LEPC
ec: Frank Popotnik, DHWM, NEDO

CESSATION OF REGULATED OPERATIONS CHECKLIST

<input type="checkbox"/> Permanent Cessation	<input type="checkbox"/> Temporary Discontinuation	<input type="checkbox"/> Requesting Waiver for Temporary Discontinuation
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COMPANY:			
Name:	Zane Realty Management (former Chemix Corporation)	EPA ID#:	
Street:	55 Lou Groza Blvd	City:	Berea
County:	Cuyahoga	State:	Ohio
Telephone Number:		Fax Number:	

OWNER/OPERATOR:			
Name:	Zane Realty Management		
Street:	1301 E. 9 th St	City:	Cleveland
County:	Cuyahoga	State:	OH
Telephone Number:	(216) 928-2921	Fax Number:	

CONTACT PERSON OR PRINCIPLE OFFICE INFORMATION			
Name:	James Mackey		
Street:	1301 E. 9 th St	City:	Cleveland
County:	Cuyahoga	State:	Ohio
Telephone Number:		Fax Number:	

If the following applies, check the appropriate box and provide information:

<input type="checkbox"/> Holder of First Mortgage	<input type="checkbox"/> Fiduciary	<input type="checkbox"/> Receiver	<input type="checkbox"/> Indentured Trustee
Name:			
Street:		City:	
County:		State:	
Telephone Number:		Fax Number:	
		Affiliation	

INSPECTION INFORMATION			
	NAME	AFFILIATION	PHONE NUMBER
Inspectors:	Ed D'Amato	DHWM-NEDO	(330) 963-1200
Inspection Dates:	11/5/09	Time(s):	
Inspection Announced?	Yes X No	If so, how much advance notice given?	
Facility: Rep(s)			

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? <i>Submitted by previous owner</i>	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
b.	Local Emergency Planning Committee? " "	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
c.	Local Fire Department? " "	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" 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. See pp 5-6 of this checklist.		
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"/>
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)]		
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)]	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
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)]	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
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 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	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>

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	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)]	
11.	Did the owner/operator drain or remove all regulated substances from each stationary tank, vat, electrical transformer, and vessel and from all piping, that 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 checked="" type="checkbox"/> N/A <input type="checkbox"/> <i>mat'l left in one tank at time of inspection, see letter</i>
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"/>
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 <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
OR		
c.	Transfer the regulated substances off-site in compliance with applicable and appropriate waste management laws? [ORC §3752.06(A)(4)(c) and OAC rule 3745-352-20(A)(2)(d)(iii)]	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input 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 type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
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 <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
c.	Cause the debris, equipment, furnishings, and containers to be transported off-site in compliance with applicable and appropriate waste management laws and regulations? [ORC §3752.06(A)(5)(c) and OAC rule 3745-352-20(A)(2)(d)(iii)]	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
SECURITY & WARNING SIGNS REQUIREMENTS OF OWNER/OPERATOR [ORC §3752.07 AND OAC RULE 3745-352-30]		
15.	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"/>

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	b.	Fencing?	Yes <input checked="" 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 checked="" type="checkbox"/>
	d.	Guard or security service?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" 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 checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
16.		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 3745-352-20(B)]:	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
	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 checked="" 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 checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
	c.	Posted on, or reasonably proximate to, locations that contain ignitable regulated substances and include the language, "No Smoking?" [OAC rule 3745-352-30(B)(2)]	Yes <input checked="" 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 checked="" 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 checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
17.		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 checked="" 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 checked="" 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 checked="" type="checkbox"/>
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.			
18.		If the facility has an U.S. EPA I.D. number, has the facility submitted a <i>Notification of Regulated Waste Activity</i> form?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
19.		Were there any <90 day accumulation units for hazardous waste?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>

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	List Where Unit(S) Were/Are:	
20.	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 checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input 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 ² <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
21.	During the partial and final closure periods, were all contaminated equipment, structures, and soil properly disposed of 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 ² <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
	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"/>
Every demolition of a facility 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 http://www.epa.state.oh.us/dapc/atu/atu.html#asbestos .		
22.	Will any buildings be demolished? If yes:	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
	Has a <i>Notification of Demolition and Renovation</i> form been submitted?	Yes ³ <input type="checkbox"/> No ⁴ <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
23.	Are there any wells on the property?	Yes ⁵ <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?	
24.	Is there open dumping of solid waste on the property?	Yes ⁵ <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
	<ol style="list-style-type: none"> 1. In lieu of the facility now submitting a form, the inspector should submit a copy of the final CRO letter to Central Office's Regulatory and Information Services for I.D. deactivation. 2. Supply the facility with the requirements for generator closure and tell them they must close the unit and have documentation that closure was completed (LQGs only). 3. Check with the appropriate agency to determine if a form has been received. 4. Supply the facility with a form and contact the appropriate agency stating that demolition will occur. 5. If used for drinking water, let DDAGW know about the well. 6. Let DSIWM know about the open dumping of solid waste. 	

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