



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

April 13, 2009

Mr. Frank Nagorney  
Grand Avenue Realty Company, Inc.  
4415 Euclid Avenue  
Cleveland, OH 44103

Mr. David Lee Harper, Sr.  
DLH Plating, LLC  
2801 Grand Ave.  
Cleveland, OH 44104

**RE: DLH PLATING, OHD 004 170 650, CUYAHOGA COUNTY  
CESSATION OF REGULATED OPERATIONS**

Dear Mr. Harper and Mr. Nagorney:

On June 20, 2008, the Ohio Environmental Protection Agency, (OEPA) notified Grand Avenue Realty Company, Inc. and DLH Plating of its requirement to comply with the Cessation of Regulated Operations (CRO) requirements.

On November 11, 2008, U.S. EPA and its Emergency Rapid Response Services and Superfund Technical Assessment and Response Team contractors mobilized to the DLH Plating site to initiate removal actions.

On December 22, 2008, Ohio EPA received Grand Avenue Realty Company, Inc. and DLH Plating's 30-day notice of CRO.

On March 9, 2009, Ohio EPA received Grand Avenue Realty Company, Inc. and DLH Plating's 90-day final form for CRO. The facility submitted a partial list of disposal documents generated by U.S. EPA during its removal action.

On April 1, 2008, U.S. EPA completed removal actions at the site. This writer and U.S. EPA completed a walkthrough of the site on April 1, 2008 to identify items subject to CRO that would remain on-site and not addressed in U.S. EPA's removal action.

Based upon these activities, Ohio EPA has identified the following violations and actions that must be completed by Grand Avenue Realty Company, Inc. and DLH Plating in order to comply with the CRO requirements. **Grand Avenue Realty Company, Inc. and/or DLH Plating must submit a response to these violations within 30 days of the date of this letter.**

1. OAC rule 3745-352-20(A)(2)(a):  
No later than 90 days after CRO, you must submit a copy of the most recent chemical inventory report that was submitted to the State Emergency Response commission (SERC) and a statement indicating whether asbestos containing material (ACM) is present at the facility.

The facility failed to supply this information. **In order to abate this violation, the facility must submit the chemical inventory report and a statement that indicates whether ACM is present at the facility.**

2. OAC rule 3745-352-20(A)(2)(b):

No later than 90 days after CRO, you must submit a copy of the current hazardous chemicals list or each of the MSDSs that the owner/operator is required to have on file with SERC.

The facility failed to supply this information. **In order to abate this violation, the facility must submit the hazardous chemicals list or MSDSs.**

3. OAC rule 3745-352-20(A)(2)(d):

No later than 90 days after CRO, you must drain or remove all regulated substances from each stationary vat, tank, electrical transformer, and vessel, and from all piping, that is to remain at the facility and remove from the facility all regulated substances and all debris, nonstationary equipment and furnishings, nonstationary containers, and motor vehicles and rolling stock that contain or are "contaminated with" regulated substances, as defined in rule 3745-352-05 of the Administrative Code, by doing and do any or a combination of the following: lawfully transferring to another operating facility that you own or operate; lawfully transferring ownership to another person through sale or otherwise; or transferring regulated substances off-site in compliance with applicable waste management laws.

A majority of the regulated substances at the site were addressed by the U.S. EPA removal action. However, on April 1, 2008 Ohio EPA identified the following items that must be addressed by the facility:

- (A) Debris pile. Ohio EPA observed potentially contaminated soil removed from inside the facility mixed with various waste (aerosol cans, lab containers, plating equipment). The debris pile is located on the southwest side of the facility exiting the filter press doorway (Photographs 1 through 4).
- (B) Transformers. Ohio EPA identified four transformers on the property. One large transformer is located on the ground on the south side of the facility, and three transformers are located on telephone poles on the west side of the facility (Photographs 5 through 7).
- (C) Fluorescent Lamps. Ohio EPA observed several spent fluorescent lamps scattered around the maintenance/storage area of the facility (Photographs 8 through 12).
- (D) Tow Motors. Ohio EPA observed two propane tow motors at the facility.
- (E) Air Compressors. Ohio EPA observed two air compressors (one located at parts storage area and one located near loading dock (Photographs 13, 14, and 17).
- (F) Acetylene torch cutting equipment. Ohio EPA observed acetylene torch cutting equipment near the loading dock (Photograph 15).
- (G) Scissor lift. Ohio EPA observed an electric powered scissor lift (containing lead-acid batteries) near the loading dock (Photograph 16).

**In order to abate these violations, the facility must submit documentation that verifies the items or regulated substances contained in the items were either: lawfully transferred to another operating facility that you own or operate; lawfully transferred to another person through sale or otherwise; or transferred the regulated substances off-site in compliance with applicable waste management laws.**

**Once all regulated substances have been removed from the site, the facility must submit a new form EPA 0329 to Ohio EPA along with all supporting documentation. Upon receipt of this form, Ohio EPA will schedule a site visit to confirm all regulated substances have been removed from the facility.**

4. OAC rule 3745-352-20(A)(1)(b):

The owner/operator must secure the facility in accordance with rule 3745-352-30 of the Administrative Code. You must maintain this security until you have performed the measures required under paragraphs (A)(2)(d) to (A)(2)(f) of this rule and the director has verified your compliance and has concurred with your certification made under paragraph (A)(2)(g) of this rule.

U.S. EPA has completed its removal action at the facility and is no longer providing security at the site. The owner/operator must provide security at the site, post warning signs, and conduct inspections (See attached copy of OAC rule 3745-352-30).

**In order to abate this violation, the facility must provide security at the site until Ohio EPA has verified that all regulated substances identified above are removed from the site. Please submit documentation verifying security has been established at the facility (photographs and copies of inspection logs).**

The facility is subject to the closure and post-closure care requirements in rules 3745-55-10 to 3745-55-20 or 3745-66-10 to 3745-66-21 of the Administrative Code.

Failure to list specific deficiencies or violations in this communication does not relieve DLH Plating and Grand Avenue Realty Company, Inc. 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) 963-1278 if you have any questions.

Sincerely,



Wade Balser  
Environmental Specialist  
Division of Hazardous Waste Management

WB:ddw  
Enclosure

cc: Ralph McGinnis, DHWM, CO  
Michael Dziak, City of Cleveland, Fire Prevention Bureau  
Brandy Carney, Cuyahoga County LEPC  
Kelly Smith, DHWM, NEDO  
Amanda Sturm, AGO  
ec: Frank Popotnik, DHWM, NEDO  
Nyall Mckenna, DHWM, NEDO

**PERMANENT CESSATION OF REGULATED OPERATIONS CHECKLIST**

INSPECTION INFORMATION			
NAME		AFFILIATION	PHONE NUMBER
Inspectors:	<i>Wade Bulser Nyall McKenna</i>	<i>Ohio EPA</i>	<i>330-963-1200</i>
Inspection Dates:	<i>4/6/09</i>	Time(s):	
Inspection Announced?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	If so, how much advance notice given?	<i>week</i>
Facility: Rep(s)	<i>Dave Harper</i>		

**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) ]	<i>12/22/08</i>	
a.	Director of Ohio EPA?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	
b.	Local Emergency Planning Committee?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	
c.	Local Fire Department?	Yes <input checked="" 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 checked="" type="checkbox"/> N/A <input 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]** *3/9/09*

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 checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	
<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 checked="" type="checkbox"/> N/A <input type="checkbox"/>	

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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 type="checkbox"/> No <input checked="" 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 checked="" 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 checked="" type="checkbox"/> N/A <input 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 checked="" type="checkbox"/> N/A <input 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 checked="" type="checkbox"/> N/A <input 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 checked="" type="checkbox"/> N/A <input 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 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 type="checkbox"/> No <input checked="" 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 checked="" 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 checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
<b>OR</b>		

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	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 OAC rule 3745-352-20(A)(2)(d)(iii)]	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
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 checked="" type="checkbox"/> N/A <input 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 checked="" type="checkbox"/> N/A <input type="checkbox"/> <i>while USEPA on-site</i>
	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 checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
	c.	Lighting and a surveillance system?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
	d.	Guard or security service?	Yes <input checked="" 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 checked="" 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 checked="" type="checkbox"/> N/A <input type="checkbox"/> <i>USEPA on-site till 4/1/09</i>
	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 checked="" type="checkbox"/> N/A <input type="checkbox"/> <i>USEPA on-site till 4/1/09</i>

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b.	The condition is recorded in an inspection log? [OAC rule 3745-352-30(C)(2)]	Yes <input type="checkbox"/> No <input checked="" 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 checked="" type="checkbox"/> N/A <input 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.

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 checked="" type="checkbox"/> N/A <input type="checkbox"/>
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*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 checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
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List Where Unit(s) Were/Are:

Also >90 day

↳ See AEO enforcement CASE

21.	Did the owner/operator close his facility in a manner that: [OAC 3745-66-11]	
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a.	Minimizes the need for further maintenance?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
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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 type="checkbox"/>
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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 type="checkbox"/>
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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 type="checkbox"/>
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*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. <http://www.epa.state.oh.us/dhwm/guidancedocs.html#closure>*

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 type="checkbox"/>
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23.	Will there be building demolition or renovation? If yes:	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
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TBD - City of Cleveland

	Has a Notification of Demolition and Renovation Form been submitted?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
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*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*

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§61.145(b). The notification form is available from Ohio EPA's web page at <http://www.epa.state.oh.us/dapc/atu/asbestos/asbestos.html>

The inspector should check with DAPC or local air authority to determine if a notification form has been submitted. If notification was not submitted, the inspector should provide the form to the facility.

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?	<i>Not to my knowledge</i>
	What are the wells used for?	

NOTE: If a well is used for drinking water, the inspector should inform DDAGW.

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"/>
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NOTE: The inspector should inform DSIWM about open dumping of solid waste.

*90-day Issues were addressed primarily through USEPA removal. The issues noted in 4/13/09 have been addressed confirmed on 5/16/09.*

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