



Environmental
Protection Agency

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

February 23, 2011

Michael L. Stoelton
Director of Environmental Affairs
Johnson Controls, Inc.
49200 Halyard Drive
Plymouth, MI 48170

**RE: Cessation of Regulated Operations
West Carrollton Ohio Facility
NOV/RTC**

Dear Mr. Stoelton:

On January 7, 2011, I conducted an inspection of the former Johnson Controls facility located at 217 South Alex Road in West Carrollton, Ohio. The purpose of my inspection was to determine your compliance with 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 Ohio Administrative Code (OAC). Kendra Moline represented Johnson Controls and a representative of the real estate company was present and provided access. My inspection consisted of a complete walk through of the facility and the inspection of remaining stationary items. Based on my inspection, I have determined that Johnson Controls, Inc. has violated the following State CRO regulations:

1. ORC 3752.07 Securing building, structure or outdoor location against unauthorized entry, OAC 3745-352-30(B) and (C), Providing adequate security:

OAC 3745-352-30(B) states that you must post warning signs in publicly visible locations about each building or structure and each outdoor location of operation. These warning signs must prohibit trespassing and state: "The building, structure, or outdoor location of operation contains or is contaminated with regulated substances that may endanger public health or safety if released into the environment." The rules also states that the required signs must be posted within 30 days of CRO.

OAC 3745-352-30(C) states that you must maintain entry barriers and warning signs required in paragraphs (A) and (B) of this rule by doing the following:

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- (1) You must inspect entry barriers and warning signs at least every seven days; and
- (2) You must record the condition of each security measure in an inspection log; and
- (3) You must repair or replace any damaged, lost, or removed security measure promptly after you discover it is damaged or missing.

Johnson Controls, Inc. did not post warning signs or conduct weekly inspections in violation of OAC 3745-352-30(B) and (C).

During my inspection, I verified that you have removed all the regulated substances as required by OAC 3745-352-20(A)(2)(d). Your submittal of the "Regulated Substance & Equipment Removal (90 day)" form documents that the removed items were properly dispositioned.

I concur with the certification you made on the 90 day form. Ohio EPA considers you to be returned to compliance with the CRO rules.

I sympathize with your contention that it seems pointless to post and inspect signs warning of the dangers of regulated substances which you have already removed. I would like to point out that the intent of the rules is to require warning signs until the removal of the regulated substances has been verified by the Ohio EPA.

I have enclosed a copy of the CRO checklist completed during the inspection. If you have any questions about Ohio's CRO rules or if you would like to discuss strategies to comply with the CRO rules, please call me at (937) 285-6090.

Sincerely,



Tom Ontko
Division of Hazardous Waste Management

Enclosure

cc: DHWM-SWDO/SWDO File

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.

TO\bp

PERMANENT CESSATION OF REGULATED OPERATIONS CHECKLIST

INSPECTION INFORMATION			
NAME		AFFILIATION	PHONE NUMBER
Inspectors:	Tom Ontko	Ohio EPA	937-285-6090
Inspection Dates:	January 7, 2011	Time(s): 1:30pm	
Inspection Announced?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	If so, how much advance notice given? 2 days	
Facility: Rep(s)	Kendra Moline and a representative of the property management company.		

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?	Yes
	b.	Local Emergency Planning Committee?	Yes
	c.	Local Fire Department?	Yes
2.	Did the owner/operator designate a contact person? [ORC §3752.05 and OAC rule 3745-352-20(A)(1)(c)]		Yes
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
	a.	Address of principal office of the owner/operator?	Yes
	b.	Business or residence address?	Yes
	c.	Telephone number of contact person?	Yes
4.	Has the contact person changed? [ORC §3752.05(C) and OAC rule 3745-352-35(D)]		No
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)]		N/A

Montgomery County EPC and West Carrollton FD were cc:'ed on their 30-/45 day notice to Ohio EPA.

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
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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)]		No
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		Yes

	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)]	
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
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
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
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
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
OR		
	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
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
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
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
OR		
	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

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
SECURITY & WARNING SIGNS REQUIREMENTS OF OWNER/OPERATOR [ORC §3752.07 AND OAC RULE 3745-352-30]		
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
a.	Boarded, locked or used other means to secure all windows, doors and other potential means of entry?	Yes
b.	Fencing?	Yes
c.	Lighting and a surveillance system?	Yes
d.	Guard or security service?	No
e.	Demonstrated to the satisfaction of the Director or his/her designee that the proposed security measures secure against unauthorized entry?	Yes
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)]:	No
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)]	No
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)]	No
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)]	No
d.	Legible from a distance of at least 25 feet? [OAC rule 3745-352-30(B)(3)]	No
e.	Constructed to withstand weather and affixed to secure against removal? [OAC rule 3745-352-30(B)(4)]	No
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)]	No
b.	The condition is recorded in an inspection log? [OAC rule 3745-352-30(C)(2)]	No
c.	Prompt repair or replacement after discovery of damage, lost or removed? [OAC rule 3745-352-30(C)(3)]	No

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?	N/A
A search of RCRAInfo did not reveal any record that Johnson Control every applied for an ID number for the plant at this address. This facility was used solely for warehousing and was operating under the regulatinos applicable to a CESQG.		
20.	Were there any <90 day accumulation units for hazardous waste?	No
	List Where Unit(s) Were/Are:	
21.	Did the owner/operator close his facility in a manner that: [OAC 3745-66-11]	
	a. Minimizes the need for further maintenance?	N/A
	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?	N/A
	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?	N/A
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?	N/A
<p><i>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.</i> http://www.epa.state.oh.us/dhwm/guidancedocs.html#closure</p>		
	a. Were generated hazardous wastes handled in accordance with all applicable requirements of Chapter 3745-52 of the Administrative Code?	N/A
23.	Will there be building demolition or renovation? If yes:	No
	Has a <i>Notification of Demolition and Renovation Form</i> been submitted?	N/A
<p><i>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 §61.145(b). The notification form is available from Ohio EPA's web page at</i> http://www.epa.state.oh.us/dapc/atu/asbestos/asbestos.html</p> <p><i>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.</i></p>		
24.	Are there any wells on the property?	No

	If yes, where are the wells?	
	What are the wells used for?	
<i>NOTE: If a well is used for drinking water, the inspector should inform DDAGW.</i>		
25.	Is there open dumping of solid waste on the property?	No
<i>NOTE: The inspector should inform DSIWM about open dumping of solid waste.</i>		

The facility was clean, empty and in a ready-to-rent condition. The building was properly secured and locked and was in an small ight industrial park with other tenants. With the exception of the posted sigage and the inspections of security, everything was in order.

