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State of Ohio Environmental Protection Agency

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P.O. Box 1049
Columbus, OH 43216-1049

April 7, 2010

Mr. George Powell
Acuity Brands / Holophane- Utica
140 Carey St.
Utica, OH 43080

Dear Mr. Powell:

Re: Holophane- Utica plant (Licking County) CRO [OHD101625200]

Acuity Brands, Inc. has not yet completed its obligations for the final cessation of regulated operations (CRO) at the closed Holophane – Utica facility at 140 Carey Street in Utica, Ohio. Acuity submitted a notice of permanent CRO for this facility effective December 8, 2009. Ohio EPA received a final certification dated March 11, 2010 indicating the removal activities were completed. I conducted a verification walk-through inspection with you at the facility on March 25, 2010.

Findings of this recent inspection showed progress, and that site security is being provided. However, the following violations were noted:

1.) **Removal of non-stationary regulated items, ORC 3752.06A)(5) and OAC rule 3745-352-20(A)(2)(d):** All non-stationary equipment, furnishings, containers and motor vehicles that contain a regulated substance must be removed.

The following regulated items remained on site, although they are planned for removal by the end of April:

- Three computers in the offices and two old CRT monitors in a second floor communications closet.
- A pallet with nine bags of soda ash that is planned to be given to the Newark facility or disposed as solid waste.
- Three fork trucks (powered by compressed propane cylinders and/or and lead-acid electric batteries) that are being given to the Newark facility.
- Granular floor-dry absorbent on the floor in an empty compressor room.
- Spare fire extinguishers that had been consolidated to a central location.
- Inventory on pallets, including oil-filled capacitors and light ballasts.

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



- Mercury-containing spare parts for the powdercoating process equipment (flow meters, etc.) on a pallet in the warehouse.
- A disconnected sump pump with a mercury float switch.
- a 4-gallon jug of Nalco "orange peel" cleaning solvent
- Electronic equipment on a bench in the maintenance shop
- Aerosol cans of spray cleaners in the maintenance shop and warehouse
- A propane cylinder outside the bay door in the parking lot.
- Boiler maintenance and operation/test chemicals in the boiler room.

Please obtain and send copies of manifests, bills of lading or product pickup receipts showing the proper removal of each of these items in order to resolve this violation. A revisit at the beginning of May will be set up to confirm these items have been taken care of.

- 2.) **Removal of regulated substances from stationary equipment which is to remain at the facility, ORC 3752.06(A)(5) and OAC rule 3745-352-20(A)(2)(d):** Regulated substances must be drained or removed from stationary tanks, vats, piping, etc. that is to remain at the facility.

Oil contents had not been drained or removed from a dispensing reservoir on a wall-mounted automatic conveyor lubrication device.

Please empty the oil from the equipment and obtain a copy of any bill of lading or product pickup receipt showing its proper removal for recycling or disposal. A revisit at the beginning of May should confirm this has been done.

- 3.) **Stationary regulated items which are to remain, ORC 3752.06(A)(5) and OAC rule 3745-352-20(A)(2)(c):** All stationary equipment that will be left containing or contaminated with a regulated substance, must be precisely described as to the location and contents.

Mercury thermostats remaining in various locations in the building, fire extinguishers mounted on the walls, computer servers in the communications closet, and compressors with oil-containing reservoirs that will remain at the facility for the next owner had not been disclosed in the March 11, 2010 submittal.

Please amend the final C.R.O. certification submittal to include the above items under the declarations in section 2.3 of the form.

- 4.) **Posting of warning signage, ORC 3752.07(A) and OAC rule 3745-352-30(B):** Signs must be posted at entrances stating, "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." The sign is to remain in place along with other security measures until all required C.R.O. removal operations are completed.

"No trespassing" signs were posted in front of the building, however the other language was not provided on any of the warning signs near various entrances.

Please post the required signs until all the other removal activities are completed, as described above.

In addition to the violations noted above, are the following comments/concerns:

- ✓ Two 15,000 gallon aboveground storage tanks have been removed from the premises. In addition, wastewater treatment equipment had been removed. The facility's NPDES permit had been cancelled at the end of 2009.
- ✓ My visual review of conditions during my March 25th visit confirmed that a former hazardous waste accumulation area in a flammable materials storage room, which was last used for holding LQG batches of paint-related waste over 10 years ago, had been properly emptied of waste and that no visible evidence of contamination remained.
- ✓ Ohio EPA will deactivate the hazardous waste generator identification number previously issued to this facility and address, since the cessation of regulated operations means it is no longer going to be needed by Holophane.

A reply to this letter is requested within 30 days with information to show resolution of the above mentioned items. I will plan to revisit the facility briefly then to verify that the other required actions have been properly completed. If you have any questions, please contact me at (614) 728-3885.

Sincerely,



J. David Hohmann
Environmental Specialist
Division of Hazardous Waste Management
Central District Office

c: Ralph McGinnis
Steve Rath
CDO File
Steven Smith, Information Officer, Licking Co. LEPC



PERMANENT CESSATION OF REGULATED OPERATIONS CHECKLIST

INSPECTION INFORMATION			
NAME	AFFILIATION	PHONE NUMBER	
Inspector:	David Hohmann	Ohio EPA DWHM, CDO	614-728-3885
Inspection Dates:	3/25/2010	Time(s): 10:00 AM - 11:40 AM	
Inspection Announced?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	If so, how much advance notice was given? Visit was scheduled by phone about a week in advance, after final CRO certification was received (standard practice)	
Facility Rep:	George Powell		

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 within 30 days of CRO: [ORC 3752.04 & OAC rule 3745-352-20(A)(1)(a)] <i>RMK: Yes, indicating PCRO effective 12/8/09</i>	
	a. To the Director of Ohio EPA?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
	b. To the Local Emergency Planning Committee?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
	c. To the 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 & 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) & OAC rule 3745-352-35(B)]	
	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) & 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.

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)] <i>RMK: A written certification was received, dated 3/11/2010.</i>	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 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 checked="" type="checkbox"/> No <input 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 checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>

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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 checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
<i>RMK: However, the stated list of remaining non-empty fixed equipment was incomplete, as it did not mention mercury-containing thermostats, oil remaining in air compressors, electronic networking equipment, and a number of fire extinguishers which are intended to remain at the facility for transfer to a future buyer whenever the building is sold.</i>		
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"/>
<i>RMK: No, Two oil-filled electrical transformers (identified in the final certification submittal) will remain in service for the next building owner to use. They have not been drained. Nor have the fixed equipment identified under #10 above been emptied, because that would impede their future use. In addition, oil was not removed from an automatic dispenser by the conveyor belt, but that will be taken care of soon.</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 checked="" type="checkbox"/> N/A <input type="checkbox"/>
<i>RMK: The following regulated substances had not yet been transferred and removed to another facility owned by Holophane, in Newark: Equipment inventory including oil-filled capacitors and light ballasts, various products in aerosol cans on a skid box and in the maintenance shop, a skid with equipment that included mercury-containing ampules, a 4-gallon jug of Nalco "orange peel" cleaner, electronic equipment on a bench in the maintenance shop, three forklifts and a propane cylinder, three computers and monitors, and CRT monitors in the south communications closet (on the 2nd floor).</i>		
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 type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
<i>RMK: Besides those already noted above, the following regulated substances on site in equipment slated for removal, had not yet been transferred to other persons: A used, disconnected sump pump with mercury float switch located in the former WWT room.</i>		
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 <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
<i>RMK: Eight bags of soda ash (to which it was unclear if these regulations would apply or not) that remained on a pallet inside the building, were going to be disposed to a solid waste landfill if a taker could not be found for them by 4/30/10.</i>		
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"/>
<i>RMK: As described above, there were mercury containing parts, CRT monitors, forklifts powered by propane and lead-acid batteries, a jug of citrus cleaning solvent, electronic equipment and aerosol cans of solvent, oil filled capacitors, ballasts, and a sump pump with mercury float switch, as well as various process and analytical testing chemicals in the boiler room.</i>		
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)]. <i>RMK: Except as noted above.</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input 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)]. <i>RMK: Except as noted above.</i>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
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)] <i>RMK: Except as noted above.</i>	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"/>
<i>RMK: No, but the facility representative was able to describe the methods, and visual examinations at the time of my inspection visit confirmed the equipment such as the powdercoating wet process tanks, sumps, etc. had been emptied.</i>		

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SECURITY & WARNING SIGNS REQUIREMENTS OF OWNER/OPERATOR [ORC §3752.07 & 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?		
	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? <i>RMK: Yes, an alarm system</i>	Yes <input checked="" type="checkbox"/> No <input 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) & OAC rule 3745-352-30(B)]:		Yes <input type="checkbox"/> No <input checked="" 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 type="checkbox"/> No <input checked="" 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 checked="" 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 checked="" 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 checked="" 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 checked="" 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)] <i>RMK: Personnel have been on site working every day, removing other equipment. They are inspecting conditions. However the signage was not provided as noted above.</i>	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
	b.	The condition is recorded in an inspection log? [OAC rule 3745-352-30(C)(2)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" 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 ... 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"/>	
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"/>	
	<p>List Where Unit(s) Were/Are:</p> <p><i>An external area for drum storage, under a roof beside the east edge of the building near where it formed an L-shaped corner, had been emptied of all waste and residues. LQG batches of waste in the past 10 years had been shipped without accumulation, straight from process tanks. The waste had been removed and there was no visual evidence of any residual contamination in the area from past hazardous waste management activities.</i></p>		
21.	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	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>

	hazardous waste decomposition products to the groundwater, or surface waters, or to the atmosphere?	
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 checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
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 checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
a.	Were generated hazardous wastes handled in accordance with all applicable requirements of Chapter 3745-52 of the Administrative Code?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
	<i>RMK: As far as could be determined at the time of the inspection. It did not appear any contaminated debris or media were generated during the closure removal and decontamination activities.</i>	
23.	Will there be building demolition or renovation? If yes:	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
	Has a Notification of Demolition and Renovation Form been submitted?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
<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 http://www.epa.state.oh.us/dapc/atu/asbestos/asbestos.htm/</i></p>		
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?	
	What are the wells used for?	
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"/>