



Environmental  
Protection Agency

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

September 20, 2011

Re: **HD Supply Plumbing/HVAC, Ltd**  
**OHD004247300**  
**Notice of Violation/Full Return to**  
**Compliance**

Ms. Sheila Westerveld  
EH&S Manager  
HD Supply, Inc  
501 W. Church St  
Orlando, FL 32805

Dear Ms. Westerveld:

Mr. Charles James accompanied me during Ohio EPA's August 29, 2011 inspection of HD's previous facility in Greenville, Ohio. I inspected HD to determine its compliance with Ohio's Cessation of Regulated Operations (CRO) laws as found in Chapter 3752. of the Ohio Revised Code (ORC) and Chapter 3745-352 of the Ohio Administrative Code (OAC). This letter will explain the violations I found, what you need to do to correct the violations and other general concerns Ohio EPA has and what you need to do to respond to our general concerns.

I found the following violations of Ohio's CRO laws: In order to correct these violations you must do the following and send me the required information **within 30 days** of your receipt of this letter:

**1. Duties of Owner/Operator within 30 Days of Cessation  
(ORC §3752.06 and OAC rule 3745-352-20)**

Within 30 days of ceasing regulated operations, an operator must submit a copy of the Permanent CRO and Contact Person Form, EPA 0327.

HD failed to submit a copy of EPA 0327 until more than 30 days after CRO. CRO occurred on 11/30/10, and Ohio EPA did not receive EPA 0327 until 6/6/11. By submitting EPA 0327 on 6/6/11, **HD abated this violation.**

**2. Duties of Owner/Operator within 90 Days of Cessation  
(ORC §3752.06 and OAC rule 3745-352-20)**

Within 90 days of ceasing regulated operations, you must submit a copy of the most recent chemical inventory form submitted to the State Emergency Response Commission (SERC) in accordance with ORC §3750.08, including a statement indicating whether any asbestos-containing materials are present at the facility. You must also submit a copy of the most current hazardous chemical list (or MSDSs) that you are required to have on file with the SERC under ORC §3750.07. You must also submit a list and location of every stationary item on site that contains or is contaminated with a regulated substance, including an identification of the regulated substance in each at the time of cessation. All stationary and non-stationary containers or vessels or transformers, vats, or tanks and their contents and debris, non-stationary equipment and furnishings, motor vehicles and rolling stock that are contaminated with a regulated substance must be legally removed or drained from the facility.

HD failed to submit a copy of EPA 0329 (with necessary attached information) until more than 90 days after CRO. CRO occurred on 11/30/10, and Ohio EPA did not receive EPA 0329 with attachments until 6/6/11. By submitting EPA 0329 on 6/6/11, **HD abated this violation.**

**3. Designating a Contact Person; 30 Day Requirements [ORC §3752.05(C) and OAC rule 3745-352-35(D)]**

The operator must designate a contact person who will have various responsibilities. One of these responsibilities is providing access to the facility subject to CRO.

HD failed to supply Ohio EPA with a contact person who could provide or even make arrangements to provide access your previous Greenville, Ohio location.

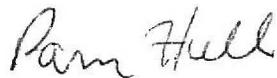
On August 23, 2011, Ohio EPA located a contact to provide access to your previous Greenville, Ohio location (to coordinate a facility inspection on 8/29/11). Ohio EPA's discovery of this information on 8/23/11 **abated this violation.**

Enclosed you will find a copy of the checklist that we completed as a result of the inspection. You can find copies of the laws and other information on the Division of Hazardous Waste Management's web page at: <http://www.epa.ohio.gov/dhwm>

Ms. Sheila Westerveld  
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Should you have any questions, please feel free to call me at (937) 285-6091.

Sincerely,



Pam Hull  
District Representative  
Division of Materials and Waste Management

PH/rb

Enclosure

cc: Darke County LEPC  
Greenville Fire Department  
Corgix LLC An Ohio Limited Liability Co. (property owner)

ec: George Strobel, Ohio EPA, SWDO-DMWM  
Ralph McGinnis, RADMU, DMWM  
Robyn Fox, SWDO-DHWM/SWDO CRO File

CRO File: HD Supply Plumbing/HVAC, Ltd., OHD004247300, Darke County

**NOTICE:**

Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve your company from having to comply with applicable regulations.

**PERMANENT CESSATION OF REGULATED OPERATIONS CHECKLIST**

INSPECTION INFORMATION			
NAME		AFFILIATION	PHONE NUMBER
Inspectors:	Pam Hull	OEPA, DHWM/SWDO	937-285-6091
Inspection Dates:	8/29/11	Time(s):	8:00
Inspection Announced?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	If so, how much advance notice given?	6 days
Facility: Rep(s)	Charles James (building maintenance man)- <b>Was given his phone number (937-621-5195) by building tenant, Greenville Technology Inc. on 8/23/11</b>		

**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) ]	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
a.	Director of Ohio EPA? <b>CRO date was 11/30/10 &amp; Ohio EPA did not receive form until 6/6/11.</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
b.	Local Emergency Planning Committee?-date submitted to LEPC unknown	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
c.	Local Fire Department?-date submitted to FD unknown	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)]- <b>When contacted to set up CRO inspection was informed by CRO contact (Susan Beers), her designated representative, Sheila Westerveld with HD's Environmental Health and Safety Manager, informed me that she had no access to this building (nor was there an attempt made to coordinate getting Ohio EPA site access). Tried finding building owner (Corgix) info, but could only get business address located in Wapakoneta. Neither the County Auditor nor Fire Department had phone number or e-mail address of building owner (or their maintenance man, Charles James)</b>	Yes <input checked="" type="checkbox"/> No <input 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.*

**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	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
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Owner/Operator Permanent Cessation Checklist/November 2008

	CRO? [ORC §3752.06(A)(6) and OAC rule 3745-352-20(A)(2)(g)] <b>CRO date was 11/30/10 &amp; Ohio EPA did not receive form until 6/6/11.</b>	
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 <b>valid</b> hazardous waste facility installation and operation permit or renewal permit or has <b>obtained a generator identification number</b> 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"/>
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"/>
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 checked="" type="checkbox"/> No <input 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)]-Only regulated substance, battery-powered lift equipment, was transferred to another location operated by HD.	Yes <input checked="" type="checkbox"/> No <input 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 type="checkbox"/> No <input checked="" 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 type="checkbox"/> N/A <input checked="" 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	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>

	3745-352-20(A)(2)(d)(i)].	
<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 type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
<b>OR</b>		
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 type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" 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 type="checkbox"/> N/A <input checked="" 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 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"/>
b.	Fencing?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
c.	Lighting and a surveillance system?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
d.	Guard or security service? <b>-Building maintenance man, Charles James, inspects the property every Monday morning.</b>	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 checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input 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)]: <b>-Regulated material was transferred within 30 days after 11/30/10 CRO date.</b>	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" 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 type="checkbox"/> N/A <input checked="" 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 checked="" 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	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>

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	3745-352-30(B)(3)]	
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 checked="" 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)] <b>Regulated material was transferred within 30 days after 11/30/10 CRO date.</b>	
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 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 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? <b>ID deactivation is not appropriate given site rents out to various tenants. Also, has gone through site-wide CRO previously by Corning Inc. Ohio EPA inspected this site after full-scale production ceased on 12/6/02. A notice of compliance letter was sent to Corning for CRO on 1/21/03.</b>	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" 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 type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
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**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?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" 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 type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" 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 <input type="checkbox"/> N/A <input checked="" 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 type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>

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

*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.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?	
	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.*