



State of Ohio Environmental Protection Agency

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-TO
-File

Southwest District

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Dayton, Ohio 45402-2911

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www.epa.state.oh.us

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

October 19, 2007

Mr. Jack Garavanta
Director, Environmental Compliance
Henkle Corporation of America
The Triad, Suite 200, 2200 Renaissance Blvd.
Gulph Mills, PA 19406

RE: IMPERIAL ADHESIVES-CRO-OHD004251427

Dear Mr. Garavanta:

On December 19, 2006 I visited the site of the former Imperial Adhesives site located at 6315 Wiehe Road in Cincinnati in order to perform a standard site inspection for large quantity generators of hazardous waste. At that time, I became that Imperial Adhesives was purchased by Henkle. When I phoned you, you stated that the building and associated properties were recently sold and that all production activities had stopped. You further stated that the only activity occurring at that location was a small lab used for sales support testing and similar small-scale activities. You promised to provide the necessary CRO submittals and we received your 30 Day Notice of Cessation of Regulated Operations (CRO) form on April 2, 2007. We received the 90 Day CRO notice required under Chapter 3752. of the Ohio Revised Code (ORC) and Chapter 3745-352. of the Ohio Administrative Code (OAC) on June 25, 2007. On July 20, 2007, I visited the site of the former Imperial Adhesives facility which is now being occupied by the Mills Fence Company, Inc. I have enclosed a copy of my letter to Mills which describes my observations of the property.

Based on your 30 and 90 Day CRO submittals and my site visits to the Wiehe Road location in July and December, I found the following violations of the CRO rules:

1. Warning sign requirements: OAC 3745-352-30(A)(1)(b) requires that owner/operators (o/o) post appropriate warning signs within 30 days of cessation of regulated operations.

No warning signs were observed during either of my inspections.

Typically, when citing a violation of the OAC, Notice of Violation (NOV) letters detail the actions necessary for the facility to return to compliance. In this case, there are no actions you can take to correct this omission. I note for the record that the building was secure as required by OAC 3745-352-30(A)(1 thru 5) during my December inspection and there were no signs of unauthorized entry. No actions are required on your part to abate this violation.

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2. Submission of hazardous chemical list or MSDS data: OAC 3745-352-20(A)(2)(b) requires o/os to submit a copy of the hazardous chemical list or material safety data sheets that the o/o is required to have on file with the State Emergency Response Commission.

Your response to this question on section 2.2 of the "90 Day Final Form" merely re-iterates your statement that all such materials had been removed at the time you completed the form.

- To correct this omission, please provide the required information. Chemical names are satisfactory for common substances but MSDS will be necessary for formulations or commercial products. Please submit this information by mail or e-mail as .pdf attachments.

3. Description of disposition of regulated substances: OAC 3745-352-20(A)(2)(c)(i) and ORC 3752.06(A)(4)(a) require that o/os describe the method of disposition of regulated substances.

Your response in Section 2.4 of the "90 Day Final Form" merely reiterated that all regulated substances have been removed-your response did not provide clarify information regarding whether the substances were transferred to another Henkle facility, or whether they were sold to a company other than Henkle or disposed of as waste materials.

- Please provide a narrative description of how the substances were removed. If the materials were transferred to a central Henkle location and later moved to other Henkle facilities, it will not be necessary to detail the specific final destination of the materials. In the case of those substances that were disposed of as wastes, please be as detailed and specific as you are able. Note that the rules do not require you to provide documentation and it will not be necessary to provide detailed manifests or shipping papers.

4. Description of disposition of non-stationary equipment and containers, vehicles and rolling stock and debris that are contaminated or contain a regulated substance: OAC 3745-352-20(A)(2)(c) and ORC 3752.06(A)(5) require that the disposition of the equipment be explained in one of three ways; by transferring it to another facility owned and operated by the company or by transferring the equipment by sale or other means to a faculty owned by another party or by disposing of the equipment as a waste.

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Your answer in field 2.5 of the "90 Day Final Form" reiterated the statement that the materials have been removed. You did not provide the method of disposition.

• Please provide the required information as described.

Henkle Corporation will remain in violation of OAC 3745-352-20(A)(2) and ORC 3752.06(A)(5) until such time that the information requested above is submitted to Ohio EPA and the information is determined to satisfy the referenced regulatory requirements.

Enclosed are my letter to Mills Fence Company and a CRO checklist. Please contact me at (937) 285-6090 if you have any questions.

Sincerely,



Tom Ontko
Hazardous Waste Inspector
Southwest District Office

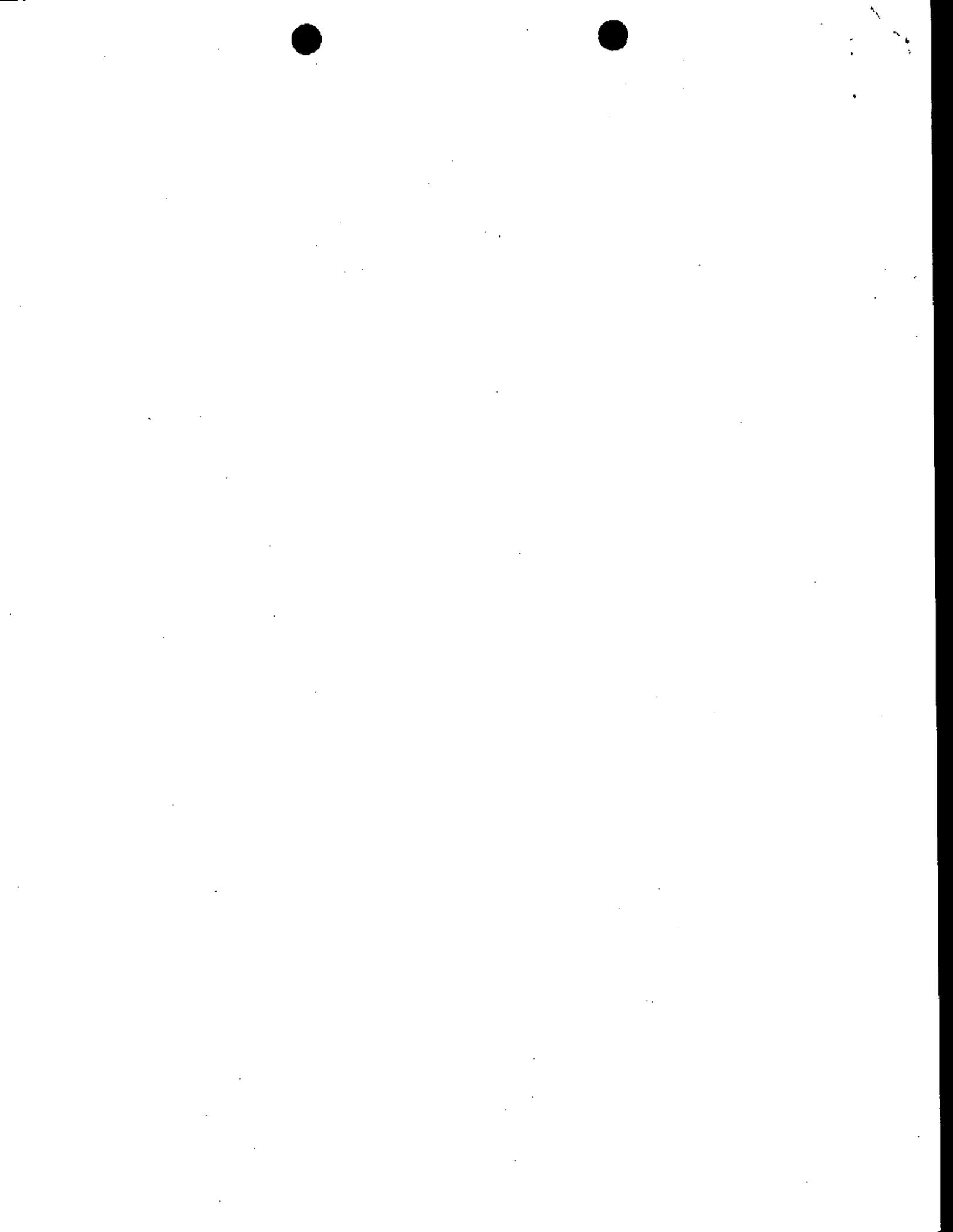
Enclosures CRO checklist
Mills Fence letter

cc: Dinah/file

TO/plh

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.



CESSATION OF REGULATED OPERATIONS CHECKLIST

<input checked="" type="checkbox"/> Permanent Cessation	<input type="checkbox"/> Temporary Discontinuation	<input type="checkbox"/> Requesting Waiver for Temporary Discontinuation
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Company: IMPERIAL ADHESIVES EPA ID#: OHD004251427

Street: 6315 Wiehe Road City: Cincinnati

County: Hamilton State: Ohio Zip: 45237

Mailing Address: 32100 Stephenson Highway, Madison Heights, MI 48071
(If different from above)

Telephone Number: 248-589-4830 Fax Number: _____

Owner/Operator: Henkle Corporation of America

Street: The Triad, Suite 200, 2200 Renaissance Blvd.
City: Gulph Mills

County: _____ State: PA Zip: 19406

Telephone Number: _____ Fax Number: _____

Contact Person: Jack Garavanta

Street: same City: _____

County: _____ State: _____ Zip: _____

Telephone Number: 248-589-4830 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"/> Indenture Trustee
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Name: _____

Street: _____ City: _____

County: _____ State: _____ Zip: _____

Telephone Number: _____ Fax Number: _____

Inspection Date(s): July 20, 2007 Time(s): 11:19 am

Inspection Announced: YES NO If so, how much advance notice given?: _____

<u>Name</u>	<u>Affiliation</u>	<u>Telephone Number</u>
Inspectors: <u>Tom Ontko</u>	<u>Ohio EPA, SWDO</u>	<u>937-285-6090</u>



Facility
Rep(s)

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

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.

REMARKS



90-DAY REQUIREMENTS [ORC §3752.06]

1. 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)(h)] Yes No N/A RMK# _____

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)]

2. 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)(g)] Yes No N/A RMK# _____

NOTE: If so, the owner/operator is not subject to CRO for its hazardous waste and must instead comply with the hazardous waste requirements. Yes No N/A RMK# _____

3. 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 No N/A RMK# _____

4. 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 No N/A RMK# _____

5. 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)(c)] Yes No N/A RMK# 1 _____

6. 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)(d)] Yes No N/A RMK# _____

7. 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)(c)(i)] Yes__ No__ N/A__ RMK#_1

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)(c)(ii)] Yes__ No__ N/A__ RMK#_1

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)(c)(iii)] Yes__ No__ N/A__ RMK#_1

8. 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)(c)] Yes_X No__ N/A__ RMK#_1

9. 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)(c)(i)] Yes__ No__ N/A__ RMK#_1

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)(c)(ii)] Yes__ No__ N/A__ RMK#_1

OR

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)(c)(iii)] Yes__ No__ N/A__ RMK#_1

REMARKS

RMK#1 The July inspectin and interview w/ new owners lead to the conclusion that all regulated substances



were removed from the facility but the 90 Day CRO submittal does not providespecifics of the disposition of the materials.

SECURITY & WARNING SIGNS REQUIREMENTS OF OWNER/OPERATOR [ORC §3752.07 AND OAC RULE 3745-352-30]

1. 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___ No X N/A___ RMK#_____
 - b. Fencing? Yes___ No X N/A___ RMK#_____
 - c. Lighting and a surveillance system? Yes___ No X N/A___ RMK#_____
 - d. Guard or security service? Yes___ No X N/A___ RMK#_____
 - e. Notarized statement from the county sheriff's department or the local police stating that the security measures secure against unauthorized entry? Yes___ No X N/A___ RMK#_____
 - f. Demonstrated to the satisfaction of the Director or his/her designee that the proposed security measures secure against unauthorized entry? Yes___ No X N/A___ RMK#_____
2. 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(A)(1)(b)]:
- 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___ No X N/A___ RMK#_____
 - 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___ No X N/A___ RMK#_____
 - 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___ No X N/A___ RMK#_____
 - d. Legible from a distance of at least 25 feet? [OAC rule 3745-352-30(B)(3)] Yes___ No X N/A___ RMK#_____



e. Constructed to withstand weather and affixed to secure against removal? [OAC rule 3745-352-30(B)(4)] Yes__ No X N/A__ RMK#_____

3. 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__ No X N/A__ RMK#_____

b. The condition is recorded in an inspection log? [OAC rule 3745-352-30(C)(2)] Yes__ No X N/A__ RMK#_____

c. Prompt repair or replacement after discovery of damage, lost or removed? [OAC rule 3745-352-30(C)(3)] Yes__ No X N/A__ RMK#_____

REMARKS



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.

1. If the facility has an U.S. EPA I.D. number, has the facility submitted a *Notification of Regulated Waste Activity* form? Yes X No¹

2. Were there any <90 day accumulation units for hazardous waste? Yes X No

List where unit(s) were/are: _____

3. Did the owner/operator close his facility in a manner that: [OAC 3745-66-11]

a. Minimizes the need for further maintenance? Yes No N/A RMK# 3

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 No N/A RMK# 3

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 No² N/A RMK# 3

4. 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 No² N/A RMK# 3

a. Were generated hazardous wastes handled in accordance with all applicable requirements of Chapter 3745-52 of the Administrative Code? Yes No N/A RMK# 3

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>.



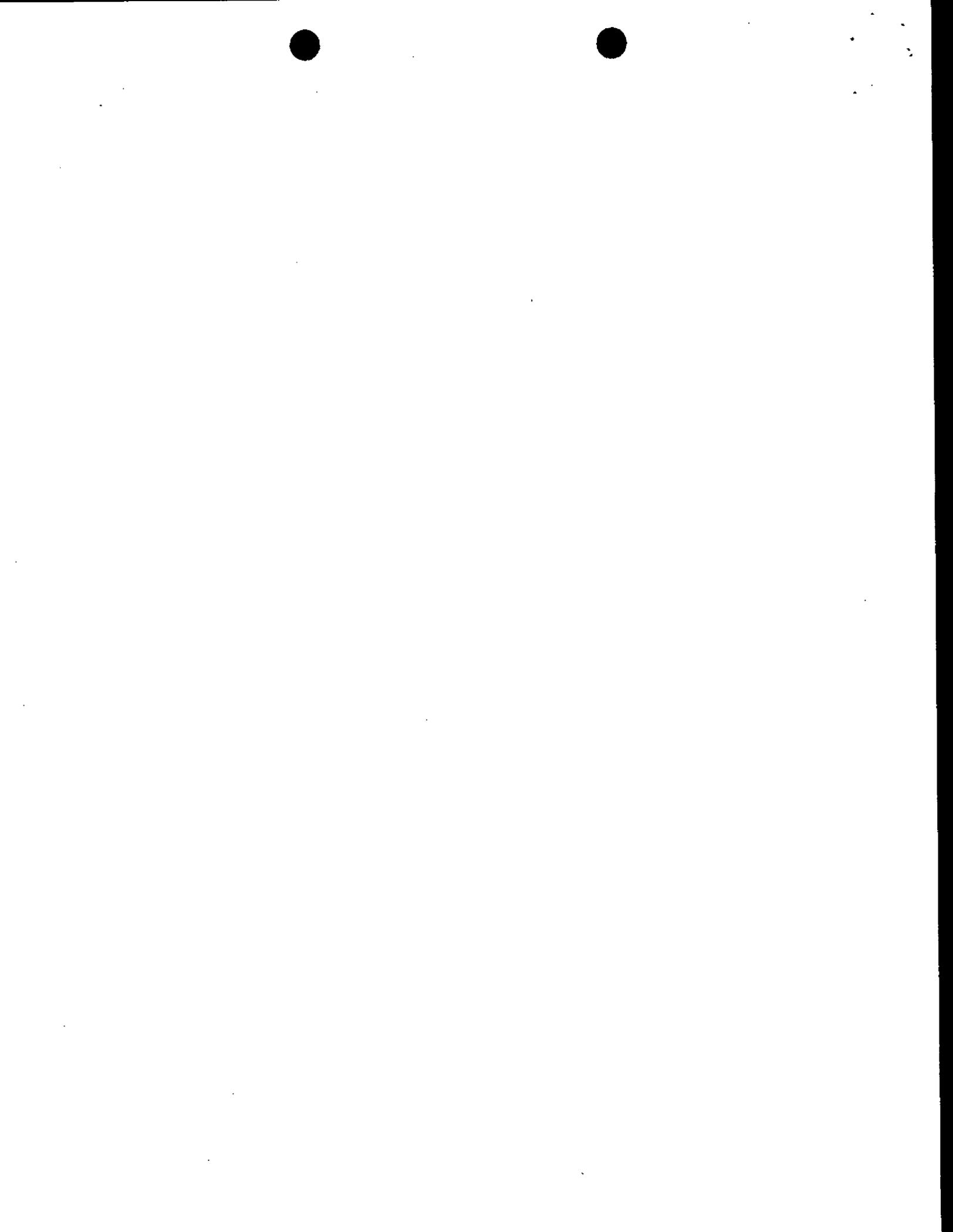
5. Will any buildings be demolished? If yes: Yes No
- Has a *Notification of Demolition and Renovation* form been submitted? Yes³ No⁴
6. Are there any wells on the property? Yes⁵ No
- If yes, where are the wells?
- _____
- _____
- What are the wells used for?
- _____
- _____
7. Is there open dumping of solid waste on the property? Yes⁶ No

REMARKS

RMK# 2 The new tenants verify that all materials including wastes were removed with one exception prior to Mills occupying the facility. A small pallet of buckets and smaller containers were removed subsequent to Mills taking possession. These materials are consistent with the description of activities provided by Jack Garavanta in a phone call with Tom Ontko and Paul Pardi (Ohio EPA) i.e. a small lab was operational for sales support testing, custom formulations and similar small-scale activities.

RMK #3 Insufficient documentation was provided by Henkle to make definitive conclusions on these items. However, there is no evidence of releases to the environment.

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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.



OWNER/OPERATOR PERMANENT CRO CHECKLIST

Imperial Adhesives/Henkle

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