

JST 016
File



State of Ohio Environmental Protection Agency

Southwest District Office

401 E. Fifth St.
Dayton, Ohio 45402

TELE (937) 285-6357 FAX (937) 285-6249
www.epa.state.oh.us

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

February 23, 2009

Re: Whyco Dayton
OHD 175 610 443
Montgomery County, Ohio
Cessation of Regulations Operations
Notice of Violation/Return to Compliance

Mr. Nick Post, President
Whyco Dayton, LLC
18074 Sherwood Street
Detroit, Michigan 48234

Dear Mr. Post:

On January 30, 2009 Tom Koch and I of the Ohio EPA Division of Hazardous Waste Management met with Ken Vitale and Bryan Bruce to conduct an inspection of the Whyco Dayton facility (formerly Metprotech, Inc., and Mayo Plating) located at 1801 Home Avenue, Dayton, Ohio 45417. On February 19, 2009, a second inspection with Mr. Vitale and Mr. Bruce was conducted by myself. The Whyco Dayton facility was inspected determine its compliance with Ohio's Cessation of Regulated Operations (CRO) laws as found under Chapter 3752 of the Ohio Revised Code (ORC) and Chapter 3745-352 of the Ohio Administrative Code (OAC). The CRO program is a set of laws designed to prevent companies from abandoning facilities where regulated substances were used, stored, or treated. The laws require the responsible parties to secure these facilities until all regulated substances are removed. The inspections included a complete walk-through of the entire facility and the inspection of all remaining stationary items. The following violations of Ohio's CRO laws were found.

1. Duties of the Owner/Operator within 90 Days of Cessation (ORC §3752.06 (A)(4) and OAC Rule 3745-352-20 (A)(2)(d)):

Within 90 days of ceasing regulated operations, you must 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 "contaminated with" regulated substances, as defined in OAC Rule 3745-352-05.

Whyco Dayton was the owner/operator at the time regulated operation ceased. According to our records, Whyco Dayton ceased regulated operation on June 20, 2008. Whyco Dayton was responsible for removing all regulated substances by September 18, 2008. Whyco Dayton has failed to remove all regulated substances at the facility within 90 days of ceasing regulated operations. At the time of the January 30, 2009 inspection, containers of chemicals which included

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but was not limited to a five gallon bucket of interior paint, various cleaning solutions, propane cylinders, acetylene cylinder, lithium multi-purpose grease, floor stripper, degreasers, cutting oil and a hazardous waste roll-off were located throughout the facility.

During the February 19, 2009 inspection, all regulated substances identified during the initial inspection were transferred, sold or disposed as required by ORC 3752.06.

Documentation for each of these methods was provided by Ken Vitale during the February 19, 2009 inspection. **Therefore, Whyco Dayton is no longer in violation of ORC §3752.06 (A)(4) and OAC Rule 3745-352-20 (A)(2)(d).**

2. Duties of the Owner/Operator within 90 Days of Cessation (ORC §3752.06 (A)(6) and OAC Rule 3745-352-20 (A)(2)(g)):

Within 90 days of ceasing regulated operations, you must certify to the Ohio EPA that you have complied with paragraphs (A)(2)(c) and (A)(2)(f) of OAC Rule 3745-352-20 using form EPA 0329, "Ohio EPA Cessation of Regulated Operations Program, Regulated Substance & Equipment Removal (90 Day-Final Form)."

Whyco Dayton was the owner/operator at the time regulated operation ceased. By September 18, 2008, Whyco Dayton was responsible for certifying to Ohio EPA that it had complied with paragraphs (A)(2)(c) and (A)(2)(f) of OAC Rule 3745-352-20 using form EPA 0329. On January 23, 2009, Ohio EPA received a copy via e-mail of form EPA 0329 from Mr. Vitale.

A revised form EPA 0329 was received from you on February 20, 2009 **Therefore, Whyco Dayton is no longer in violation of ORC §3752.06 (A)(6) and OAC Rule 3745-352-20 (A)(2)(g).**

The documentation submitted by Mr. Vitale on February 19, 2009 and from you on February 20, 2009 reveals that Whyco Dayton has adequately demonstrated abatement of all violations during Ohio EPA's January 30, 2009 and February 19, 2009 inspections. Therefore, Whyco Dayton has satisfactorily completed the CRO regulatory process for its Dayton, Ohio facility. As a notifier of regulated waste activity, please send a letter, on your company's letterhead, requesting to deactivate the existing U.S. EPA Identification Number (OHD 175 610 443) for the Whyco Dayton facility, once it is no longer needed. Please send the letter to Kristina Durnell in our Central Office at Ohio EPA, Lazarus Government Center, 50 West Town Street, P. O. Box 1049, Columbus, Ohio 43216-1049. If you have additional questions regarding your EPA ID Number,

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then please refer to the instructions which can be found online at:
www.epa.state.oh.us/dhwm/notiform.html.

I have enclosed a copy of the CRO checklist completed during the inspections. Should you have any questions, please do not hesitate to call me at (937) 285-6456.

Sincerely,



Jeffery H. Stark
District Representative
Division of Hazardous Waste Management

Enclosure

cc: Montgomery County Emergency Planning Commission
Dayton Fire Department
Ken Vitale
CO/RIS Notification Coordinator
Ralph McGinnis, CAS, DHWM, CO
Dinah Crawford, SWDO-DHWM/SWDO File

JHS/plh

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:

Name:	Dayton Whyco, LLC	EPA ID#:	OHD 175 610 443
Street:	1801 Home Avenue	City:	Dayton
County:	Montgomery	State:	Ohio
		Zip:	45417
Telephone Number:	(734) 645-5657	Fax Number:	

OWNER/OPERATOR:

Name:	Whyco Group, LLC		
Street:	18074 Sherwood Street	City:	Detroit
County:	Wayne	State:	Michigan
		Zip:	48234
Telephone Number:	(313) 407-7994	Fax Number:	

CONTACT PERSON OR PRINCIPLE OFFICE INFORMATION

Name:	Ken Vitale		
Street:	11425 Dunlay Lane	City:	Detroit
County:	Wayne	State:	Michigan
		Zip:	48189
Telephone Number:	(734) 645-5657	Fax Number:	

If the following applies, check the appropriate box and provide information: NA

<input type="checkbox"/>	Holder of First Mortgage	<input type="checkbox"/>	Fiduciary	<input type="checkbox"/>	Receiver	<input type="checkbox"/>	Indentured Trustee
Name:							
Street:		City:					
County:		State:		Zip:			
Telephone Number:		Fax Number:					
		Affiliation:					

INSPECTION INFORMATION

	NAME	AFFILIATION	PHONE NUMBER
Inspectors:	Jeff Stark Tom Koch	Ohio EPA, DHWM, SWDO Ohio EPA, DWHM, SWDO	(937) 285-6456 (937) 285-6594
Inspection Dates:	01/30/2009 02/17/2009	Time(s):	8:30 am 8:30 am
Inspection Announced?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	If so, how much advance notice given?	Approximately three weeks.
Facility: Rep(s)	Ken Vitale		

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 checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
	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 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. See pp 5-6 of this checklist.

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 <input type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
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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)(g)]		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"/>

	<i>All vessels that contained or was contaminated with regulated substances have been removed.</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, that 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 checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
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 checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
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)(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 checked="" type="checkbox"/>	No <input 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 checked="" type="checkbox"/>	No <input 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)].	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
	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)(d)(iii)]	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
SECURITY & WARNING SIGNS REQUIREMENTS OF OWNER/OPERATOR [ORC §3752.07 AND OAC RULE 3745-352-30]					
15.	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"/>

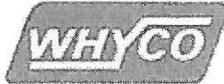
	c.	Lighting and a surveillance system?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
	d.	Guard or security service?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
	e.	Demonstrated to the satisfaction 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"/>
16.		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(B)]:	Yes <input checked="" type="checkbox"/> No <input 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 checked="" 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 checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
	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 <input checked="" 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 checked="" 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 checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
17.		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 checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
	b.	The condition is recorded in an inspection log? [OAC rule 3745-352-30(C)(2)]	Yes <input checked="" type="checkbox"/> No <input 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 checked="" type="checkbox"/> No <input 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.

18.	If the facility has an U.S. EPA I.D. number, has the facility submitted a <i>Notification of Regulated Waste Activity</i> form?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
19.	Were there any <90 day accumulation units for hazardous waste?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
	List Where Unit(S) Were/Are:	Butler Building.
20.	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 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 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 ² <input type="checkbox"/> N/A <input type="checkbox"/>
21.	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 <input type="checkbox"/> No ² <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 type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
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 .		
22.	Will any buildings be demolished? If yes:	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
	Has a <i>Notification of Demolition and Renovation</i> form been submitted?	Yes ³ <input type="checkbox"/> No ⁴ <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
23.	Are there any wells on the property?	Yes ⁵ <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?	
24.	Is there open dumping of solid waste on the property?	Yes ⁶ <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
	<ol style="list-style-type: none"> 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. 	



WHYCO DAYTON, LLC

1801 HOME AVENUE • DAYTON, OH 45417
PHONE: 937.263.3000 • FAX: 937.263.0006

March 12, 2009

RECEIVED
OHIO EPA

MAR 16 2009

Southwest District

EPA
Lazarus Government Center
50 West Town Street
P. O. Box 1049
Columbus, Ohio 43216-1049.

Attention: Kristina Durnell

Re: Whyco Dayton, OHD 175 61 0 443, Montgomery County, Ohio
Cessation of Regulations Operations

Dear Ms. Durnell

Whyco Dayton has satisfactorily completed the CRO regulatory process for its Dayton, Ohio facility located at 1801 Home Avenue Dayton, Ohio.

Please deactivate the U.S. EPA Identification Number (OHD 175 610 443) for this facility.

If you have any questions I can be reached at the coordinates below.

Nick Post
President
Whyco
6565 E. Nevada
Detroit MI 48234
313.891.3356 x103 phone, 313.891.3368 fax, nickp@whyco.com

Regards

Nick Post
Whyco Dayton

Cc:
Jeffery H. Stark, District Representative
Ohio EPA
Southwest District Office
401 E. 5th Street
Dayton, OH 45402

