



State of Ohio Environmental Protection Agency

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JST
CRO File

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

November 25, 2008

Re: IKO Production, Inc.
EPA ID #OHD099873598
Warren County
CRO Notice of Violation

Mr. David Foulkes
IKO Production, Inc.
3960 Clifton Avenue
Cincinnati, Ohio 45220

Dear Mr. Foulkes:

On November 13, 2008, I met with Donnette Fisher of the City of Franklin, Ohio and Brian Baugh of Good Enterprises to conduct an inspection of the former IKO Production facility located at 1200 South Main Street, Franklin, Ohio 45005. The IKO Production facility was inspected to 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. This letter will explain the violations we found, what you need to do to correct the violations, other general concerns we have and what you need to do to respond to our general concerns.

The IKO Production facility was a manufacturer of asphalt shingles and coating materials. On August 5, 2008, IKO Production submitted EPA Form 0327 which indicated regulated operations had ceased on August 1, 2008. According to Donnette Fisher, later this year ownership of this property was transferred to the City of Franklin, Ohio. Currently, the City of Franklin is leasing the property to Good Enterprises. Our inspection included a complete walk-through of the entire facility and the inspection of remaining stationary items.

We found the following violation of Ohio's CRO laws. In order to correct this violation 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 90 Days of Cessation (ORC §3752 and OAC Rule 3745-352-20)**

Not later than 90 days after cessation of regulated operations, the owner/operator 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 rule 3745-352-05 of the Administrative Code.

IKO Production was the owner/operator at the time regulated operation ceased. IKO Production was responsible for removing all regulated substances by October 30, 2008. IKO Production has failed to remove all regulated substances at the facility. At the time of the inspection, containers of chemicals (i.e. five gallon bucket of paint, cans of WD-40, Naturesol, aerosol paint cans) were located throughout the facility. Also, several containers of chemicals (i.e. Naturesol, sulfuric acid, heat transfer oil, mineral oil, N-Hexadecane 95%) were identified in what appeared to be the former "lab room". According to Mr. Baugh, the containers of chemicals are being temporarily stored in the lab room until a decision could be made as to whether the materials would be used or discarded.

IKO Production must coordinate with the City of Franklin to ensure the following activities are conducted: Immediately inventory all materials throughout the facility that were being managed at the time IKO Production ceased operations. Any material determined to be waste must be characterized to determine if it is a hazardous waste. For non-waste, please provide information as to how this material will be lawfully transferred to another facility that IKO Production operates or lawfully transferred to another person. Once all waste is inventoried and characterized, it will be necessary to dispose of it properly and provide this office with the applicable documentation such as a manifest, bill of lading or similar document showing what was done with the waste materials.

As a business owner, it is important to know whether you generate a hazardous waste. First you must know when a material becomes a waste. Generally, a waste is any discarded material that is not excluded by rule or other legal mechanisms. If you have a material that you can no longer use, it is probably a waste. If you produce a waste that is hazardous, you are a hazardous waste generator and must comply with applicable Ohio hazardous waste laws as found in Chapter 3734 of the ORC and Chapter 3745 of the OAC. I would encourage you to consult the guidance document titled "Hazardous Waste Generator Handbook." This document provides an overview of rules for hazardous waste management. A copy of this document can be found through our web site:

<http://www.epa.state.oh.us/dhwm/pdf/genhandbook.pdf>.

An additional document, "Identifying Your Hazardous Waste," is also available at our web site: <http://www.epa.state.oh.us/ocapp/sb/publications/identifyingwaste.pdf>.

This document provides an overview of rules for hazardous waste identification.

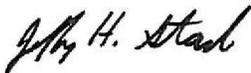
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You are responsible for your hazardous waste from "cradle to grave." This means that your business will be held responsible for cleanup or pursued in an enforcement action if your hazardous waste is mismanaged by another company, even after it leaves your property. Therefore, it is very important for you to select a qualified recycler or treatment, storage and disposal (TSD) facility to accept your company's hazardous waste. Any facility in Ohio that accepts hazardous waste for treatment, storage or disposal must have an Ohio EPA permit for these activities. The permit outlines the operating conditions and recordkeeping procedures that must be followed to ensure that wastes will be handled properly. Additional guidance regarding this matter can be found in Appendix 5 of the "Hazardous Waste Generator Handbook."

As a notifier of regulated waste activity, we understand that you still need your EPA ID number and will not deactivate it until you have notified us in writing.

Within 30 days of your receipt of this letter, provide an inventory of all materials throughout the facility that were being managed at the time IKO Production ceased operations and a schedule of when you expect to have all waste characterized. Enclosed you will find a copy of the checklists that were completed during the inspection. Should you have any questions, please feel free to call me at (937) 285-6456. You can find copies of the laws and other information on the division's web page at <http://www.epa.state.oh.us/dhwm>.

Sincerely,



Jeffery H. Stark
District Representative
Division of Hazardous Waste Management

Enclosure

cc: Warren County Emergency Planning Commission
Franklin Fire and EMS
CO/RIS Notification Coordinator
Ralph McGinnis, CAS, DHWM, CO
Dinah Crawford, SWDO-DHWM/SWDO File

JHS/mab

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		
COMPANY:							
Name:	IKO Production, Inc.			EPA ID#:	OHD 099 873 598		
Street:	1200 South Main Street			City:	Franklin		
County:	Warren	State:	Ohio	Zip:	45005		
Telephone Number:	513-200-0914		Fax Number:				
OWNER/OPERATOR:							
Name:	Goldis Holdings, Inc.						
Street:	120 Hay Road			City:	Wilmington		
County:	New Castle	State:	Delaware	Zip:	19809-3509		
Telephone Number:	302-764-3100		Fax Number:				
CONTACT PERSON OR PRINCIPLE OFFICE INFORMATION							
Name:	David Foulkes						
Street:	3960 Clifton Avenue			City:	Cincinnati		
County:	Hamilton	State:	Ohio	Zip:	45220		
Telephone Number:	513-200-0914		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"/>	Indentured Trustee
Name:							
Street:				City:			
County:		State:		Zip:			
Telephone Number:			Fax Number:				
				Affiliation			
INSPECTION INFORMATION							
	NAME		AFFILIATION		PHONE NUMBER		
Inspectors:	Jeff Stark		Ohio EPA, DHWM, SWDO		937-285-5456		
Inspection Dates:	November 13, 2008			Time(s):	9:30 am		
Inspection Announced?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	If so, how much advance notice given?		Approximately two weeks.		
Facility: Rep(s)	Donnette Fisher, City of Franklin, Ohio (property owner) Brian Baugh, Good Enterprises (current tenant)						

[IKO Production, Inc./November 13, 2008]
[OHD 099 873 598]

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

[IKO Production, Inc./November 13, 2008]
[OHD 099 873 598]

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)] IKO Production has failed to remove all regulated substances at the facility. At the time of the inspection, containers of chemicals were located throughout the facility.	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 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 checked="" 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 checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input 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 type="checkbox"/> No <input checked="" 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"/>

[IKO Production, Inc./November 13, 2008]

[OHD 099 873 598]

Owner/Operator Permanent Cessation Checklist/August 2008

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	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 checked="" type="checkbox"/> No ¹ <input type="checkbox"/> N/A <input type="checkbox"/>
19.		Were there any <90 day accumulation units for hazardous waste?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
	List Where Unit(S) Were/Are:		
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 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 ² <input type="checkbox"/> N/A <input checked="" 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 checked="" 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 checked="" 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"> 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. 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). Check with the appropriate agency to determine if a form has been received. Supply the facility with a form and contact the appropriate agency stating that demolition will occur. If used for drinking water, let DDAGW know about the well. Let DSIWM know about the open dumping of solid waste. 	