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File



State of Ohio Environmental Protection Agency

Southwest District

401 East Fifth Street
Dayton, Ohio 45402-2911

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

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

August 9, 2007

Re: **Buffers and Biochemicals Corp.**
Hamilton County
OHR000106765

Mr. Grant Garrison
Buffers and Biochemicals Corp.
150 Commerce Blvd.
Loveland, OH 45140

Dear Mr. Garrison:

On July 26, 2007, Ohio EPA conducted an inspection of Buffers and Biochemicals Corp's Loveland, Ohio facility to determine your compliance with Ohio's Cessation of Regulated Operations (CRO) laws and rules as found under Chapter 3752 of the Ohio Revised Code (ORC) and Chapter 3745-352 of the Ohio Administrative Code (OAC). You represented Buffers and Biochemicals Corp. (B&B). Tom Ontko and I represented Ohio EPA. Based on this inspection, Ohio EPA has determined that B&B violated the following state CRO laws and rules:

1. Duties of Owner/Operator within 90 Days of Cessation, ORC Section 3752.06 and OAC 3745-352-20(2):

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 MSDS's) 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. 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.

B&B failed to submit a copy of the most recent emergency and hazardous chemical inventory form submitted to the SERC and the most current hazardous chemical list with your written certification provided on the form

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prescribed by the Director (Regulated Substance & Equipment Removal 90-Day Form, EPA 0329). B&B has also failed to remove all regulated substances at the facility. At the time of inspection, many regulated materials still needed to be moved to B&B's location next door (154 Commerce Blvd.). You also provided me with an estimate from a treatment storage and disposal facility for the removal of drums and lab pack materials. You explained that you were awaiting the owner's return from out of town before the estimate could be approved.

B&B must immediately perform the required activities stated above and submit documentation confirming this to this office. Documentation exhibiting compliance should include photos, waste manifests or bills of lading, and any other documentation deemed appropriate.

2. Building, Structure or Outdoor Location to be Secured Against Unauthorized Entry; Warning Signs, ORC §3752.07 and Facility Security Requirements, OAC rule 3745-352-20:

Within 30 days after the cessation of regulated operations at a facility, the owner or operator must secure each building, structure, or outdoor location of operation where regulated operations were conducted by boarding windows, doors, and other methods provided in OAC Chapter 3745-352-20. Warning signs that prohibit trespassing and that state specific language as provided in the law and rules must be in posted in publicly visible locations in accordance with OAC Chapter 3745-352. B&B failed to post warning signs.

Entry barriers and warning signs must be inspected weekly and maintained. These inspections must be conducted weekly and recorded in a log. This log must be available during inspection. At a minimum, the log shall note the condition of each barrier and warning sign. Any damaged, lost, or removed barrier or sign shall be promptly replaced. B&B failed to maintain an inspection log.

B&B must immediately perform the required activities stated above and submit documentation confirming this to this office. Documentation exhibiting compliance with the facility security requirements should include photos of implemented security measures and posted warning signs.

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Please submit all of the above requested documentation to this office within 30 days of receipt of this letter demonstrating that all violations have been abated. I have enclosed a copy of the checklists completed during the inspection. Should you have any questions, please feel free to call me at (937) 285-6091.

Sincerely,



Pam Hull
District Representative
Division of Hazardous Waste Management

Enclosure

cc: Dinah Crawford, SWDO-DHWM/SWDO CRO file
Hamilton County Emergency Management Agency
Loveland-Symmes Fire Dept., Attention: Chief Otto Huber
SWDO-CRO file: Buffers and Biochemicals Corp., OHR000106765

PH/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: Buffers and Biochemicals Corp. EPA ID#: OHR000106765
 Street: 150 Commerce Blvd. City: Loveland
 County: Hamilton State: Ohio Zip: 45140

Mailing Address: _____
 (If different from above)

Telephone Number: 513-697-4374 Fax Number: 513-697-4379

Owner/ Operator: Grant L. Garrison

Street: 150 Commerce Blvd. City: Loveland

County: Hamilton State: OH Zip: 45140

Telephone Number: 513-697-4374 Fax Number: 513-697-4379

Contact Person: Grant L. Garrison

Street: 150 Commerce Blvd. City: Loveland

County: Hamilton State: OH Zip: 45140

Telephone Number: 513-697-4374 Fax Number: 513-697-4379

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): 7/26/07 Time(s): _____

Inspection Announced: YES NO If so, how much advance notice given?: 1.5 hours

	<u>Name</u>	<u>Affiliation</u>	<u>Telephone Number</u>
Inspectors:	<u> Pam Hull </u>	<u> Ohio EPA </u>	<u> 937-285-6091 </u>
Facility Rep(s)	<u> Tom Ontko </u>	<u> Ohio EPA </u>	<u> 937-285-6090 </u>

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 X N/A ___ RMK# 1

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)]

Questions 3-9 below will be answered once OEPA receives 90Day Final Form from Buffers and Biochemicals

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 X 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# _____

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#_____

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#_____

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#_____

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___ No___ N/A___ RMK#_____

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#_____

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#_____

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#_____

REMARKS

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 N/A RMK# _____
 - b. Fencing? Yes No N/A RMK# _____
 - c. Lighting and a surveillance system? Yes No N/A RMK# _____
 - d. Guard or security service? Yes No 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 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 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)]: NO, Will fill out rest of sections 2&3 below once warning signs are posted
- 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 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 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 N/A RMK# _____
 - d. Legible from a distance of at least 25 feet? [OAC rule 3745-352-30(B)(3)] Yes No N/A RMK# _____

e. Constructed to withstand weather and affixed to secure against removal? [OAC rule 3745-352-30(B)(4)]

Yes___ No___ 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___ N/A___ RMK#_____

b. The condition is recorded in an inspection log? [OAC rule 3745-352-30(C)(2)]

Yes___ No___ N/A___ RMK#_____

c. Prompt repair or replacement after discovery of damage, lost or removed? [OAC rule 3745-352-30(C)(3)]

Yes___ No___ N/A___ RMK#_____

REMARKS

ADDITIONAL MULTI-MEDIA QUESTIONS

SEE REMARK #1 BELOW

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___ Noⁱ___
- 2. Were there any <90 day accumulation units for hazardous waste? Yes___ 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#_____
 - 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#_
 - 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___ Noⁱⁱ___ N/A___ RMK#_
- 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#_
 - 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#_

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? Yesⁱⁱⁱ ___ No^{iv} ___

6. Are there any wells on the property? Yes^v ___ No
If yes, where are the wells?

What are the wells used for?

7. Is there open dumping of solid waste on the property? Yes^{vi} ___ No

REMARKS

1 Will wait to answer these questions once final inspection occurs.

i. 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.

ii. 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).

iii. Check with the appropriate agency to determine if a form has been received.

iv. Supply the facility with a form and contact the appropriate agency stating that demolition will occur.

v. If used for drinking water, let DDAGW know about the well.

vi. Let DSIWM know about the open dumping of solid waste.