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OhioEPA

State of Ohio Environmental Protection Agency

Southwest District Office

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Dayton, Ohio 45402

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www.epa.state.oh.us

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

June 5, 2009

RE: **ADT SECURITY SERVICES, INC. (ADT)**
MONTGOMERY COUNTY
CRO NOV/RTC

Mr. Doug Snider
Tyco
One Town Center
Boca Raton, Florida 33486

OHR000154158

Dear Mr. Snider:

On May 29, 2009, Ohio EPA conducted an inspection of ADT's office space previously leased at 131 Salem Ave. in Dayton, Ohio 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). The building owner, Gene Reichard, showed me ADT's previously leased office space. I represented Ohio EPA. Based on this inspection, Ohio EPA has determined that ADT violated the following state CRO laws and rules:

1. **30 Day Requirement, ORC 3752.04 and OAC 3745-352-20(A)(1)(a):**

   Within 30 days after CRO, you are required to submit a notice using EPA form 0327 to the director of Ohio EPA.

   ADT failed to submit EPA form 0327 30 days after CRO which occurred on 10/23/07.

   ADT submitted EPA form 0327 on March 15, 2009. This action **corrected** the above violation.

2. **90 Day Requirement, ORC 3752.06(A)(6) and OAC 3745-352-20(A)(2)(g):**

   Within 30 days after CRO, you are required to submit a notice using EPA form 0329 to the director of Ohio EPA.

   ADT failed to submit EPA form 0329 90 days after CRO which occurred on 10/23/07.

   ADT submitted EPA form 0329 on March 15, 2009. This action **corrected** the above violation.

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

Pam Hull
District Representative
Division of Hazardous Waste Management

Enclosure

cc: Dinah Crawford, SWDO-DHWM/SWDO CRO file
Jeff Jordan, Montgomery County Emergency Management
Chief Herbert C. Redden II ,Dayton Fire Department
Gene Reichard, Building Owner
Cynthia Blomquist, Earth Tech
SWDO-CRO file: ADT Security Services, Inc.

PERMANENT CESSATION OF REGULATED OPERATIONS CHECKLIST				
INSPECTION INFORMATION				
	NAME		**AFFILIATION**	**PHONE NUMBER**
Inspectors:	**Pam Hull**		**Ohio EPA**	937-285-6091
Inspection Dates:	**5/29/09**	**Time(s):**		10:30
Inspection Announced?	Yes ☒ No ☐	**If so, how much advance notice given?**		1 Day
Facility: Rep(s)	Gene Reichard, building owner			

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? **SEE REMARK 1**	Yes ☐ No ☒ N/A ☐
	b.	Local Emergency Planning Committee?	Yes ☐ No ☐ N/A ☐
	c.	Local Fire Department?	Yes ☐ No ☐ N/A ☐
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 ☐
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 ☐
	a.	Address of principal office of the owner/operator?	Yes ☒ No ☐ N/A ☐
	b.	Business or residence address?	Yes ☒ No ☐ N/A ☐
	c.	Telephone number of contact person?	Yes ☒ No ☐ N/A ☐
4.	Has the contact person changed? [ORC §3752.05(C) and OAC rule 3745-352-35(D)]		Yes ☐ No ☒ N/A ☐
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 ☒
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 CRO? [ORC §3752.06(A)(6) and OAC rule 3745-352-20(A)(2)(g)]		Yes ☐ No ☒ N/A ☐ **SEE REMARK 2**
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 ☐ No ☐ N/A ☒ ADT did not generate hazardous waste in their office.
8.	Did the owner/operator submit to the Director a copy of the most recent		Yes ☒ No ☐ N/A ☐

	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)]		
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 ☒ No ☐ N/A ☐
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 ☐ No ☐ N/A ☒
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 ☐ No ☐ N/A ☒
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 ☐ No ☐ N/A ☒
	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 ☐ No ☐ N/A ☒
	OR		
	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 ☐ No ☐ N/A ☒
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 ☒ No ☐ N/A ☐
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 ☒ No ☐ N/A ☐
	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 ☐ No ☐ N/A ☒
	OR		
	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	Yes ☐ No ☐ N/A ☒

		OAC rule 3745-352-20(A)(2)(d)(iii)]	
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 ☐ No ☐ N/A ☒
SECURITY & WARNING SIGNS REQUIREMENTS OF OWNER/OPERATOR [ORC §3752.07 AND OAC RULE 3745-352-30]			
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 ☒ No ☐ N/A ☐
	a.	Boarded, locked or used other means to secure all windows, doors and other potential means of entry?	Yes ☒ No ☐ N/A ☐
	b.	Fencing?	Yes ☐ No ☐ N/A ☐
	c.	Lighting and a surveillance system?	Yes ☐ No ☐ N/A ☐
	d.	Guard or security service?	Yes ☐ No ☐ N/A ☐
	e.	Demonstrated to the satisfaction of the Director or his/her designee that the proposed security measures secure against unauthorized entry?	Yes ☐ No ☐ N/A ☐
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)]:		Yes ☐ No ☐ N/A ☐ **SEE REMARK 3**
	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 ☐
	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 ☐
	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 ☐ No ☐ N/A ☐
	d.	Legible from a distance of at least 25 feet? [OAC rule 3745-352-30(B)(3)]	Yes ☐ No ☐ N/A ☐
	e.	Constructed to withstand weather and affixed to secure against removal? [OAC rule 3745-352-30(B)(4)]	Yes ☐ No ☐ N/A ☐
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)]		
	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 ☐
	b.	The condition is recorded in an inspection log? [OAC rule 3745-352-30(C)(2)]	Yes ☐ No ☐ N/A ☐

	c.	Prompt repair or replacement after discovery of damage, lost or removed? [OAC rule 3745-352-30(C)(3)]	Yes ☐ No ☐ N/A ☐

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?	Yes ☐ No ☐ N/A ☒

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 ☐ No ☐ N/A ☒
	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 ☒ No ☐ N/A ☐
	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 ☒
	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 ☐ No ☐ N/A ☒
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 ☐ No ☐ N/A ☒

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 ☐ No ☐ N/A ☒
23.		Will there be building demolition or renovation? If yes:	Yes ☐ No ☒ N/A ☐
		Has a *Notification of Demolition and Renovation Form* been submitted?	Yes ☐ No ☐ N/A ☐

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 ☐ No ☒ N/A ☐
	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 ☐ No ☒ N/A ☐
NOTE: The inspector should inform DSIWM about open dumping of solid waste.		

REMARKS

1 CRO occurred on 10/23/07. Received 30 day form on 4/20/09.

2 CRO occurred on 10/23/07. Received 90 day form on 4/20/09.

3 ADT leased 2 rooms in an office building. They were locked when I performed my 5/29/09 CRO inspection. Additionally, the 30 day form indicated that security measures began the date of CRO, 10/23/07.