



**Environmental
Protection Agency**

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

June 7, 2012

**RE: IRG Warren LLC
(Parceled from Delphi Automotive Systems)
OHD 000 817 346
Trumbull County
Notice of Violation**

CERTIFIED MAIL

Mr. Frank J. Lanterman
Ohio Realty Advisors
3623 Brecksville Road, Suite A
Richfield OH 44286

Dear Mr. Lanterman:

On May 31, 2012, the Ohio Environmental Protection Agency (Ohio EPA) conducted an inspection of the IRG Warren LLC (IRG) property located on North River Road at Larchmont Avenue in Warren, Ohio. You represented IRG. Ed D'Amato and I represented the Ohio EPA. The inspection was to determine compliance with the RCRA Part B Permit, number 02-78-0124, and the Post-Closure Plan contained therein. The inspection also evaluated the condition of the closed and capped surface impoundments, and the ground water monitoring well network.

The focus of the inspection was permit requirements for the closed surface impoundments. Four surface impoundments, formerly used to treat process waste water, were closed under a Closure/Post-Closure Plan approved on December 15, 1989. Gross contamination was removed from the impoundments, and they were consolidated and covered with an engineered cap. The cap was vegetated. Certification of closure was accepted on January 2, 1991. The post-closure period began when closure activities were completed.

Based on the findings of this inspection, IRG was found to be in violation of the following:

VIOLATIONS

- 1) Permit Condition A.5, Duty to Comply
OAC Rule 3745-50-58(A)

The Permittee must comply with all applicable provisions of ORC Chapter 3734, all applicable Ohio hazardous waste rules, and all terms and conditions of this permit, except to the extent and for the duration such noncompliance is authorized by the laws of the State of Ohio. Any permit noncompliance, other than noncompliance authorized by the laws of the State of Ohio, constitutes a violation of ORC Chapter 3734 and is grounds for enforcement action, revocation, modification, denial of a permit renewal application or other appropriate action.

IRG failed to comply with the conditions of its permit, as itemized in the violations below.

2) Permit Condition A.12, Monitoring and Records
OAC Rule 3745-50-58(J)

IRG failed to have records of (ground water) monitoring information available for inspection. At least one ground water monitoring event has occurred since IRG took possession of the Post-Closure Unit. A report containing the information required by this permit condition could not be produced.

3) A.14 Retention of Records and Information Repository
OAC Rules 3745-50-40(G), 3745-50-58(J), 3745-50-58(M) and 3745-50-58(N)

- (a) The Permittee must retain records of all monitoring information... copies of all reports and records required by this permit, the certification required by OAC Rule 3745-54-73(B)(9), and records of all data used to complete the application for this permit, for a period of at least three (3) years from the date of the sample, measurement, report, certification, or application.

IRG failed to produce the required records upon request.

- (b) The Permittee must maintain, in accordance with the Ohio hazardous waste rules, records of all data used to complete the permit application and any amendments, supplements or modifications of such application. The Permittee must retain a complete copy of the current application for the effective life of the permit.

IRG failed to have a copy of the current permit and permit application available.

- (c) The Permittee must maintain records from all ground water monitoring wells and associated ground water surface elevations for the active life of the facility, and for disposal facilities for the post-closure care period as well.

IRG failed to retain ground water monitoring records at the facility.

4) A.28 Information to be Maintained at the Facility
OAC Rule 3745-54-74

- (a) Unless otherwise specified by the hazardous waste rules, the Permittee must maintain at the facility, until closure is completed and certified by an independent, registered professional engineer, pursuant to OAC Rule 3745-55-15, and until the Director releases the Permittee from financial assurance requirements

pursuant to OAC Rule 3745-55-43, the following documents (including amendments, revisions and modifications):

- (vi) operating record, required by OAC Rule 3745-54-73 and the terms and conditions of this permit; and
 - (vii) inspection schedules, developed in accordance with OAC Rules 3745-54-15, 3745-55-74 and 3745-55-95 and the terms and conditions of this permit.
 - (viii) post-closure plan, as required by OAC Rule 3745-55-18(A) and the terms and conditions of this permit.
 - (ix) annually-adjusted cost estimate for facility post-closure, as required by OAC Rules 3745-55-42 and 3745-55-44 and the terms and conditions of this permit.
 - (x) all other documents required by Module A, Permit Condition A.12
- (b) The Permittee must maintain copies of all inspection logs at the facility for a period not less than three (3) years from the date of inspection.

IRG failed to have the required documentation available at the facility.

5) J.8. Operating Record and Reporting
OAC Rules 3745-54-73, 3745-54-75, 3745-54-77 and 3745-54-100(G)

(a) Operating Record

The Permittee must enter all of the following information obtained in accordance with Permit Module J in the operating record:

- (i) Ground water monitoring data collected in accordance with this permit including actual levels of constituents.
- (ii) The laboratory results from each of the wells and their associated qualifiers including the laboratory sheets for the full volatile and semi-volatile analyses (must include method codes, detection limits, and units of measurement);
- (iii) The date each well was sampled (tabulated);
- (iv) The date, time, and identification of all blanks and duplicates;

- (v) Any field log documentation of deviation from the procedures ... including documentation of parameter omissions during the sampling event;
- (vi) The date the Permittee received the results from the laboratory;
- (vii) The date the owner or operator completed their review of the analytical laboratory's verification of the accuracy and precision of the analytical data and determined its quality.
- (viii) The results of the data validation review per Permit Condition J.8(a)(vii) including: report completeness, chain of custody, sample receipt form, signed statement of validity, technical holding time review, data qualifiers including their definitions, dilutions, blank data, spikes, spike recovery %, surrogate recovery, and an explanation of any rejected results;
- (ix) Results of all blanks and duplicates (trip, field, equipment, and method);
- (x) Results of the field parameters;
- (xi) The statistical evaluation of the data (must include all computations, results of statistical tests, and date the statistical evaluation was completed);
- (xii) Any change in well status (i.e., going from unaffected to affected status and vice versa);
- (xiii) Ground water surface elevations taken at the time of sampling each well;
- (xiv) Data and results of the annual determination of the ground water flow rate and direction;
- (xv) The results of the last three years of all inspections required under OAC Rule 3745-54-15(D) related to ground water monitoring and equipment as required under OAC Rule 3745-54-73(B)(5).

IRG failed to retain the required records at the facility.

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Please note that the Post-Closure Plan, which is incorporated into the permit, includes requirements for having the plan available on-site, and retention of records.

IRG must abate these violations by:

- 1) Ensuring a copy of the current permit, permit application, and any modifications, are available at the facility.
- 2) Obtaining copies of ground water records as described in the permit, and ensuring they are available at the facility.
- 3) Ensuring a copy of the current approved Post-Closure Plan is available at the facility (it may be part of the permit documentation).
- 4) Establishing records for inspection and maintenance of the Post-Closure Unit.
- 5) An estimate of Post-Closure costs and financial assurance information must be retained at the facility.
- 6) Any other records relevant to the Post-Closure care of the closed surface impoundments.

IRG must comply within thirty days of receipt of this letter. Please send a certified statement that the required documents have been provided at the facility, to Ohio EPA, to my attention.

The Post-Closure unit itself was in good condition, as were the monitoring wells. The vegetative cap is being maintained. Ground water has been monitored by the facility's consultant, Hull and Associates. Ohio EPA has the following comments and concerns:

- 1) IRG should begin quarterly inspections of the cap and ground water monitoring system, and document the results in an operating record.
- 2) IRG should perform maintenance as required, and document it in an operating record.
- 3) IRG should continue ground water monitoring as required, per Module J of the permit.

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- 4) A number of wells are present that are not part of the current ground water monitoring system. If IRG anticipates using these wells in the near future, they must be inspected, and maintained in good condition. If the wells are no longer going to be used, they must be abandoned per Ohio Administrative Code 3745-9-03 (C). Abandonment guidance may be found at <http://www.epa.ohio.gov/ddagw/tgmweb.aspx> (See Chapter 9).
- 5) The existing pump and treat system should be evaluated. If it is not going to be used, it must be properly abandoned. Please send Ohio EPA, to my attention, the results of IRG's evaluation and indicate IRG's future plans for the system.

Should you have any questions, please feel free to call me at (330) 963-1232.

Sincerely,



John Palmer
District Representative
Division of Environmental Response and Revitalization

JP/cl
Enclosure

ec: Ed Lim, DERR, CO
Harry Courtright, DERR, NEDO
Ed D'Amato, DMWM, NEDO
Marlene Kinney, DMWM, NEDO
Mark Kroenke, DDAGW, NEDO
Rich Kurlich, DDAGW, NEDO

NOTICE:

Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve your company from having to comply with applicable regulations.