



State of Ohio Environmental Protection Agency

Northeast District Office

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

February 21, 2007

**RE: LUBRIZOL CORPORATION
LAKE COUNTY**

Mr. Kenneth P. Morrell
Lubrizol Corporation
29400 Lakeland Boulevard
Wickliffe, Ohio 44092

Dear Mr. Morrell:

On February 2, 2007, Ohio EPA conducted an inspection of Lubrizol Corporation's (Lubrizol) 4900 Campbell Road, Willoughby, Ohio facility to determine Lubrizol's 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). Mr. Woody Hall represented Koscielny Property Management, Inc., the building owner, and Mr. Gregory Taylor represented Lubrizol. I represented Ohio EPA.

Prior to July 31, 2006, Lubrizol properly removed all regulated materials from the warehouse at 4900 Campbell Road, however, Ohio EPA did not receive notification of the removal and other appropriate paper work until January 26, 2007.

Based on this inspection, Ohio EPA has determined that Lubrizol has violated the following state CRO laws and rules:

1. **Duties of Owner/Operator within 30 days of Cessation**
OAC 3745-352-20(A)(1)
Lubrizol did not designate a contact person and provide contact person information within 30 days of cessation.
2. **Duties of Owner/Operator within 90 Days of Cessation:**
OAC 3745-352-20(A)(2)
Lubrizol did not submit the chemical inventory report within 90 days.

However, all regulated substances have been removed from the building and either transferred to another facility owned and operated by Lubrizol or transported off site in compliance with applicable and appropriate waste management laws and regulations.

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If Lubrizol has any other facilities that may be subject to CRO regulations, please ensure that the appropriate forms are submitted within the time frames given in the regulations.

I have enclosed a copy of the checklists completed during the inspection. Should you have any questions, please feel free to call me at (330) 963-1214.

Sincerely,



Kim Gallagher
Environmental Specialist
Division of Hazardous Waste Management

KG:cl
Enclosure

cc: Frank Popotnik, DHWM, NEDO
Jo Ann Buckley, Lake County LEPC
City of Willoughby Fire Department
Gregory A. Taylor, Lubrizol
Woody Hall, Koscielny Property Management, Inc.
DHWM, CO, CRO File (w/enclosure)

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 <u>30 days</u> of CRO? [ORC 3752.04 and OAC rule 3745-352-20(A)(1)(a)] | Yes__ No <input checked="" type="checkbox"/> N/A__ RMK# <u>1-16-07</u> |
| a. | Director of Ohio EPA | Yes__ No <input checked="" type="checkbox"/> N/A__ RMK# <u>1</u> |
| b. | Local Emergency Planning Committee | Yes__ No <input checked="" type="checkbox"/> N/A__ RMK# <u>1</u> |
| c. | Local Fire Department | Yes__ No <input checked="" type="checkbox"/> N/A__ RMK# <u>1</u> |
| 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# <u>1</u> |
| 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# <u>1</u> |
| a. | Address of principal office of the owner/operator. | Yes__ No__ N/A__ RMK# <u>1</u> |
| b. | Business or residence address. | Yes__ No__ N/A__ RMK# <u>1</u> |
| c. | Telephone number of contact person. | Yes__ No__ N/A__ RMK# <u>1</u> |
| 4. | Has the contact person changed? [ORC §3752.05(C) and OAC rule 3745-352-35(D)] | Yes__ No <input checked="" type="checkbox"/> N/A__ RMK# <u>1</u> |
| 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 <input checked="" type="checkbox"/> 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 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)]

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__ No N/A__ RMK#__
NOT FOR WAREHOUSE LOC.

NOTE: If so, the owner/operator is not subject to CRO for its hazardous waste and must instead comply with the hazardous waste requirements.

Yes__ 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# NON-HAZ WASTE

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# NON-HAZ WASTE

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? *pic*
- 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)]: *pic*
- 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# REG. (2) ACTIVITY STORAGE UNTIL LAST CONTAINER REMOVED
 - 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# THEN NO REGULATED SUBSTANCE LEFT
 - 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~~X~~ RMK# 2

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

Yes___ No___ N/A~~X~~ RMK# _____

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

Yes___ No___ N/A~~X~~ RMK# _____

REMARKS

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.

- 1. If the facility has an U.S. EPA I.D. number, has the facility submitted a *Change of Generator Activity Status* form? Yes__ No¹

- 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__ No²__ 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?
 - 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? Yes³__ No⁴
6. Are there any wells on the property? Yes⁵__ No
- If yes, where are the wells?
- _____
- _____
- What are the wells used for?
- _____
- _____
7. Is there open dumping of solid waste on the property? Yes⁶__ No

REMARKS

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.