



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

December 20, 2012

DELIVERY CONFIRMATION

9200 Madison Avenue, LLC
c/o Richard L. Stotter
1 West Interstate St.
Bedford, OH 44146

DELIVERY CONFIRMATION

Interstate Land & Realty, Inc.
c/o Richard L. Stotter
1 West Interstate St.
Bedford, OH 44146

DELIVERY CONFIRMATION

A-Classic Steel Treating, Inc.
c/o Gordon E. Shuler
6063 Waterbury Dr.
Medina, OH 44256

**RE: FORMER A-CLASSIC STEEL TREATING FACILITY, OHR000175182,
9106 MADISON AVE., CLEVELAND, OHIO, CUYAHOGA COUNTY,
NOTICE OF VIOLATION**

Dear Sirs:

Ohio EPA's Division of Materials and Waste Management (DMWM) has identified the following violations of Ohio's hazardous waste laws as found in Chapter 3734 of the Ohio Revised Code (ORC) and the rules promulgated thereunder in the Ohio Administrative Code (OAC). These violations were documented by Ohio EPA on November 15, 2012, at the property owned and/or operated by you and located at 9106 Madison Avenue in Cleveland, Ohio (hereinafter "Facility") which is part of permanent parcel number 001-30-023 according to the Cuyahoga County Recorder's office. In addition, this letter further supplements Ohio EPA's November 19, 2012, Notice of Violation letter.

- 1. ORC § 3734.02(E)&(F), Establishment of an Unpermitted Hazardous Waste Storage Facility**

A-Classic Steel Treating, Inc. (A-Classic) operated heat treating processes at the Facility beginning in 1989. A-Classic utilized sodium cyanide in its heat treating processes at the Facility. As a result of these processes, listed F010/F011/F012 hazardous waste was generated and stored at the Facility. A-Classic abandoned the Facility in November 2008. All hazardous wastes have been present at the Facility since at least November 2008. 9200 Madison Avenue, LLC and Interstate Land & Realty, Inc. became aware of the waste stored at the Facility in November 2008.

Since Ohio EPA has not issued a permit to you to store hazardous waste, you have established a hazardous waste storage facility which has been operating without a permit in violation of ORC § 3734.02 (E) and (F). **You must make immediate arrangements for the lawful, off-site management of all hazardous waste. Submit documentation (i.e., manifests) verifying the lawful, off-site management of all hazardous waste at the Facility. In light of the potential reactive and toxic nature of the hazardous waste, Ohio EPA considers the lawful, off-site management of the hazardous waste to be the highest compliance priority. Ohio EPA requests that you address the lawful, off-site management of the hazardous waste prior to addressing other hazardous waste compliance issues at the Facility. In a December 3, 2012 e-mail to the contractor hired to begin work at the Facility, I outlined issues to be addressed to expedite the lawful, off-site management of the hazardous waste. On December 14, 2012, I received the contractor's response to my December 3, 2012 e-mail. The contractor's e-mail provided a summary of waste evaluation activities, proposed additional waste evaluation activities, discussed on-site waste management activities and indicated that a health and safety plan will be developed. On December 17, 2012, I sent a subsequent e-mail to the contractor requesting additional information concerning the December 14, 2012 e-mail. If I can be of further assistance, please contact me.**

Due to the unlawful establishment and operation of a hazardous waste facility, you are subject to conducting closure at the Facility, pursuant to OAC rules 3745-55-10 through 3745-55-20. Closure is the cleanup procedure for all areas where hazardous waste has been managed. Generally, closure activities entail the following: removing and management of all waste and residues, removing or decontaminating contaminated equipment and structures, remediating contaminated soils and groundwater if necessary, and managing all wastes generated from these activities in accordance with the hazardous waste laws. Furthermore, the closure process requires the submittal and approval of a closure plan which ensures that the closure performance standards set forth in OAC rule 3745-55-11 are met. The closure performance standards require removal and remediation of any contamination in these areas to prevent it from posing a risk to human health and the environment. The closure plan is normally prepared in accordance with Ohio EPA's *Closure Plan Review Guidance for RCRA Facilities*. If you have questions concerning the closure process, please contact me.

Since you have violated ORC § 3734.02(E)&(F), your Facility is subject to all applicable general facility standards found in OAC Chapters 3745-54 and 3745-55. Additionally, at any time, Ohio EPA may assert its right to have you begin Facility-wide cleanup pursuant to the Corrective Action process under Ohio law.

2. OAC rule 3745-54-13, Waste Analysis and OAC rule 3745-52-11, Waste Evaluation

During the November 15, 2012 inspection, Ohio EPA observed the following wastes:

- A. Approximately 648, 20/30-gallon containers located throughout the Facility;
- B. Approximately 52, 55-gallon containers located throughout the Facility;
- C. Four, 330-gallon containers (totes) located along the north wall of the Facility;
- D. An out-of-service heat treating line consisting of a salt bath and five quench tanks located along the north wall of the Facility; and
- E. At least seven tanks located throughout the Facility.

In addition, you must conduct an inspection of the Facility to identify any other waste that may be present. As a facility subject to the standards in OAC Chapters 3745-54 and 3745-55, you are required to, at a minimum, obtain information which must be known to treat, store and/or dispose of the waste in accordance with the requirements of OAC Chapters 3745-54 to 3745-57, 3745-205 and 3745-270.

All wastes must be evaluated for the listed hazardous waste numbers F010, F011 and F012, as well as any other hazardous waste described in OAC Chapter 3745-51. You are requested to notify Ohio EPA at least five days prior to initiating waste management activities at the Facility. Additionally, you must submit a copy of the waste evaluation information for the contents of the containers and tanks, as well as documentation (i.e., manifests, LDR notices) regarding the proper off-site management of the waste.

3. OAC rule 3745-54-15, General Inspection Requirements

You failed to develop an inspection schedule, as well as conduct inspections of the Facility. **To address this violation, develop and implement an inspection schedule in compliance with this rule, as well as submit a copy of the completed inspection log.**

4. OAC rule 3745-54-31, Maintenance & Operation; OAC rules 3745-55-71 to 3745-55-73, Use and Management of Hazardous Waste Containers; and OAC rule 3745-55-74, Container Inspections

During the November 15, 2012 inspection, Ohio EPA observed multiple containers that were open, in poor condition and releasing their contents. You must immediately close all containers correct any leaking ones and containerize any released wastes. Additionally, you must conduct weekly inspections of the containers looking for signs of leaks and deterioration. **Identify in writing the corrective actions taken to address these violations, as well as submit a copy of the completed inspection log.**

5. OAC rules 3745-54-32 to 3745-54-37, Emergency Preparedness & Prevention; OAC rules 3745-54-52 & 3745-54-53, Contingency Plan; and OAC rules 3745-54-55, Emergency Coordinator

You failed to comply with the emergency preparedness and prevention requirements, develop a contingency plan and designate an emergency coordinator. **Identify in writing the corrective actions taken to address these violations, as well as submit a copy of the Facility's contingency plan.**

As an unlawful hazardous waste storage facility, you are also in violation of:

6. **OAC rule 3745-54-16, Personnel Training**
7. **OAC rules 3745-55-40 through 3745-55-51, Closure Cost Estimate, Financial Assurance and Liability Requirements**

A-Classic submitted emergency and hazardous chemical inventory information to the Ohio State Emergency Response Commission (SERC). As such, you failed to comply with the following Cessation of Regulated Operation (CRO) laws after closing the Facility in November 2008:

8. **ORC § 3752.04, Notice of Cessation of Regulated Operations**
9. **ORC § 3752.05, Designating Contact Person for Facility**
10. **ORC § 3752.06, Duties of Owner or Operator Within Ninety Days of Cessation of Regulated Operations**
11. **ORC § 3752.07, Securing Building, Structure or Outdoor Location Against Unauthorized Entry**
12. **OAC rule 3745-352-20, What are my responsibilities if I am an owner or operator?**
13. **OAC rule 3745-352-30, How do I provide adequate security?**
14. **OAC rule 3745-352-35, How do I designate a contact person?**

Identify in writing the corrective actions taken to address the aforementioned CRO violations, as well as submit a copy of the required information and notices.

You may find copies of the hazardous waste rules and other information on Ohio EPA's web page at: <http://www.epa.ohio.gov/dmwm>

You must immediately take the necessary measures to return to compliance with Ohio's environmental laws. Within 14 days of receipt of this letter, you are requested to provide documentation to this office including the steps taken to abate the violations cited above. Documentation of steps taken to return to compliance may be submitted via the postal service or electronically to frank.zingales@epa.ohio.gov.

Please be advised that the violations cited above will continue until the violations have been properly abated. Failure to comply with ORC Chapter 3734 and the rules promulgated thereunder may result in a civil penalty of up to \$10,000 per day for each violation. It is imperative that you return to compliance. If circumstances delay the abatement of violations, you are requested to submit written correspondence of the steps that will be taken by date certain to attain compliance.

Nothing in this letter shall be construed to authorize any waiver from the requirements of any applicable state or federal laws or regulations. This letter shall not be interpreted to release the owner or operator or others from responsibility under Chapters 3704, 3714, 3734, or 6111 of the Ohio Revised Code or under the Federal Clean Water or Comprehensive Environmental Response, Compensation and Liability Acts remedying conditions resulting from any release of contaminants to the environment.

Should you have any questions, please contact me at (330) 963-1108.

Sincerely,



Frank A. Zingales
Environmental Specialist
Division of Materials and Waste Management

FAZ:ddw

ec: Frank Popotnik, DMWM, NEDO
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Joseph P. Koncelik, Esq.