



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



January 29, 2013

RE: FORMER REES PLATING
OHD004463998
STARK COUNTY
NOV

Mr. Dan Buxton
Gekko Holdings, LLC
1240 Lincolnway East Suite 106
Massillon, OH 44646

CERTIFIED MAIL

Dear Mr. Buxton:

Thank you for meeting Ohio EPA on November 9, 2012, at the former Rees Plating site (Rees) located at 5020 Southway Avenue, Canton, Ohio. Bill Lutz, Don Vogel, Tammy Heffelfinger and I represented Ohio EPA. You represent Gekko Holdings. Lance Wilcox of APEC was also on site as your consultant. We met to discuss the closure/remediation that is required to be completed at the site. Bill Lutz's September 5, 2012, letter outlined your responsibilities regarding the outstanding closures at the site, but there are additional areas that need to be addressed.

Per the records Ohio EPA has on file, there are several areas where hazardous waste was managed or mis-managed that need to be addressed at the site. These include:

1. The three areas required to undergo closure for illegal storage per a signed consent order with the former owner, Rees Plating (area #1)
2. The areas where waste was abandoned inside the facility and the area where US EPA discovered an underground storage tank (area #2)
3. The area where Rees had a pond/lagoon/surface impoundment/in-ground tank that contained hazardous waste in the 1980s (area #3)
4. The areas where Rees accumulated hazardous waste as a large quantity generator of hazardous waste. (area #4)
5. Any piping at the site that contained hazardous materials. (area #5)

These areas will be discussed in more detail below.

Background:

Rees Plating Co., the former owner/operator of this site, was an electroplating facility since approximately 1974. Past operations included cadmium, zinc, copper, nickel and silver plating that utilized cyanide, aluminum anodizing and zinc phosphating. Wastes generated in the 1980s included F006, F019, F007, F008 and F009.

During a 1985 inspection, Ohio EPA noted a "waste pond" at the facility (it is also referred to as a lagoon and concrete lagoon). Our records show that ~38,000 gallons of waste was removed from the waste pond. This waste was characterized as F006, F007, F008 and F009 per the manifests. There are no additional records that this unit was decontaminated or evaluated for leaks. Inspection records from a 1996 inspection do indicate that the unit was backfilled. This is area #3 noted above.

In 2002, Rees illegally stored approximately 300 containers and tanks of unevaluated wastes. The tanks were open, above-ground hazardous waste storage tanks. Some of this stored waste was released onto the floor of the facility. Ohio EPA conducted sampling and determined the majority of the wastes to be hazardous. Ohio EPA issued the first Notice of Violation (NOV) letter citing Ohio Revised Code §3734.02 (E) and (F) for the illegal storage on April 23, 2003. To address this and other violations, Rees signed a Consent Order which was filed in the Stark County Court of Common Pleas on December 29, 2005. The Consent Order required Rees Plating to conduct closure on two hazardous waste storage areas and a plating line trench. The closure of the two hazardous waste storage areas and the plating line trench has never been completed, therefore the Rees Plating facility remains in violation of Ohio Revised Code §3734.02 (E) and (F). This is area #1 noted above.

While Rees was in operation, they were a large quantity generator of hazardous waste and they accumulated hazardous waste on-site in a less than 90-day accumulation area. Per Ohio Administrative Code rule 3745-66-11, this area must go through generator closure to demonstrate that the accumulation of hazardous waste did not impact the environment. This is area #4 noted above.

In 2010, a complaint was sent to the Stark County Health Department that included photos of the drums, open vats and the deteriorating building on the property. Ohio EPA conducted a site visit on October 8, 2010, to confirm the condition of the property. There was a concern that there may be more waste on site than what was included in the original enforcement action, and the building did in fact have a compromised structural integrity. The roof was leaking in some areas and a vat holding plating wastes had overflowed. Due to these facts, on November 8, 2010, Ohio EPA requested US EPA to conduct a Time Critical Removal of the wastes left on the property.

The Time Critical Removal action was completed in August of 2011 and included the drums and vats. Even though the hazardous wastes have been removed from the property by US EPA, it is believed that precipitation may have caused additional areas of contamination since the buildings were not in good condition and the roof had collapsed in some areas before all of the hazardous wastes could be removed. During the removal, US EPA also discovered an underground storage tank (UST) that held hazardous waste. This UST area also needs to be investigated since the initial condition of the piping and tank are unknown. These are the areas noted in #2 above.

Rees was an owner/operator of a facility that was required to file a chemical inventory report under the Emergency Planning and Community Right-to-Know Act (EPCRA). As such, upon closing, Rees was subject to Ohio Revised Code Chapter 3752, Cessation of Regulated Operations. This set of laws and regulations require a facility to remove or decontaminate all materials and equipment that contain, or are contaminated with, hazardous materials. US EPA's removal would not have included ancillary piping, if it existed at the facility. If any still exist at the facility, this would be area #5 noted above.

According to records with the Stark County Auditor, the property transferred to Gekko Holdings on September 12, 2011.

Based upon this information, Ohio EPA has determined that Gekko Holdings is in violation of the following:

1. **Ohio Revised Code (ORC) § 3734.02 (E) and (F), Operating a hazardous waste facility without a hazardous waste installation and operation permit:** No person shall establish or operate a hazardous waste facility for the storage, treatment, or disposal of hazardous waste without a hazardous waste facility installation and operation permit issued in accordance with section 3734.05 of the Revised Code nor shall they store, treat, or dispose of hazardous waste, regardless of whether the waste was generated on or off the premises without a permit.

Because Gekko Holdings purchased the Rees Plating facility while the closure obligations have not been met, and the violation of Ohio Revised Code §3734.02 (E) and (F) has not been abated, Gekko Holdings is now the owner of an unpermitted hazardous waste facility. Unpermitted storage also occurred in the areas where waste was abandoned and removed by US EPA and these areas are now subject to closure. As the owner of an unpermitted hazardous waste facility, Gekko Holdings is subject to the hazardous waste closure requirements pursuant to OAC rules 3745-55-11 through 3745-55-20 and OAC rules 3745-55-42 through 3745-55-47 at this facility, and the proper management of any hazardous waste at the site.

Furthermore, since Gekko Holdings is in violation of ORC §3734.02(E) and (F) as the owner of an unpermitted hazardous waste facility, Gekko is subject to all applicable general facility standards found in OAC chapters 3745-54 and 55. At any time Ohio EPA may assert its right to require Gekko to conduct facility-wide cleanup pursuant to the Corrective Action process under Ohio law.

Please contact me by February 28, 2013 so we can discuss how Gekko Holdings should proceed in addressing these various areas.

Should you have any additional questions, please feel free to contact me or my supervisor, Frank Popotnik at (330) 963-1200.

Sincerely,



Karen L. Nesbit
Division of Materials and Waste Management

KN:ddw

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