



State of Ohio Environmental Protection Agency

003
PH
file

Southwest District

401 East Fifth Street
Dayton, Ohio 45402-2911

TELE: (937)285-6357 FAX: (937)285-6249
www.epa.state.oh.us

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

October 9, 2008

Mr. Patrick J. Corsinita
Senior Environmental Reviewer
Lehman Brothers | Small Business Finance
25520 Commerce Centre Drive, Suite 150
Lake Forest, CA 92630

RE: Complaint Investigation at Rosemont Industries Inc. and May 30, 2007 Notice of Violation

Dear Mr. Corsinita:

On March 14, 2007, Ohio EPA received a complaint regarding Rosemont Industries Inc. (RI) located at 1700 West St. in Reading. The complaint alleged that RI stored thousands of gallons of hazardous chemicals and that some of them are leaking. On May 30, 2007 Ohio EPA issued a notice of violation that identified two violations of Ohio's hazardous waste laws. Since the issuance of Ohio EPA's NOV, Lehman Brothers (LB) became the owner of this property in Reading. On August 18, 2008, you submitted a report outlining the removal of regulated material and hazardous waste from the previous Rosemont property. On September 26, 2008, Ohio EPA, represented by me and Jeff Smith, performed an inspection to verify removal of hazardous waste and used oil. Ohio EPA was accompanied by Kim Fladung from the Reading Fire Department and Mike Cappel of the Metropolitan Sewer District (MSD). In this matter, Steve Richter with CBRE represented LB.

Therefore, LB has **abated both violations** discovered during Ohio EPA's April 24, 2007 and May 15, 2007 complaint investigation.

Rule Citation

OAC Rule 3745-52-11, Hazardous Waste Determination

OAC Rule 3745-279-22(C)(1), Used Oil Labeling Requirements

If you have any questions please call me at (937) 285-6091.

Sincerely,

Pam Hull
Pam Hull

District Representative

Division of Hazardous Waste Management

cc: Dinah Crawford, SWDO-DHWM/SWDO file

SWDO-file: Rosemont Industries Inc., OHR000040618, Hamilton County

Kim Fladung, Reading Fire Department

Mike Cappel, Metropolitan Sewer District of Greater Cincinnati

PH/mab

11-1
12-1

**Ohio Environmental Protection Agency
RCRA SUBTITLE C SITE
IDENTIFICATION/VERIFICATION FORM**

For Ohio EPA use only

E-mail this completed form to kristina.durnell@epa.state.oh.us
or mail it to Kristina Durnell, Central Office

Site EPA ID No. Site Name Site Location Information Site Land Type (check only one) NAICS code(s) www.census.gov/epcd/www/naics.html	EPA ID Number: OHR000040618 Name: Rosemont Industries Inc. Website: (Optional) Street Address: 1700 West St. City, Town, or Village: Reading County Name: Hamilton State: OH Zip Code: 45215 Private <input checked="" type="checkbox"/> County <input type="checkbox"/> District <input type="checkbox"/> Federal <input type="checkbox"/> Indian <input type="checkbox"/> Municipal <input type="checkbox"/> State <input type="checkbox"/> Other <input type="checkbox"/>
Facility Representative Additional names can be recorded in number 12 Only provide address information if it is different than the site address	First Name: Patrick MI: J Last Name: Corsinita Phone Number: 949-614-4527 Phone Number Extension: E-Mail Address: patrick.corsinita@lehman.com Fax Number: 866-516-8129 Fax Number Extension: Street or P.O. Box: 25520 Commerce Center Drive, Suite 150 City, Town or Village: Lake Forest State: CA Zip Code: 92630
Legal Owner And Operator of the Site. List Additional Owners and/or Operators in the Comment Section or on another copy of this form page	Name of Site's Legal Owner: Lehman Brothers, Small Business Finance Date Became Owner (mm/dd/yyyy): Owner Private County District Federal Indian Municipal State Other Type: <input checked="" type="checkbox"/> <input type="checkbox"/> Street or P.O. Box: 25520 Commerce Center Drive, Suite 150 City, Town or Village: Lake Forest Owner Phone #: 949-614-4527 State: CA Country: USA Zip Code: 92630 Name of Site's Operator: Date Became Operator (mm/dd/yyyy): Owner Private County District Federal Indian Municipal State Other Type: <input type="checkbox"/> <input type="checkbox"/> Street or P.O. Box: Operator Phone #: City, Town or Village: United States Zip Code: State:

VIOLATIONS CITED? Yes No

TYPE OF HANDLER- A MINIMUM OF ONE BOX MUST BE CHECKED	
<input type="checkbox"/> Not a HW Generator	<input type="checkbox"/> UNKNOWN: Cited for violation of 3745-52-11 <input checked="" type="checkbox"/> Large Quantity Generator (LQG) <input type="checkbox"/> Small Quantity Generator (SQG) <input type="checkbox"/> Conditionally Exempt Small Quantity Generator <input type="checkbox"/> U.S. Importer of Hazardous Waste <input type="checkbox"/> Mixed Waste (Hazardous and Radioactive) Generator

TYPE OF REGULATED WASTE ACTIVITY (MARK "X" IN ALL OF THE APPROPRIATE BOXES)

<input type="checkbox"/> Recycler of Hazardous Waste	<input type="checkbox"/> Exempt Boiler and/or Industrial Furnace
<input type="checkbox"/> Underground Injection Control Facility	<input type="checkbox"/> Small Quantity On-Site Burner Exemption
<input type="checkbox"/> Hazardous Waste Transporter	<input type="checkbox"/> Smelting, Melting, Refining Furnace Exemption
<input type="checkbox"/> Treater, Storer or Disposer of Hazardous Waste	

UNIVERSAL WASTE ACTIVITIES (INDICATE TYPES OF UNIVERSAL WASTE MANAGED (CHECK ALL BOXES THAT APPLY))

<input type="checkbox"/> Small Quantity Handler of Universal Waste	<input type="checkbox"/> Destination Facility for Universal Waste
<input type="checkbox"/> Large Quantity Handler of Universal Waste (accumulates 5,000 kg. or more)	

CHECK ALL BOXES BELOW THAT APPLY FOR THE TYPES OF UNIVERSAL WASTE THE FACILITY MANAGES

<input type="checkbox"/> Batteries
<input type="checkbox"/> Pesticides
<input type="checkbox"/> Mercury containing equipment
<input type="checkbox"/> Lamps

USED OIL ACTIVITIES (INDICATE TYPE(S) OF ACTIVITY(S))

<input checked="" type="checkbox"/> Used Oil Generator
<input type="checkbox"/> Used Oil Transporter
<input type="checkbox"/> Used Oil Transfer Facility
<input type="checkbox"/> Used Oil Processor
<input type="checkbox"/> Used Oil Re-refiner
<input type="checkbox"/> Off-Specification Used Oil Burner
<input type="checkbox"/> Used Oil Fuel Marketer Who Directs Shipment of Off-Spec. Oil
<input type="checkbox"/> Used Oil Fuel Marketer to Off-Specification Used Oil Burner

Waste Codes for Federally Regulated Hazardous Wastes. Please list the codes for the federally regulated hazardous waste handled at the site. List them in the order they are presented in the regulations (e.g., D001, D003, F007, U112). Use an additional page if more space is needed. If there are more than 7 waste codes and they are the same as listed in the most recent RCRAInfo source record, you do not need to list them all. Instead just indicate the date of the most recent source record.

SEE 2008 ANNUAL REPORT FOR WASTE CODES

COMMENTS: The first two inspections were unannounced (4/24/07 and 5/15/07). The facility representative was Curt Majors for these inspections. Pam Hull, Kim Fladung with the Reading FD (RFD) and Mike Cappel of the Metropolitan Sewer District (MSD) performed the inspection on 4/24/07, and Pam Hull and Jeff Smith performed the inspection on 5/15/07. Luke Kim of CBRE (Lehman Bros. real estate agent for this site) provided Pam Hull and Jeff Smith access to the property for inspection on 4/28/08. On 9/26/08, Steve Richter of CBRE accompanied Pam Hull, Jeff Smith, Kim Fladung with RFD and Mike Cappel with MSD for a site inspection. This inspection was performed to verify removal of hazardous waste and used oil.

Announced	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Additional Facility Representatives:	See above
Tanks	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Other Comments:	Lehman Brothers became the owner of this site around May of 2007. The previous owners defaulted on the loan through Lehman Brothers (bank).
Containers	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No		

Name of Inspector(s)	Name of Inspector(s)	Date of Inspection/Time (mm/dd/yyyy) (hh:mm)
Pam Hull	Jeff Smith	see above

OPTIONAL CERTIFICATION. I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature of Owner, Operator, or an Authorized Representative	Name and Title (Print)	Date (mm/dd/yyyy)
---	------------------------	-------------------