



State of Ohio Environmental Protection Agency

STREET ADDRESS:

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Columbus, Ohio 43215

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MAILING ADDRESS:

P.O. Box 1049
Columbus, OH 43216-1049

May 12, 2009

Mr. Joe Kearney
Carnegie Management & Development Corporation
27500 Detroit Road, Ste 300
Westlake, Ohio 44145

**Re: Water Tower Square Limited Partnership
OHD004206215 Westlake
Notice of Violation**

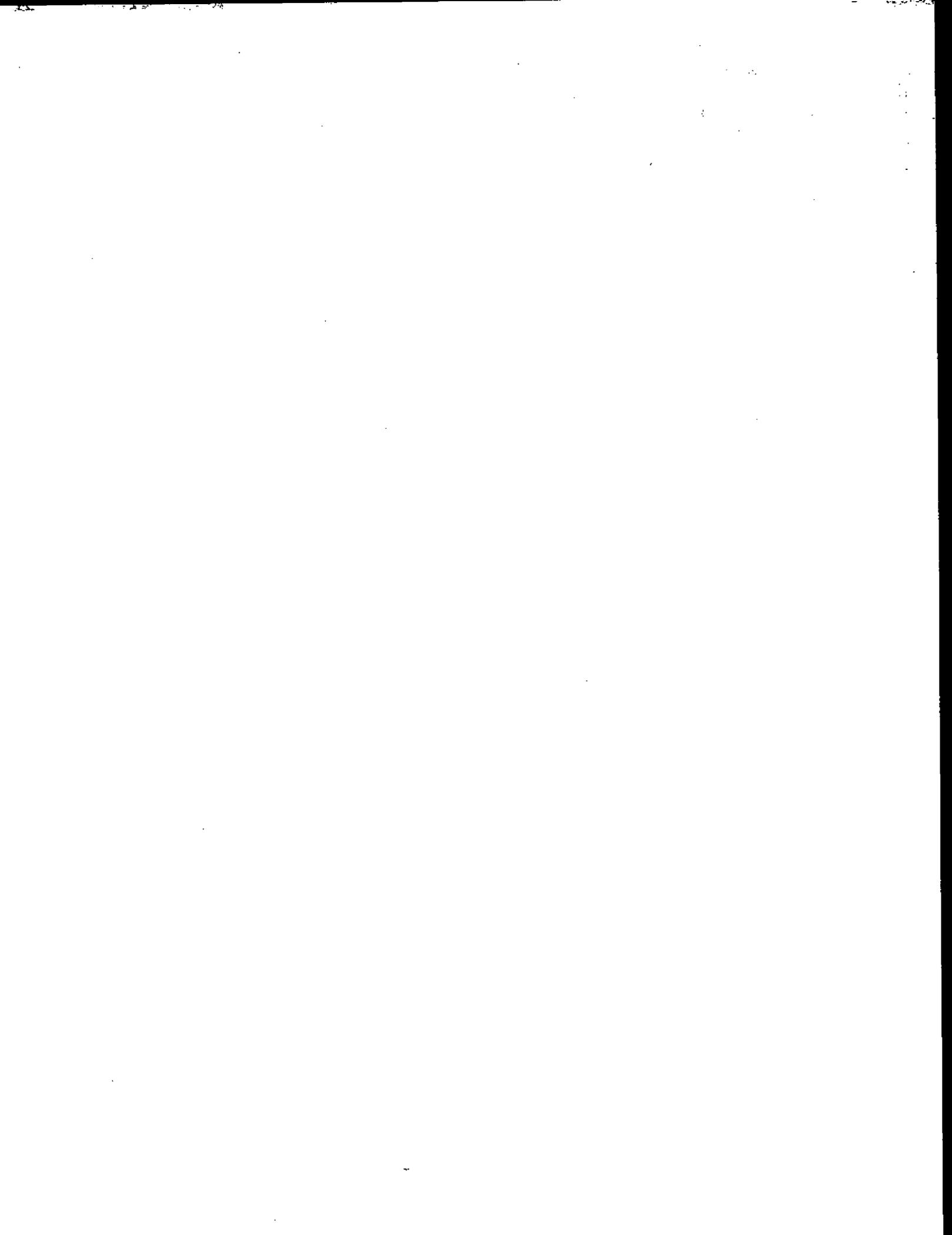
Dear Mr. Kearney:

On May 7, 2009, I completed a review of the financial assurance documentation file for the Water Tower Square Limited Partnership's Westlake facility referenced above. I evaluated your facility for compliance with financial assurance and liability requirements for post-closure care set forth in the Ohio Administrative Code (OAC) rules 3745-66-44 and 3745-66-45.

Upon review of the financial documentation, the following violations were found:

- OAC Rule 3745-66-44(B) requires that you update your post-closure cost estimate for inflation within 60 days prior to the anniversary date of your financial assurance mechanism (October 9). The most recent post-closure cost estimate was received on April 19, 2007.
- OAC Rule 3745-66-45(B)(7) requires that whenever the current post-closure cost estimate increases to an amount greater than the penal sum of the bond the owner/operator must, within sixty days after the the increase cause the penal sum of the bond to be increased to an amount at least equal to current post-closure cost estimate and submit evidence of such to the director. Your post-closure cost estimate has not been updated, therefore I cannot determine if you have sufficient financial assurance coverage.

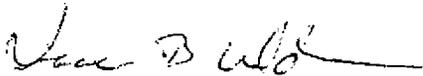
Please submit an updated post-closure cost estimate as soon as possible and update your penal bond if needed.



Mr. Joe Kearney
Carnegie Management & Development Corporation
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If you have any questions, or need further clarification of any matter mentioned in this letter, please do not hesitate to call me at (614) 644-3067. I will be happy to assist you in any way possible.

Sincerely,



~~Isaac B. Wilder~~
Compliance Assurance Section
Division of Hazardous Waste Management

cc: Kristina Durnell, RISS, DHWM
Tom Roth, DHWM NEDO
Craig Wyda, Weavertown Group