



076/060

State of Ohio Environmental Protection Agency

STREET ADDRESS:

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Columbus, Ohio 43215

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

April 18, 2008

John D. Grampa
Chief Financial Officer
Brush Engineered Materials, Inc.
17876 St. Clair Ave.
Cleveland, OH 44110-2697

RE: Brush Wellman, Inc., Elmore (OHD004212999/03-62-0042)
Notice of Violation

Dear Mr. Grampa:

On April 18, 2008, I completed a review of the financial assurance documentation file for the Brush Engineered Materials, Inc.'s (Brush) facility referenced above. I evaluated your facility for compliance with financial assurance and liability requirements set forth in the Ohio Administrative Code (OAC) rules 3745-55-42 through 3745-55-51. In addition, I evaluated the facility for compliance with its Ohio Hazardous Waste Part B Permit Conditions B.34 through B.36 and E.9.(ii).

To demonstrate compliance with financial assurance rules, Brush uses a corporate guarantee. The most recent documentation for the above referenced facilities was submitted to Ohio EPA by letter dated March 31, 2008. This document was a corporate guarantee document only.

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

OAC 3745-55-42/44 requires that a facility submit an updated closure/post closure cost estimate annually.

OAC 3745-55-43/45(F)(10) requires that a facility that submits a corporate guarantee comply with OAC 3745-55-43/45(F)(3). Your submittal does not contain an independent auditor's report on your financial statement for the last fiscal year required by OAC 3745-55-43/45(F)(3)(b) or the special auditor's report required by OAC 3745-55-43/45(F)(3)(c).

Please submit the required information as soon as possible.

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





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: Tammy McConnell, RIS, DHWM
Amber Hicks, DHWM, NWDO
Marie Jarden, DHWM, ERAS

NOTICE:

Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve your company from having to comply with applicable regulations.

