



State of Ohio Environmental Protection Agency

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June 4, 2007

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OHIO EPA

JUN 06 2007

DIV. OF HAZARDOUS
WASTE MGT.

Mr. Robert Karl, Esq.
Ulmer & Berne, LLP
88 East Broad Street
Suite 1600
Columbus, OH 43215-3506

Re: **9150 Group, LLC**
OHD 050 387 802, Macedonia
Financial Assurance
Notice of Violation

Dear Mr. Karl:

On May 23, 2007, I completed a review of the financial assurance documentation file for the 9150 Group, LLC's (9150) facility referenced above. I evaluated the facility for compliance with financial assurance and liability requirements set forth in the Ohio Administrative Code (OAC) rules 3745-55-42, 3745-55-43 and 3745-55-47.

In addition I evaluated the facility for compliance with the financial assurance requirements set forth in the Consent Order, State of Ohio V. Aerosol Systems, Inc. and Flanner, Case No. CV-884-1014, Summit County Court of Common Pleas, dated July 9, 1990.

To demonstrate compliance with financial assurance and liability rules, 9150 uses a Trust Fund administered by J. P. Morgan (Account # 380660) established August 7, 1990. The value of the trust, as of April 30, 2007, was \$242,050.61. No other current closure financial documentation for the above referenced facility has been received by the Ohio EPA.

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

the rule was 42 (112, 46, 147, 133)

OAC 3745-66-42 (A) requires that the owner or operator must have a detailed written estimate, in current dollars, of the cost of closing the facility in accordance with the requirements in rules 3745-55-11 to 3745-55-15 of the Administrative Code.

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

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all still outstanding

OAC 3745-66-42(B) and Consent Order paragraph 5(b) require written updates for inflation of the closure costs within the 60 days prior to the anniversary date of the financial assurance mechanism.

OAC 3745-66-43 and Consent Order paragraph 5(c) require that Schedule A of the trust agreement be updated within sixty days after a change in the amount of the current closure cost estimate. Ohio EPA records indicate that the Schedule A has not been updated since August 5, 1994.

OAC 3745-66-47 requires that a liability coverage mechanism be established for the unclosed units.

Sincerely,

Isaac B. Wilder

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

cc: Ron Shadrach, DHWM, NWDO
Tammy McConnell, RISS, DHWM
Brian Ball, AGO

IBW/sl
9150 Group, LLC NOV.07.wpd

also see 149 136

148, 135, 115, 113, 132, 112

150, 114, 134

*-43(A)(2) -42
149 112
136 46
147
33*

*Violation say.
100 - 3745-66-42(B)*

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.

