



State of Ohio Environmental Protection Agency

P.O.

**STREET ADDRESS:**

Lazarus Government Center  
50 W. Town St., Suite 700  
Columbus, Ohio 43215

TELE: (614) 644-3020 FAX: (614) 644-3184  
www.epa.state.oh.us

**MAILING ADDRESS:**

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

April 9, 2009

Mr. Frank Libby  
9150 Group, LLC  
9150 Valley View Road  
Macedonia, Ohio 44056-2013

RE: 9150 Group, LLC  
OHD050387802, Macedonia  
Financial Assurance  
**Notice of Violation**

Dear Mr. Libby:

On April 7, 200<sup>9</sup>, 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 7, 2009 was \$249,767.37. 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:**

**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

Mr. Frank Libby  
9150 Group, LLC  
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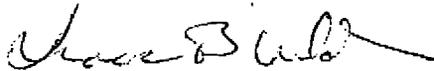
**OAC 3745-66-42(B)** and Consent Order paragraph 5(b) require written updates for inflation of the closure costs within the 60 days prior to the anniversary date of the financial assurance mechanism.

**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.

If you have any questions please call me at (614) 644-3067.

Sincerely,



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

cc: Ron Shadrach, DHWM, NWDO  
Tammy McConnell, RISS  
Brian Ball, AGO  
Robert Karl, Esq.  
Ulmer & Berne, LLP, 88 E. Broad St., Ste 1600, Cts, Ohio 43215-3506

**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.