



**Environmental
Protection Agency**

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

September 26, 2011

Mr. Patrick Oberth
VEXOR Technology, Inc.
955 West Smith Rd.
Medina, OH 44256

**RE: Vexor Technology, Inc. – Medina, OH
Financial Record Review – Notice of Violation
OHD 077 772 895**

Dear Mr. Oberth:

On September 23, 2011, I conducted a financial record review of documentation on file for the VEXOR Technology, Inc. (VEXOR), Medina, OH facility. I evaluated the facility for compliance with the closure financial assurance, closure cost estimates, and liability requirements as set forth in Ohio Administrative Code (OAC) rules 3745-55-42 through 3745-55-47 in accordance with the Director's Final Findings and Orders entered into between Ohio EPA and VEXOR on June 15, 2011.

On June 15, 2011, Ohio EPA approved your Closure Plan of the storage area for off-specification containers. The closure cost estimate was contained in the approved plan, showing total closure costs in the amount of \$3,267.00.

To demonstrate financial assurance for closure care, an Irrevocable Standby Letter of Credit (LOC) is used. The LOC, number 1000069, was issued by Western Reserve Bank effective July 29, 2011. The current amount of the LOC is \$3,267.00.

I found the following **violations** of Ohio's hazardous waste laws. In order to correct these violations you must do the following and send me the required information **within 30 days** of your receipt of this letter:

1. **OAC Rule 3745-55-43(D)(2), Letter of Credit Wording:** The wording of the letter of credit must be identical to the wording specified in paragraph (D) of rule 3745-55-51 of the Administrative Code..

Your July 29, 2011 submittal contained two signed duplicate originals of your LOC No. 1000069. The wordings of both of these duplicate originals do not match. In addition, neither of these duplicate originals meet the requirements of OAC 3745-55-43(D)(2) that requires the wording of the LOC must be identical to the wording as specified in paragraph (D) of rule 3745-55-51 of the Administrative Code.

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- VEXOR must immediately submit a LOC which meets the requirements of OAC rule 3745-44-43(D)(2).
2. **OAC Rule 3745-55-42(D)(3), Must Establish and deliver to the director a Standby Trust Fund when Using a Letter of Credit:** An owner or operator who uses a letter of credit to satisfy the requirements of this rule must also establish a standby trust fund. Under the terms of the letter of credit, all amounts paid pursuant to a draft by the director will be deposited promptly and directly by the issuing institution into the standby trust fund in accordance with instruction from the director. The standby trust fund must meet the requirements of the trust fund specified in paragraph (A) of OAC 3745-55-43 except that an originally signed duplicate of the trust agreement must be delivered to the director with the letter of credit

Your July 29, 2011 submission of your LOC did not include a standby trust fund in violation of OAC rule 3745-55-42(D)(3).

- VEXOR must immediately submit a standby trust fund meeting the requirements of OAC rule 3745-55-42(D)(3).

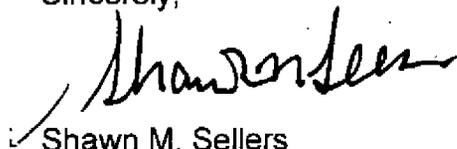
General Concern

In accordance with OAC Rule 3745-55-47(A), An owner or operator of a hazardous waste treatment, storage, or disposal facility, or a group of such facilities, must demonstrate financial responsibility for bodily injury and property damage to third parties caused by sudden accidental occurrences arising from operations of the facility or group of facilities. The owner or operator must have and maintain liability coverage for sudden accidental occurrences in the amount of at least one million dollars per occurrence with an annual aggregate of at least two million dollars, exclusive of legal defense costs.

Within 30 days of receipt of this letter, you must provide documentation that VEXOR meets the liability requirements of OAC Rule 3745-55-47(A).

If you have any questions, please feel free to call me at (614) 644-2933 or email me at shawn.sellers@epa.ohio.gov.

Sincerely,



Shawn M. Sellers
Engineering, Remediation and Authorizations Section
Division of Material and Waste Management

ec: Frank Zingales, DMWM, NEDO

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.