



State of Ohio Environmental Protection Agency

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

May 15, 2007

Ms. Rebecca A. Lewis, Statutory Agent
McCabe Corporation
3470 Brecksville Road
Richfield, Ohio 44286

**Re: McCabe Corporation
Republic Environmental Systems
(Ohio), Inc.
OHD 980 700 942 Dayton
Notice of Violation**

Dear Ms. Lewis:

On May 9, 2007, I completed a review of the financial assurance documentation file for the 636 North Irwin Street 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 closure requirements set forth in the October 22, 1998 Consent Order (Montgomery County Court of Common Pleas, Case No. 08-3449) between the State of Ohio, ex rel. Betty Montgomery, Attorney General of Ohio and Republic Environmental Systems (Ohio), Inc., RESI, and BRAC, Inc.

To demonstrate compliance with financial assurance and liability rules, the 636 North Irwin Street facility uses a trust fund entered into with Fifth-Third Bank on December 12, 1986. On May 9, 2007, the trust fund was valued at \$230,769.30. The closure cost appears to have last been updated in October of 1998. Currently the facility does not have liability coverage.

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

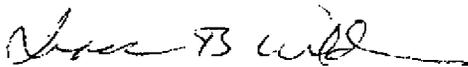
Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

McCabe Corporation
Republic Environmental Systems (Ohio) Inc.
OHD 980 70 942 – Dayton
Page 2

- Failure to have a current closure cost estimate in violation of OAC rule **3745-55-42(B) & (C)**;
- Failure to maintain adequate financial assurance for closure in violation of OAC rule **3745-55-43**;
- Failure to maintain liability coverage in violation of OAC rule **3745-55-47(A)**; and
- Paragraph 8 of the Consent Order requiring Defendants to maintain compliance “with all applicable provisions of the Ohio hazardous waste laws and rules as set forth in ORC Chapter 3734 and OAC Chapters 3745-50 through 3745-69.” This provision includes compliance with the above noted financial assurance regulations.

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.

Sincerely,



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

cc: Harold O'Connell, Brian Gitzinger, DHWM, SEDO
Tammy McConnel, RISS, DHWM

Republic Environmental Systems – NOV
IBW/sj

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.