



State of Ohio Environmental Protection Agency

Northeast District Office

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Lee Fisher, Lieutenant Governor
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CERTIFIED MAIL

January 19, 2007

Mr. William Baumann
Brandon Partners
5801 Train Avenue
Cleveland, OH 44102

**RE: FORMER NORTH EAST CHEMICAL CORP., 3301 MONROE AVE.,
CLEVELAND, CUYAHOGA COUNTY, OHD980681571, PRTC**

Dear Mr. Baumann:

On December 20, 2006, this writer received Brandon Partners' response (dated December 18, 2006) to Ohio EPA's November 16, 2006, Notice of Violation letter.

The following is a summary of the status of previously cited, unabated violations:

2. **OAC rule 3745-65-15, General Inspection Requirements:** Brandon Partners' December 18, 2006 response included copies of security inspection logs. **No further information is requested to address this violation.**
3. **OAC rule 3745-52-11, Waste Evaluation:** Brandon Partners' December 18, 2006 response indicated that they were awaiting a response from Precision Environmental regarding the contents of various containers of liquids and bags of powder. **Brandon Partners must provide waste evaluation information for the contents of these containers and bags, as well as provide documentation concerning their lawful disposal.**
4. **OAC rule 3745-273-13(D), Universal Waste Management Standards:** Brandon Partners' September 18, 2006 response included information concerning the off-site shipment of universal waste lamps. **No further information is requested to address this violation.**

The following violation remains unabated as originally cited in Ohio EPA's February 4, 2004 Notice of Violation (NOV) letter:

5. **OAC rule 3745-65-54, Amendment of Contingency Plan:** Brandon Partners failed to amend the contingency plan to update the list of emergency coordinators, revise the emergency procedures and type of emergency equipment necessary, as a result of closure activities. **Brandon Partners must submit an amended contingency plan in compliance with OAC rules 3745-65-50 through 3745-65-54.**

The following violations remain unabated as originally cited in Ohio EPA's December 27, 2001 NOV letter:

6. **OAC rule 3745-66-42, Cost Estimate for Closure:** Brandon Partners must submit a revised closure cost estimate to reflect the remaining closure activities to be conducted.
7. **OAC rule 3745-66-43, Financial Assurance for Facility Closure:** Brandon Partners must provide financial assurance at least equal to the amount of the revised closure cost estimate.
8. **OAC rule 3745-66-47, Liability Requirements:** Brandon Partners must provide liability coverage until such time that closure is certified at the facility.

In regards to violations six, seven, and eight, Brandon Partners must immediately submit documentation of compliance to Ohio EPA/Central Office/DHWM; Lazarus Government Center; P.O. Box 1049; Columbus, Ohio 43216-1049.

The following violation remains unabated as originally cited in Ohio EPA's February 26, 2002 NOV letter:

9. **OAC rule 3745-66-13, Time Allowed for Closure:** On May 9, 2001, the Director of Ohio EPA approved the closure plan for hazardous waste management units (HWMUs) at the facility owned by Brandon Partners and formerly operated NEC. Brandon Partners had until November 5, 2001, to complete on-site closure activities and submit a certification of closure. As of this date, Ohio EPA has not received the required certification. Therefore, Brandon Partners is in violation of OAC rule 3745-66-13(B) since the facility failed to complete final closure activities at the HWMUs within the approved closure period. Brandon Partners must abate this violation by completing closure in accordance with the approved closure plan. **Submit documentation which includes specific actions and dates that are necessary to fulfill closure obligations at the HWMUs.**

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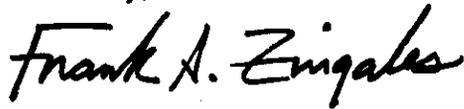
The following violation remains unabated as originally cited in Ohio EPA's March 5, 2003 NOV letter:

10. **OAC rule 3745-52-41, Annual Report:** As a large quantity generator (LQG) of hazardous waste, Brandon Partners was required to submit to Ohio EPA a "Generator Annual Hazardous Waste Report" by March first of each year. Brandon Partners failed to submit annual hazardous waste reports for calendar years 2000 (due March 1, 2001) and 2001 (due March 1, 2002). **To abate this violation, Brandon Partners must submit annual hazardous waste reports to Ohio EPA.**

Brandon Partners must immediately address the aforementioned violations and submit documentation of compliance to the attention of the undersigned at the Ohio EPA. Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve Brandon Partners from having to comply with all applicable regulations.

Should you have any questions, please contact me at (330) 963-1108.

Sincerely,



Frank A. Zingales
Environmental Specialist
Division of Hazardous Waste Management

FAZ:ddw

cc: Natalie Oryshkewych, DHWM, NEDO
Brad Murphy, DHWM, CO
Amanda Strum, AGO
Jeffery Miller, Johnson & Angelo