



State of Ohio Environmental Protection Agency

Northeast District Office

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

CERTIFIED MAIL

August 13, 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, NOV**

Dear Mr. Baumann:

On August 3, 2007, Wade Balsler and this writer, representing Ohio EPA, Division of Hazardous Waste Management (DHW), visited the facility owned by Brandon Partners and formerly operated by the North East Chemical Corporation (NEC) to conduct a hazardous waste compliance evaluation inspection. The purpose of the inspection was to determine Brandon Partners' compliance with Ohio's hazardous waste laws and rules as adopted under Chapter 3734. of the Ohio Revised Code (ORC) and Chapter 3745. of the Ohio Administrative Code (OAC).

NEC operated a hazardous waste storage and fuel blending facility at 3301 Monroe Avenue, Cleveland, Ohio. Currently, Brandon Partners, as the owner of the former NEC facility, must conduct closure activities pursuant to Ohio Administrative Code (OAC) rules 3745-55-10 through 3745-55-20 and 3745-66-10 through 3745-66-20 and the hazardous waste closure plan approved by the Director of Ohio EPA on May 9, 2001.

As a result of the inspection, the following violations were identified:

1. **OAC rule 3745-65-14, Security:** Brandon Partners failed to prevent unauthorized entry of persons onto the site as required by this rule. During the inspection, Ohio EPA observed several unsecured locations at the site, as well as evidence of vandalism and graffiti. These areas include, but may not be limited to the following:
 - The front gate is non-operational.
 - A hole in the west fence line, along Fulton Road, near the southwest corner of the property.
 - A hole in the south fence line, along the railroad tracks, near the southwest corner of the property.
 - Broken windows located on the north side of the building along Monroe Ave.
 - An unsecured window at the Plant 1 Processing Room.
 - An unsecured door leading into Plant 3, located on the southeast side of the property.

To abate this violation, Brandon Partners must complete the following:

- A. Evaluate the entire site for areas where security must be improved to prevent unauthorized entry of persons. These areas include, but are not limited to, all fence lines, entryways (e.g. gates, doors and docks), windows, and rooftop access (e.g., ladders leading to the roof). Please inform me of the results of your evaluation.
 - B. Secure the site and submit documentation (e.g., photographs, description of corrective actions, etc.) which verifies that Brandon Partners has completed the necessary corrective actions.
2. **OAC rule 3745-65-15, General Inspection Requirements:** Brandon Partners failed to conduct security inspections due to the several unsecured locations at the site as well as evidence of vandalism and graffiti. Brandon Partners must conduct security inspections and document them in a log. The security inspection log must include the date, time, full name of the inspector, specify each area at the site that is being inspected (i.e. Plant 1, Plant 1 Process Room, Plant 2, Plant 3, Dock Area, fence line, etc.), and identify any necessary corrective actions. Submit a minimum of two weeks of documented inspections.

The following is the status of the violation originally cited in Ohio EPA's June 30, 2006 Notice of Violation (NOV) letter:

3. **OAC rule 3745-52-11, Waste Evaluation:** On March 28, 2007, Brandon Partners submitted documentation concerning the off-site disposal of various containers of liquids and bags of powder. **No further information is requested to address this violation.**

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

4. **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:

5. **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.
6. **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.
7. **OAC rule 3745-66-47, Liability Requirements:** Brandon Partners must provide liability coverage until such time that closure is certified at the facility.

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In regards to violations five, six and seven, 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:

8. **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.

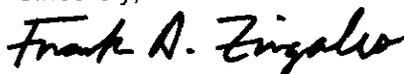
The following violation remains unabated as originally cited in Ohio EPA's March 5, 2003 NOV letter:

9. **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 shall submit annual hazardous waste reports to Ohio EPA.

Within 14 days of receipt of this letter, Brandon Partners must submit documentation of compliance to address the aforementioned violations to my attention 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

FZ:ddw

Enclosure: Facility Map

cc: Amanda Sturm, AGO
Harry Sarvis, DHWM, CO
Natalie Oryshkewych, DHWM, NEDO

