



**Environmental
Protection Agency**

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

April 13, 2011

CERTIFIED MAIL

Mr. William Baumann
Brandon Partners
4510 E. 71ST St., Suite 6
Cleveland, OH 44105

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

Dear Mr. Baumann:

On May 28, 2010, the director of Ohio EPA approved the amended closure plan for the hazardous waste management units (HWMUs) at the former North East Chemical Corporation (NEC) facility. NEC operated a hazardous waste storage and fuel blending facility at 3301 Monroe Avenue in Cleveland, Ohio. 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 the amended hazardous waste closure plan.

On August 4, 2010, Brandon Partners entered into a Partial Consent Order with the State of Ohio (State of Ohio v. Brandon Partners, et. al., Case No. CV07628840). The Consent Order, in part, required Brandon Partners to complete closure activities in accordance with OAC rules 3745-55-10 to 3745-55-20 for the former NEC facility.

On December 17, 2010, GETCO Environmental Consultants, on your behalf, submitted a request to Ohio EPA to revise the closure schedule appearing in the May 28, 2010 closure plan. On December 28, 2010, Ohio EPA approved the revised closure schedule.

On January 5 and January 10, 2011, this writer, representing Ohio EPA, Division of Hazardous Waste Management (DHWM), visited the facility owned by Brandon Partners and formerly operated by NEC. During these site visits, I observed that Brandon Partners' consultant was conducting closure activities in accordance with the revised closure plan schedule. Specifically, GETCO Environmental Consultants was performing Task V (decontaminate east portion of process room floor) and Task VII (limited to performing background soil sampling). However, since these January 2011 visits, no other closure activities have been completed.

Based on the above information, Ohio EPA identified the following violations:

1. OAC rule 3745-55-13, Time Allowed for Closure and Partial Consent Order, Paragraph 12:

Brandon Partners is required to implement the approved closure plan in the manner and time frames set forth therein. As of this date, Brandon Partners has failed to conduct closure activities in accordance with the approved closure schedule. Specifically, Brandon Partners has failed to complete the following closure activities:

- Task XII - Groundwater investigation - Completion by April 4, 2011;
- Task XIII - Assessment of soils around floor drains - Completion by April 4, 2011;
- Task XIV - Subsurface investigation in vicinity of UST located under process room floor - Completion by April 4, 2011; and
- Task XV - Remove and dispose of mixing tank, drums and totes - Completion by April 4, 2011.

Brandon Partners must abate this violation by completing closure in accordance with the approved closure plan.

2. OAC rule 3745-55-42, Cost Estimate for Closure and Partial Consent Order, Paragraph 18:

Brandon Partners must submit a revised closure cost estimate to reflect the remaining closure activities to be conducted.

3. OAC rule 3745-55-43, Financial Assurance for Facility Closure and Partial Consent Order, Paragraph 19:

Brandon Partners must provide financial assurance at least equal to the amount of the revised closure cost estimate.

4. OAC rule 3745-55-47, Liability Requirements and Partial Consent Order, Paragraph 20:

Brandon Partners must provide liability coverage until such time that closure is certified at the facility.

For violations two, three and four, Brandon Partners must immediately submit documentation of compliance to Ohio EPA/Central Office/DHWM; P.O. Box 1049; Columbus, Ohio 43216-1049.

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5. OAC rule 3745-54-52 and Partial Consent Order, Paragraph 23:

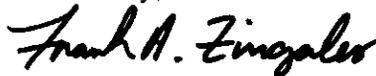
Brandon Partners was required to submit a contingency plan, prepared in accordance with OAC rules 3745-54-50 through 3745-54-56, to Ohio EPA. As of this date, Ohio EPA has not received the contingency plan. Please immediately submit the required contingency plan to my attention.

The above violations must be immediately addressed and all of the above requested documentation of compliance must be submitted to my attention within 14 days of receipt of this letter.

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:cl

ec: Brian Ball, AGO
Natalie Oryshkewych, NEDO, DHWM
Nyall McKenna, NEDO, DHWM
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cc: Marlene Kinney, DHWM, NEDO