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State of Ohio Environmental Protection Agency

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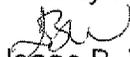
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Interoffice Memorandum

TO: Facility Financial Assurance File

FROM:  Isaac B. Wilder, CAS, DHWM

SUBJECT: Brandon Partners Former North East Chemical Corporation
OHD 980 681 571

DATE: May 10, 2010

On May 10, 2010, I completed a review of the financial assurance documentation on file for the Former North East Chemical Corporation (NECC) facility located at 3301 Monroe Avenue, Cleveland, Ohio. I evaluated the facility for compliance with Ohio Administrative Code (OAC) rules 3745-66-42, 3745-66-43 and 3745-66-47. These rules pertain to the cost estimates and financial assurance requirements for facility closure and the liability coverage requirements for both sudden and non-sudden accidental occurrences.

As the owner of the facility previously operated by NECC, Brandon Partners is required to close the facility in accordance with OAC rules 3745-66-11 through 3745-66-20. Ohio EPA received an amended closure plan on March 1, 2010. The plan requires that Brandon Partners submit a closure cost estimate and financial assurance within 30 days of the plans approval.

Until the amended plan is approved and new financial assurance is received Brandon Partners remains in violation of the following rules:

OAC Rule 3745-66-42 ⁵⁵

Brandon Partners has failed to submit a revised closure cost estimate to reflect the remaining closure activities to be conducted;

OAC Rule 3745-66-43 ⁵⁵

Brandon Partners has failed to provide financial assurance at least equal to the amount of the revised closure cost estimate; and

OAC Rule 3745-66-47 ⁵⁵

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

Brandon Partners will remain in violation until these violations have been abated.

cc: Kristina Durnell, RIS, DHWM
Frank Zingales, NEDO, DHWM
Cole Miller, ERAS, DHWM
Amanda Sturm, AGO

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