



**Environmental
Protection Agency**

John R. Kasich, Governor
Mary Taylor, Lt. Governor
David L. White, Director

August 17, 2012

Mr. William Baumann
4510 East 71st Street, Suite 6
Cleveland, Ohio 44105

**Re: Brandon Partners, L.P., Formerly Northeast Chemical Corp.
OHD980681571
Financial Record Review
Notice of Violation**

Dear Mr. Baumann:

On August 15, 2012, 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 3745-55-42, 3745-55-43 and 3745-55-47. 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.

I also evaluated the facility for compliance with the financial assurance related requirements set forth in the November 28, 2011, Consent Order (Consent Order), State of Ohio v. Brandon Partners, L.P. et al., Case No. CV-07-628840.

As the owner of the facility previously operated by NECC, Brandon Partners is required to close the facility in accordance with OAC rules 3745-55-11 through 3745-55-20. Ohio EPA received an amended closure plan on October 29, 2008. On May 29, 2009 and March 1, 2010 Ohio EPA received revisions to the amended plan. The plan was approved with modifications on May 28, 2010.

The most recent financial assurance documentation received by includes the following:

- A general business liability insurance policy No.45 SBM IO6525 with Sentinel Insurance Company, with an effective date of 9/22/2010; and
- A quotation by GETCO, Inc. dated July 5, 2011 for services to complete five tasks associated with the RCRA closure. The proposal is for \$274,915.00.

Until a detailed closure cost estimate and financial assurance is received, Brandon Partners will remain in violation of the following:

OAC Rule 3745-55-42 and Paragraphs 22 and 23 of the Consent Order:

Brandon Partners has failed to submit a revised closure cost estimate to reflect the remaining closure activities to be conducted. The quotation by GETCO, Inc. is for preliminary work and would need to be expanded and have contingency costs added to form the basis for a closure cost estimate;

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OAC Rule 3745-55-43 and Paragraph 23 of the Consent Order:

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

OAC Rule 3745-55-47 and Paragraph 24 of the Consent Order:

Brandon Partners has failed to provide liability coverage until such time that closure is certified at the facility. Policy No.45 SBM IO6525 is a general business liability policy not an environmental liability policy.

Brandon Partners needs to immediately take steps to return to compliance with Ohio's environmental laws. Within 14 days of receipt of this letter Brandon Partners is requested to submit to this office the documentation needed to abate the violations cited above.

Documentation may be submitted via the postal service, common carrier or electronically to isaac.wilder@epa.state.oh.us.

Please be advised that the violations cited above will continue until the violations have been properly abated. Failure to comply with Chapter 3734 of the Ohio Revised Code and rules promulgated thereunder may result in a civil penalty of up to \$10,000 per day for each violation. It is imperative that you return to compliance. If you are not able to comply with the time frame noted above you must submit written correspondence outlining the steps that are being taken to attain compliance and the date when compliance be attained.

If you have any questions, or need further clarification of any matter mentioned in this letter, please do not hesitate to contact me at (614) 644-3067 or at isaac.wilder@epa.state.oh.us.

Sincerely,



Isaac B. Wilder
Compliance Assurance Section
Division of Materials and Waste Management

IW/jam

cc: Kelly Smith, CO, CAS, DMWM
Brian Ball, AGO, EES
Frank Zingales, NEDO, DMWM
Jeff Miller, Kegler, Brown, Hill & Ritter

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.