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Facility Address 1:	*3301_MONROE_AVENUE*		
Facility Address 2:	*NULL*		
Facility City:	*CLEVELAND*		
Facility State:	OH	Facility ZIP: (00000 or 00000-0000)	*NULL*
Mailing Name:	*NULL*		
Mailing Address 1:	*NULL*		
Mailing Address 2:	*NULL*		
Mailing City:	*NULL*		
Mailing State/Province:	<NONE>	Mailing ZIP: (00000 or 00000-0000 or X0X0X0)	*NULL*
Project Name:	*NULL*		
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Longitude:	*NULL*		



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

June 24, 2013

**CERTIFIED MAIL**  
7012 1010 00022260 4343

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

**Re: Former North East Chemical Corp., 3301 Monroe Ave., Cleveland, Cuyahoga, OHD 980  
681 571, Closure Schedule Notice of Violation**

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, located 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 November 29, 2011, Brandon Partners entered into a 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 and the approved closure plan for the former NEC facility.

On September 10, 2012, 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 October 11, 2012, Ohio EPA approved the revised closure schedule, a copy of which is included with this letter.

Based on the above-information, Ohio EPA identified the following violation:

**1. OAC Rule 3745-55-13(B), Time Allowed for Closure and Consent Order, Paragraph 16:**

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:

- A. Task # VIII, Soil Delineation and Confirmatory Sampling – completion date: 12/31/12. This task culminates with the preparation of a report summarizing the delineation sampling activities and laboratory results.

During a meeting held in April 2013 at Ohio EPA's Northeast District Office that included NECC's consultant, GETCO, Ohio EPA was informed the data collected from Task # VIII had been received and evaluated. GETCO went on to say the report would be

MR. WILLIAM BAUMANN  
BRANDON PARTNERS  
JUNE 24, 2013  
PAGE 2

submitted to the Agency within two weeks of the meeting. The report has not yet been received.

- B. Task # XII, Groundwater Investigation, 1st quarterly sampling completion date: 2/28/13; 2nd quarterly sampling completion date: 5/31/13. Although the closure schedule provides 30 to 60 days for the reports to be submitted to the Agency, the results and report describing the 1st quarterly sampling have yet to be received and it is past 60 days.

In order to return to compliance, the report summarizing the delineation sampling activities and laboratory results and the results of the 1<sup>st</sup> quarterly ground water sampling event must be submitted to Ohio EPA, to my attention, and within thirty days of the date of this letter.

You must immediately take the necessary measures to return to compliance with the Consent Order, closure plan, and Ohio's environmental laws. Within 14 days of receipt of this letter, you are requested to provide information to this office including the steps taken to abate the violations cited above. Documentation of steps taken to return to compliance may be submitted via the postal service or electronically to [patricia.natali@epa.ohio.gov](mailto:patricia.natali@epa.ohio.gov).

Please be advised that the violations cited above will continue until all actions listed above have been completed. Failure to comply with the Consent Order, ORC Chapter 3734, and the rules promulgated thereunder are subject to stipulated penalties as specified in the Consent Order. It is imperative that you return to compliance.

Should you have any questions, please contact me at (330) 963-1279 or [patricia.natali@epa.ohio.gov](mailto:patricia.natali@epa.ohio.gov).

Sincerely,



Patricia M. Natali, Project Manager  
Division of Environmental Response and Revitalization

PMN/kss

enclosure

cc: Tim Kerns, Ohio AGO, CO  
Tom Gillespie, GETCO  
Jeff Miller, Kegler, Brown, Hill & Ritter

ec: Rod Beals, Ohio EPA, NEDO, DERR  
Marlene Kinney, Ohio EPA, NEDO, DMWM  
Todd Anderson, Ohio EPA, CO, Legal  
Ed Lim, Ohio EPA, CO, DERR  
Emily Patchen, Ohio EPA, CO, DERR  
Harry Courtright, Ohio EPA, NEDO, DERR  
John Palmer, Ohio EPA, NEDO, DERR  
Ohio EPA, CO, DERR (RCRA Info Data Entry) at: [records@epa.ohio.gov](mailto:records@epa.ohio.gov)



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

**CERTIFIED MAIL**

October 11, 2012

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

**RE: APPROVAL OF MINOR AMENDMENT TO APPROVED CLOSURE PLAN  
NORTH EAST CHEMICAL CORPORATION / BRANDON PARTNERS  
OHD 980 681 571**

Dear Mr. Baumann:

On September 10, 2012, GETCO Environmental Consultants, on your behalf, submitted to Ohio EPA a revised closure schedule for closure activities at the former North East Chemical Corporation (NECC) located at 3301 Monroe Avenue in Cleveland, Ohio. The closure schedule is part of the NECC Closure Plan approved with modifications on May 28, 2010.

A revision of the closure schedule to an approved Closure Plan requires an amendment to the Closure Plan. The revised closure schedule submitted on September 10, 2012 was considered by Ohio EPA to be a written request by NECC's owner/operator to amend the facility's approved Closure Plan.

When a facility amends an approved Closure Plan, the owner/operator, in accordance with Ohio Administrative Code (OAC) rule 3745-66-12(C), must receive authorization for the amendment from Ohio EPA. OAC rule 3745-66-12(C)(3) further states that if the amendment to the Closure Plan is equivalent to a Class 2 or Class 3 permit modification (according to the criteria in OAC rule 3745-50-51) then the amendment to the plan must be authorized through submittal and director approval of an amended Closure Plan (OAC rule 3745-66-12(D)(4)).

Ohio EPA has evaluated the requested amendment received on September 10, 2012; and determined it **does not** meet the criteria as equivalent to a Class 2 or Class 3 permit modification. The Agency has also evaluated the request and determined that it does comply with applicable regulations. Therefore, with this letter, Ohio EPA

approves the amendment to the approved Closure Plan, i.e., the revised closure schedule with modifications.

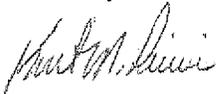
The revised closure schedule is enclosed with this letter; changes include:

Section 11.0. "Schedule for Closure":

- Tentative field work start date: November 1, 2012;
- Task V – complete;
- Revision of "Time for Completion Dates" for Tasks listed.

If you have any questions, you may contact Patricia Natali at Ohio EPA's Northeast District Office by telephone at (330) 963-1279, or via email at [patricia.natali@epa.state.oh.us](mailto:patricia.natali@epa.state.oh.us).

Sincerely,



Kurt M. Princio  
Northeast District Office Chief

KMP:cl  
Enclosure

ec: Harry Courtright, DERR, NEDO  
Ed Lim, DERR, CO  
John Palmer, DERR, NEDO  
Frank Zingales, DMWM, NEDO

cc: Patricia Natali, DERR, NEDO  
Brian Ball, AGO  
Thomas Gillespie, GETCO  
Jeffrey Miller, Kegler, Brown, Hill & Ritter

# Revised RCRA Closure Schedule

## NORTH EAST CHEMICAL CORPORATION 3301 MONROE AVENUE, CLEVELAND, OHIO

Tentative field work start date: November 15, 2012

<u>Task#</u>	<u>Task Description</u>	<u>Completion Date</u>
VIII	<u>Soil Delineation and Confirmatory Sampling*</u> <ul style="list-style-type: none"><li>• Installation of 10 confirmatory soil borings to depths of 8 ft. with submittal of 3 samples from each boring for analysis;</li><li>• Installation of 19 delineation soil borings to depths of 8 ft. with submittal of 3 samples from each boring for analysis;</li><li>• Laboratory analysis of a total of 42 soil samples, including 30 confirmatory soil samples (3 samples from each boring) and 12 quality control samples;</li><li>• Laboratory analysis of a total of 77 soil samples, including 57 delineation soil samples (3 samples from each boring) and 20 quality control samples;</li><li>• Environmental scientist to <b>prepare report</b> summarizing the delineation sampling activities and laboratory results;</li><li>• Obtain additional soil samples, as necessary, to complete delineation activities.</li></ul>	<u>12/31/2012</u>
IX	<u>Assessment of soils around floor drains as well as the floor drain and conduits</u> <ul style="list-style-type: none"><li>• Pipe inspection;</li><li>• Installation of 6 soil borings to depths of 8 ft with submittal of 2 soil samples from each boring for analysis;</li><li>• Laboratory analysis of a total of 16 soil samples, which includes 4 quality control samples;</li><li>• Environmental scientist to <b>prepare report</b> summarizing the sampling activities and laboratory results.</li></ul>	<u>04/08/2013</u>
X	<u>Process Room UST Assessment</u> <ul style="list-style-type: none"><li>• Rotary drill rig and operator to install 4 soil borings around spill control tank and convert 3 soil borings into ground water monitoring wells;</li><li>• Laboratory analysis of a total of 16 soil samples (including 3 soil samples from each boring and 4 quality control samples);</li><li>• Laboratory analysis of a total of 9 water samples including 2 water samples from existing wells and 3 water samples from newly installed wells and 4 quality control samples;</li><li>• Environmental scientist to <b>prepare report</b> summarizing delineation sampling activities and laboratory results.</li></ul>	<u>08/19/2013</u>



## Revised RCRA Closure Schedule

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\*To determine the extent of contamination in soils, alternates to sampling to the detection limit for each constituent will be considered. One method would be to perform a gradient analysis, and demonstrate through trends that the limits of contamination from the named unit have been met. Another would be to consider unrestricted use standards to define limits of contamination from the units at a facility that will be restricted to industrial use in the future. The completion of Task VIII, Soil Delineation Sampling, must be completed and the data presented before Ohio EPA can weigh these alternatives. This modification applies to soils only. The full rate and extent of contamination in ground water must be determined according to the approved plan.

Footnote 1: The quarterly groundwater reports should be submitted to Ohio EPA within 30-60 days after the groundwater monitoring/sampling event occurs.

Note: The reports generated at the completion of the applicable Tasks should be submitted to the Ohio EPA within 30 to 60 days of the completion date. The reports, when applicable, should include field logs, log borings, groundwater levels, and potentiometric maps. In addition, all analytical data provided the Agency should include information necessary for Ohio EPA to perform a Tier I Data Verification review, which would include, but not be limited to: completely filled in chain of custody form(s); lab narrative; quality control data, laboratory certification, etc.

10/02/12