



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

October 3, 2013

Eastman Kodak Company  
Attn: NPEC, Inc.  
Mr. Terrence Lee  
3800 Dewey Avenue, #317  
Rochester, NY 14616-2579

Mr. Brian Gallagher  
NPEC Inc.  
1999 Lake Avenue  
Rochester, NY 14650-2230

CERTIFIED MAIL 91 7108 2133 3932 0812 0339

Re: Hilton Davis Site Remediation  
Notice of Violation/NOV  
OHD004240313  
RCRA C – Hazardous Waste  
Hamilton County

Dear Mr. Lee and Mr. Gallagher:

On September 30, 2013, I conducted a financial record review of the Hilton Davis Remediation Site (Hilton Davis) located at 2235 Langdon Farm Road, Cincinnati, Ohio, Hamilton County and owned by North Pastoria Environmental Corporation (NPEC). I evaluated the facility for compliance with the post-closure care financial assurance and post-closure cost estimates as set forth in Ohio Administrative Code (OAC) rules 3745-55-44 and 3745-55-45. I also evaluated the facility for compliance with the corrective action financial assurance requirements of your Corrective Action Work Plan (CAWP), received from NPEC, a wholly owned subsidiary of Eastman Kodak Company (Kodak), approved by Ohio EPA on September 23, 2011.

On April 6, 2011, Kodak presented an Adjusted Post-Closure Cost Estimate dated March 17, 2011. The Post-Closure Estimate, adjusted for inflation and reduced by 1 year in the post-closure care period, totaled \$1,412,136.00.

To demonstrate financial assurance for post-closure care, a Standby Letter of Credit (LOC) and Standby Trust Agreement are used. A LOC, No. NY-02805-30035285, was issued by Citibank, N.A. The current amount of the LOC is \$1,600,000.00, effective May 7, 2009. A standby trust agreement was entered into December 20, 2007 by and between Kodak and The Bank of New York.

On March 18, 2011, Ohio EPA issued the Final Decision for the Hilton Davis site. The Final Decision Document selected the final corrective action/remedies to be implemented to address contaminated soil and ground water at and from the former Hilton Davis facility pursuant to the requirements of the October 20, 1986, Consent Decree and the Resource

Conservation and Recovery Act of 1976 (RCRA), as amended by the Hazardous and Solid Waste Amendments of 1984. As a component of the final remedy for the site, Ohio EPA required the responsible parties to provide financial assurance which guarantees that any remedial alternatives selected will be operated and maintained for as long as necessary, even if the site operator were to cease active operations.

On August 7, 2012, Ohio EPA received NPEC's revised cost estimate and replacement pages located in Section 9.0 and Table 9.1 of the CAWP. The total Corrective Action cost estimate was \$4,505,900.00. On September 25, 2012, Ohio EPA approved those revisions in a partial return to compliance letter for your CAWP. Section 9.0 of the CAWP requires a mechanism for financial assurance of Operation and Maintenance activities be set up in the form of a financial instrument (e.g., performance or surety bond, a trust fund, a letter of credit, insurance, financial test or corporate guarantee)

On July 18, 2012 and September 25, 2012, Ohio EPA notified NPEC of the failure to comply with the financial assurance obligations of the CAWP. **NPEC continues to be in violation of the obligations in the CAWP for failure to provide financial assurance.** NPEC must immediately establish a financial assurance mechanism for corrective action.

If you have any questions, please feel free to call me at (614) 644-2933 or email me at shawn.sellers@epa.ohio.gov.

Sincerely,



Shawn M. Sellers, P.E.  
Engineering, Remediation, and Authorizations Section  
Division of Materials and Waste Management

SMS/ljm

ec: Brian Gitzinger, DERR, SWDO  
Randall Kirkland, DERR, SWDO  
Mike Starkey, DERR, SWDO  
Ed Lim, DERR, CO  
George Strobel, DMWM, SWDO  
Jeremy Carroll, DMWM, CO  
Todd Anderson, Legal  
Michael Idzkowski, AGO

**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.



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