



**Environmental
Protection Agency**

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

PERSONAL FILE

June 8, 2010

Mr. Scott Ellis
Business, Government and Legal Affairs Mgr.
Perma-Fix Environmental Services, Inc.
575 Oak Ridge Turnpike, Suite 200
Oak Ridge, TN 37830

Re: Environmental Processing Services, Inc.
OHD000608588 Dayton
Financial Record Review
Return to Compliance

RTC OF MAY 12, 2009

Dear Mr. Ellis:

On June 7, 2011, I completed a review of the financial assurance documentation on file for the Environmental Processing Services (EPS) facilities referenced above. I evaluated your facilities for compliance with financial assurance and liability requirements set forth in the Ohio Administrative Code (OAC) rules 3745-55-42, 3745-55-43 and 3745-55-47.

On May 26, 2011, you submitted an update to Perma-Fix's closure cost estimate and a revision to Surety Bond No. 1014918 increasing the value to \$826,279.00 effective 1/16/2011 – 1/16/2012, dated March 17, 2011 to reflect inflation:

Based upon review of the documentation noted above, EPS has returned to compliance for the OAC 3745-55-42(B) and OAC 3745-55-43 violations of the Ohio financial assurance requirements cited in my May 11, 2011 notice of violation letter.

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 & Waste Management

IBW/sw

cc: Harold O'Connell, DERR, SWDO

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.



**Environmental
Protection Agency**

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

Copy - IKE

May 11, 2011

Scott Ellis
Business, Government and legal Affairs Mgr.
Perma-Fix Environmental Services, Inc.
575 Oak Ridge Turnpike, Suite 200
Oak Ridge, Tennessee, 37830

**RE: Environmental Processing Services, Inc., Dayton (OHD000608588)
Financial Record Review
Notice of Violation**

033-021

Dear Mr. Ellis:

On May 10, 2011, I completed a review of the financial assurance documentation on file for the Environmental Processing Services (EPS) facilities referenced above. I evaluated your facilities for compliance with financial assurance and liability requirements set forth in the Ohio Administrative Code (OAC) rules 3745-55-42, 3745-55-43 and 3745-55-47.

To demonstrate compliance with financial assurance for closure, EPS uses a Surety Bond Policy No. 1014918 issued by Lexon Insurance Company of Louisville, KY.

Liability coverage is provided by American International Specialty Lines Insurance Company Policy No. EG 311-28-95. The policy has an expiration date of September 1, 2011 and a face value of \$4,000,000 – \$8,000,000.

The most recent financial assurance documentation for the above referenced facility submitted to Ohio EPA included:

- A detailed closure cost estimate dated April 4, 2007; and
- A revision to Surety Bond No. 1014918 increasing the value to \$818,461.00 effective 1/16/2010 – 1/16/2011, dated March 17, 2010;

Based upon review of the documentation noted above, EPS is in violation of the following Ohio financial assurance requirements:

OAC 3745-55-42(B): The closure cost estimate has not been updated for inflation for 2010.

OAC 3745-55-43: The financial assurance mechanism has not been adjusted to reflect the change in the revised closure cost estimate.