



State of Ohio Environmental Protection Agency

Financial Assurance

STREET ADDRESS:

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P.O. Box 1049
Columbus, OH 43216-1049

June 4, 2009

Mr. Charles Nowlin
McWane Incorporated
P.O. Box 43327
Birmingham, Alabama 35306

Re: **Clow Water Systems, Coshocton, Ohio - OHD004294849**
Financial Assurance

NOV

Dear Mr. Nowlin:

On May 12, 2009, I conducted a review of financial assurance documentation on file for Clow Water Systems (Clow) in Coshocton, Ohio. I evaluated the facility for compliance with closure/post-closure financial assurance and liability requirements, as set forth in Ohio Administrative Code (OAC) rules 3745-66-44 and 3745-66-45.

On March 31, 2009, Clow submitted Financial Test documentation to demonstrate compliance with closure/post-closure care and liability requirements. However, an itemized detail cost estimate, as previously requested, for hazardous waste units currently at the facility have not been provided.

GENERAL CONCERN:

Previous correspondence requested Clow to submit an itemized detail cost estimate because over the past several years the Clow cost estimates have been decreasing. However, a detail cost estimate has not been submitted to document the decreased cost estimate. Even though post closure care activity is ongoing and cost may have decreased, a current estimate needs to be submitted to document the decreased cost estimate.

I requested information be submitted to me in order that Ohio EPA can review the current cost estimate. To date, a current itemized detail cost estimate has not been provided.

Upon review of the above, Clow is in violation of OAC rules 3745-66-44 through 3745-66-45.

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

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To abate the above violations, submit an itemized detail cost estimate. I have attached worksheets to help you complete a detail cost estimate. Please complete the attached worksheets or provide a very similar level of detail for the current hazardous waste units. Also, separate the closure/post-closure cost estimate listed on the financial test.

In the near future, Clow will be required to provide financial assurance for the concrete pond. The attached worksheets for the concrete pond should also be used to develop a cost estimate for the pond.

If you have any questions or need further clarification of any matter mentioned in this letter, do not hesitate to call me at (614) 644-2951. I will be happy to assist you.

Sincerely,



Tina Jennings
Compliance Assurance Section
Division of Hazardous Waste Management

TJ:js
clow 2nd review.doc

Attachments

cc: Kristina Durnell, RISS, DHWM
Rich Stewart, DHWM, SEDO