



State of Ohio Environmental Protection Agency

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December 9, 2009

RTC of 6-4-09 NOV

Ms. Heather Klesch
McWane, Inc. dba Clow Water Systems Company
2266 South Sixth Street
P.O.Box 6001
Coshocton, Ohio 43812-6001

**Re: McWane, Inc. dba Clow Water Systems Company (Clow)
OHD004294849
Financial Records Review**

Dear Ms. Klesch:

On December 7, 2009, I completed reviewing hazardous waste financial assurance documentation for Clow Water Systems Company (Clow) in Coshocton. I evaluated the Clow Coshocton facility for compliance with the financial assurance for closure and post-closure cost estimates and financial assurance requirements. These requirements are set forth in Ohio Administrative Code (OAC) rules 3745-55-42 through 3745-55-47, and in Director's Final Findings and Orders dated June 4, 2009.

Cost Estimate:

Division of Hazardous Waste Management (DHWM) records indicate units at the Clow Coshocton facility subject to hazardous waste financial assurance include the Concrete Pond (closure certification acknowledged by DHWM letter dated November 30, 2009, now in post-closure) and the North Landfill/Surface Impoundment (Cells 1 and 2) (closure certification acknowledged by DHWM letter dated June 5, 2009, now in post closure). Cost estimates on file for completing the Concrete Pond closure and for post-closure are \$4,070.00 and \$202,510.00, respectively. The Landfill post-closure cost estimate is \$3,970,428.00.

By letter dated June 4, 2009, DHWM cited Clow for violating OAC rules 3745-66-44 and 3745-66-45 by failing to have a detailed post closure cost estimate. By electronic message dated July 1, 2009, Clow submitted to DHWM worksheets detailing Clow's closure and post closure cost estimates at the Coshocton facility. **By detailing the**

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Lee Fisher, Lieutenant Governor
Chris Korleski, Director

facility's post-closure cost estimate, the violation of OAC rules 3745-66-44 and 3745-66-45, as detailed in DHWM's June 4, 2009, letter, are abated.

Financial Assurance:

To demonstrate compliance with financial assurance requirements for closure and post-closure care pursuant to OAC rules 3745-55-43 and 3745-55-45, Clow uses the financial test. Clow's latest financial test submittal to Ohio EPA was March 31, 2009. DHWM reviewed this submittal in May, 2009. Clow's next scheduled financial test submittal is March of 2010.

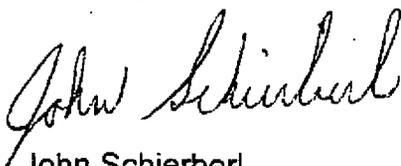
Clow is not required to provide financial assurance for RCRA Corrective Action pursuant to OAC rule 3745-54-101 for the Coshocton facility at this time.

Liability Coverage:

To demonstrate compliance with liability coverage for closure for sudden and non-sudden accidental occurrences at the Coshocton facility, Clow also uses the financial test pursuant to 3745-55-47(F). The annual aggregate liability coverage amount is \$8,000,000.

If you have any related questions or concerns please feel free to contact me at (614) 644-2955 or john.schierberl@epa.state.oh.us.

Sincerely,



John Schierberl
Compliance Assurance Section
Division of Hazardous Waste Management

JS/jms

ec: Cole Miller, ERAS, DHWM
Kristina Durnell, RIS, DHWM
Donna Goodman, DHWM, SEDO

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.