



State of Ohio Environmental Protection Agency

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

June 9, 2009

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OHIO EPA

JUN 09 2009

DIV. OF HAZARDOUS
WASTE MGT.

Mr. John Simon, President
Industrial Recovery Capital Corporation of Ohio, L.L.C.
11911 Freedom Drive, Suite 900
Reston, Virginia 20190

Re: Eljer Park
OHD004495545 Marysville
Financial Assurance
Notice of Violation

en 030 (KD) en 623

Dear Mr. Simon:

On June 3, 2009, I completed a review of the financial assurance documentation file for the Industrial Recovery Capital Corporation of Ohio, L.L.C.'s (IRCC) facility referenced above. I evaluated your facility for compliance with financial assurance requirements for post-closure set forth in the Ohio Administrative Code (OAC) rules 3745-66-45.

The most recent financial assurance documents were received by Ohio EPA on May 2, 2008. To demonstrate compliance with financial assurance for post-closure, IRCC uses a trust fund. On October 5, 2007, IRCC established a trust fund with United Bank of Vienna, Virginia. The fund was valued at \$29,049.00 on April 29, 2008.

Upon review of the financial assurance documentation, the following violation was found:

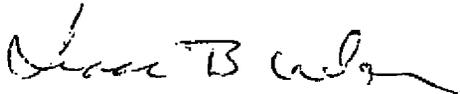
OAC 3745-55-44(B) requires post-closure care costs to be adjusted annually by using an inflation factor. The post-closure cost estimate must be recalculated 60 days prior to the anniversary date (October 5) of the post-closure financial mechanism. IRCC needs to increase the trust funding to reflect this cost. This needs to be done for 2008 and again on August 5 for 2009. Each year IRCC must recalculate the post-closure cost.

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

Mr. John Simon, President
Industrial Recovery Capital Corporation of Ohio, L.L.C.
Financial Assurance
Page 2 of 2

If you have any questions, or need further clarification of any matter mentioned in this letter, please do not hesitate to call me at (614) 644-3067. I will be happy to assist you in any way possible.

Sincerely,



Isaac B. Wilder
Compliance Assurance Section
Division of Hazardous Waste Management

IW:js
IRCC FRR 09.doc

cc: ✓ Kristina Durnell, RISS, DHWM
J. David Hohmann, DHWM, CDO