



State of Ohio Environmental Protection Agency

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Certified Mail

SEP 15 2005

Mr. Michael Barreca  
Degaussa Initiators, LLC  
555 Garden Street  
Elyria, Ohio 44035

**Re: Aztec Peroxides, Inc.  
OHD046202602 - Elyria  
Financial Assurance  
Return to Compliance and Notice of Violation**

Dear Mr. Barreca:

On June 30, 2005, I completed a review of the financial assurance documentation file for the Aztec Peroxides, Inc.'s (API) facility referenced above. I evaluated your facility 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.

**During that review of the financial assurance documentation, the following violations were found:**

<sup>53</sup>  
**OAC 3745-55-42** requires that an owner or operator of a hazardous waste facility submit to the director of the Ohio EPA an updated closure cost estimate annually, or within sixty days after a change in the amount of the current closure cost estimate

**OAC 3745-55-43** requires that an owner or operator of a hazardous waste facility shall maintain a current financial assurance mechanism for closure of the facility.

<sup>24, 55</sup>  
**OAC 3745-55-47** requires that a current liability coverage mechanism be maintained for the facility.

On August 5, 2005, I received a response which included a LOC for \$143,900 issued by Citibank, N.A.

Therefore, Aztec Peroxides has returned to compliance for the **OAC 3745-55-42 and OAC 3745-55-43** violations. As of this date I have not received a current liability coverage document.

Bob Taft, Governor  
Bruce Johnson, Lieutenant Governor  
Joseph P. Koncelik, Director

Aztec Peroxides, Incorporated  
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**Therefore, the following violation remains:**

**OAC 3745-55-47** requires that a current liability coverage mechanism be maintained for the facility.

To abate this violation please submit the following item: Documentation showing current liability coverage for sudden accidental occurrences.

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

Aztec Peroxides partial RTC 05.wpd  
IV/tp

cc: Tammy McConnell, RIS, DHWM  
Greg Orr, DHWM, NEDO  
James LaRue, Southwestern Environmental Consulting, Inc.  
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