



State of Ohio Environmental Protection Agency

Central Files

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November 26, 2008

Stephen D. Oliphant, President
Tubetech, Inc.
900 East Taggart Street
East Palestine, OH 43212-0149

**Re: Tubetech, Inc.
OHD064080377 East Palestine
Financial Assurance
Notice of Violation**

Dear Mr. Oliphant:

On November 5, 2008, I completed a review of the financial assurance documentation file for Tubetech, Inc.'s East Palestine facility referenced above. I evaluated your facility for compliance with financial assurance and liability requirements set forth in the Ohio Administrative Code (OAC) rules 3745-66-42, 3745-66-43 and 3745-66-47.

No financial documentation for the above referenced facility has been received by the Ohio EPA to demonstrate compliance with financial assurance and liability rules, relative to your unpermitted hazardous waste disposal units.

An amended closure plan was approved for your facility on April 3, 2007. It is my understanding that your facility still needs to obtain an environmental covenant and to abandon your groundwater monitoring wells.

A review of current Financial Assurance Documentation indicates the following violations are still outstanding:

OAC 3745-66-42(A) requires that an owner or operator of a hazardous waste facility shall have a detailed written estimate, in current dollars, of the cost of closing the facility and that a copy of the facility's current, detailed closure cost estimate shall be submitted annually, or within sixty days after a change in the amount of the current closure cost estimate, to the director of the Ohio EPA.

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

OAC 3745-66-43 requires that an owner or operator of a hazardous waste facility shall establish a financial assurance mechanism for closure of the facility.

OAC 3745-66-47(A) requires that a liability coverage mechanism be established for the facility.

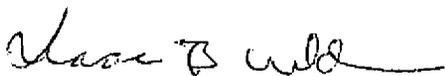
As a result of previous file reviews on December 14, 2001, February 12, 2002, March 18, 2003, March 24, 2004, June 24, 2005, June 21, 2006 and March 5, 2008, you were asked to submit the following items to abate these violations: 1) A current, detailed closure cost estimate for the unpermitted hazardous waste disposal units, 2) A financial mechanism for the closure of the unpermitted hazardous waste disposal units and, 3) liability coverage for sudden accidental occurrences for the unpermitted hazardous waste disposal units.

As of the date of this letter, Tubetech, Inc. has not submitted financial assurance documentation, in violation of OAC rules 3745-66-42(A), 3745-66-43 and 3745-66-47(A).

Please submit the requested items as soon as possible.

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

cc: Tammy McConnell, ISU DHWM
Paul Dolensky, DHWM NEDO